



## Licensing Sub-Committee agenda

Date: Wednesday 29 September 2021

Time: 2.30 pm

Venue: Via Video Conference

### Membership:

T Green, P Griffin and D Town

### Webcasting notice

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If you have any queries regarding this, please contact the monitoring officer at [monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk).

Agenda Item	Page No
<b>1      Introductory remarks by the Chairman</b>	
<b>2      Apologies for absence</b>	
<b>3      Declarations of interest</b> To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.	

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

- 4 Hearing Procedure Rules** **3 - 10**  
To note the hearing procedure rules and virtual licensing sub-committee procedural rules.

- 5 74 Oxford Road, New Denham, Buckinghamshire UB9 4DN** **11 - 28**  
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).

Appendix 1 - Location Plan (page 29)

Appendix 2 - Application Form and Plan (page 31)

Appendix 3 - Thames Valley Police (page 63)

Appendix 4 - Licensing Authority Rep (page 77)

Appendix 5 - Environmental Health (page 81)

Appendix 6 - Health and Safety (page 99)

Appendix 7 - Bucks Fire (page 101)

Appendix 8 - Public Representations (page 103)

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: on , email Clare Gray/Liz Hornby on 01895 837529 / 01494 421261, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)

## Licensing and Regulatory Sub-Committee Virtual Procedural Rules

Procedure at Hearings before the Licensing Sub-Committee in relation to matters mainly under the Licensing Act 2003 as amended (“The 2003 Act”) except Interim Hearings (Summary Review of a Premises Licence) conducted pursuant to Section 53B of the Licensing Act 2003, as amended (separate Procedure).

Hearings for Gambling Premises are dealt with under the Gambling Act 2005 as amended.

### Introduction

The Secretary of State for Housing, Communities and Local Government made Regulations (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020. Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions. The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures.

### Administration in Relation to the Hearing

Prior written notice of the Hearing will have been given to the interested/relevant parties.

- (a) Where a party has informed the Council that they will not be attending or represented the Hearing may proceed in their absence.
- (b) Where a party has not replied to the notice, does not attend and is not represented then the Sub-Committee may proceed with the Hearing in that party’s absence or adjourn the Hearing if it is considered necessary in the public interest to do so.
- (c) If a party has indicated they will attend but does not appear, that party must inform the Council of any delay - with reasons - and in consideration thereof the Sub-Committee can decide to proceed with the Hearing or adjourn to later the same day or another time. If a party is more than 15 minutes late and has not contacted the Council with details of any delay – the Sub-Committee shall proceed with the hearing unless it is in the public interest not to do so and shall adjourn the hearing to later on the same day or another date.

If the Hearing is held in a party’s absence, the Sub-Committee will still consider the application, representation or notice made by that party.

A hearing can be dispensed with if all parties give notice that they consider a hearing unnecessary. If this is the case the application/notice will be dealt with by way of a determination.

Representations can be withdrawn by prior notice 1 working day before the Hearing or orally at the Hearing.

At the Hearing any party can be assisted or represented by any person whether or not that person is legally qualified.

Account can be taken of documentary or other information produced by a party in support of their application, representation or notice (as applicable) either 1 working day before the Hearing or - with the consent of all other parties - at the Hearing, in which case sufficient copies are required to be provided for all relevant parties. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this to the Council within the time stated in the Notice of Hearing which the Council will serve on the Parties. At the beginning of the Hearing the Sub-Committee will consider any such requests and confirm whether permission is granted for that person to speak.

The Sub-Committee may disregard any information which is not considered relevant to the application/representation/notice and the promotion of the licensing objectives.

The purpose of a Hearing is to enable those with a right to appear to amplify their written application or representation and to test the case of their opponents. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues. The parties (including other persons on their behalf) will be allowed an equal reasonable period of time to address the Hearing and ask questions. The Chairman may set a maximum period of time on how long each party may speak, progressing without undue delays and ensuring that there is a fair hearing. Where the representations made relate to the same or similar issues, a spokesperson should be appointed where possible to speak on behalf of any person who has made a written representation.

The Decision of the Licensing Sub Committee will be made after the close of the Hearing when the Chairman retires with the legal advisor and the Clerk to the Sub-committee in a private session to consider all the evidence and submissions made at the hearing.

The decision of the Sub-committee will be communicated to all parties by way of a written Decision Notice issued by Legal Services. This notice shall be issued within 7 days of the hearing and if there is to be a delay in issuing such a notice; the licensing officer will communicate with all parties. The notice will contain will be dated and set out the provisions of the Right to Appeal to the Magistrates Court.

The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers reasonably necessary and proportionate.

### **Access to Information**

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The new 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disapplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website.

### **Time and Place of Meetings**

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual meetings and will invite external participants to virtual meetings, if any, via email or telephone. Virtual meetings will be webcast where the Hearing is held in public via a link published on the meeting webpage.

The Constitution states that when reasonably practical, a sub-committee meeting should be held at the Council facility which is closest to the premises or issue that is the subject of the meeting. However, this requirement cannot be met during this current period.

### **During the Hearing**

It is a requirement for such hearings that:

- a) proper notice is given, with all papers served timeously on the authority and published online;
- b) the actual parties to the hearing are able to participate;
- c) any member of the public can see or hear, albeit not participate in, the hearing.

Although held in a virtual format, Hearings dealing with new licences or variations to existing licences will follow the standard procedure. Panel Members may ask questions of any party at any time. Questions are usually taken after each person has spoken. It is helpful to undertake a document check at the start of the Hearing.

In terms of issues that may arise during the Hearing the following rules apply:-

### **Quorum for Meetings**

The rules for quorum will still apply. This is 3 Councillors for a licensing or regulatory sub-committee. It is also considered good practice to have a reserve member, in case of interests. The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual remote participation fails the Chairman may call a short adjournment. As the hearing must have 3 members present, the meeting will be reliant on the lost connection being re-established to ensure all members are present for the entire discussion in order to hear all of the facts and vote on the matter.

Only 3 members are permitted on Licensing and Regulatory Sub-Committees (LSC) for each Hearing (as per Section 9 of the Licensing Act 2003 and the Constitution Terms of Reference for the LSC). The reserve member is present in case an interest arises at the beginning of the Hearing or one of the 3 members identified as being on the LSC fails to attend the virtual meeting. It is only those 3 members who have been identified as being on the LSC for that Hearing who can ask questions of the other parties. A reserve member would not be able to participate if the technology fails for one

of the members present as whilst they would be listening they will not have taken an active role nor been included in the process/asked to see if they have any questions etc.

#### Attendance at meetings and webcasting

A roll call or introductions will be made at the start of the meeting to record those present. There is no requirement for councillors to sign their names on the attendance sheets when attending a virtual meeting. The Democratic Services Officer will maintain a list of attendance throughout the meeting.

To be classified as a ‘member in attendance’ and attend a meeting remotely, the following conditions must be satisfied;

- a) councillors must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other councillors in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak at the meeting.
- b) All other members of the public must as a minimum be able to hear (but if practicable be seen as well).

In practice this means that if councillors and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules.

The Regulations state that meetings being open to the public include access by remote means. Such access includes (but is not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

In the event that the live webcast fails and cannot be resumed the meeting will be opened and adjourned to allow for it to take place at a hearing (the date and time of which will be fixed prior to the matter being adjourned).

The people on the Teams call who are present throughout the meeting are the Members of the Sub-Committee, any officer supporting the meeting and those who have submitted valid representations, applicant and/or legal representative. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

#### Conflicts of interest

Councillors should consider if they have an interest, and, if required, seek advice from the Monitoring Officer, or their deputy, before the meeting starts. If a Councillor appointed to a licensing hearing considers that their interest is prejudicial they should notify Democratic Services as soon as possible so that an alternative councillor can be appointed to the licensing hearing.

Where a councillor has an interest they must declare their interest and the nature of it at the start of the meeting. If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will not be able to take part in the discussion or decision and must leave the meeting. A reserve councillor, if available, will then be called upon to serve on the hearing in their absence.

### Minutes of meetings

The Minutes of meetings will be published on the website if the meeting is held in public.

### Questions

Parties can ask questions of other parties in accordance with the procedure below. The Chairman can stop a party asking questions if they feel the questions are unnecessary. Parties are expected to treat other parties with respect and any form of harassment or excessive questioning will not be tolerated. In such cases the Chairman will ask the party to discontinue that type of questioning. The Chairman can require any person (including any of the parties) who is disrupting the proceedings to leave the Hearing.

### Order of business (as normal)

1. The Chairman will open the Hearing and start the introductions of the Sub-Committee and Officers and ask each party to introduce themselves. The Chairman will confirm that if a party is not present their representations/application will have been read and will be considered in reaching the decision.
2. The Chairman will address any interest arising under the Code of Conduct.
3. The Chairman will consider any submitted requests from a party for permission for another person to appear at the virtual Hearing and any other procedural matters. If necessary, the sub-committee will retire to deliberate before making a decision.
4. If all parties present confirm that they have seen and understand the procedure to be followed at the virtual Hearing and agree they are ready to proceed then the Hearing **shall commence as set out from para 9 below.**
5. The Chairman will remind everyone that the purpose of the virtual Hearing should be borne in mind at all times i.e.
  - to enable those with a right to appear at the virtual meeting to advance their point of view and concerns and to test the case of their opponents and
  - to assist the Sub-Committee to gather evidence and understand the relevant issues.
6. The Chairman will confirm what advance papers have been received and that these have been read and therefore there is no need to repeat these matters.
7. The Chairman will make clear that parties should only address the Sub-Committee in relation to matters previously raised/submitted. Late evidence to be submitted at the Hearing will only be considered by the Licensing Sub-Committee with the consent of all parties present.

8. The Chairman will then outline the procedure to be followed by reading out the order of oral presentations unless all parties present have confirmed that they have seen and understood the procedure and are ready to proceed with the virtual Hearing.
  9. The Chairman will ask the Applicant whether they wish to make any amendments to their application with a view to addressing issues raised by the representations.
10. Order of oral presentations:-
- a. The Licensing Officer will present their report outlining the details of the application/notice and representations received.
  - b. Any party may question the Licensing Officer.
  - c. The Members may question the Licensing Officer.
  - d. The Applicant will present their case and call their witnesses
  - e. Any other party may question the Applicant. Any party includes any responsible body.
  - f. The Members may question the Applicant
  - g. Each Interested Party will present their case in turn and call their witnesses.
  - h. Any other party may question the Interested Party.
  - i. The Members may question the Interested Parties.
  - j. The Licensing Officer may question the Interested Parties.

Once they have made their representations under the requirements of the constitution they will need to switch off their microphone and not participate any further in the meeting unless they are asking any questions or wish to sum up. No speaking is timed.

11. Before moving onto the next party at any time during the procedure above, the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
12. There may be a discussion at the hearing, on a without prejudice basis, where each party will be asked to address/give their views on any proposed conditions and suggest any other appropriate conditions to assist the Sub-Committee. Any agreed conditions may be incorporated into the Decision Notice if the application is successful. However, the Sub-Committee to determine any final conditions that will apply to the licence.
13. Each party will be invited to make closing submission in the order as set out in paragraph 10.
14. The Chairman will then close the Hearing and the Sub-Committee will meet (privately) virtually together with the Clerk and the Sub-Committee Legal Advisor for the matter to be determined.
15. The Sub-Committee will come to a decision which will be sent to the Applicant and all other parties' who submitted relevant representations within the time limits set out in this procedure and Regulations together with details of the right of appeal.

#### When can the Chairman be interrupted?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively

- Officer needs to provide advice
- Point of order or personal explanation

or any other area where the Constitution or Chairman allows.

#### Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings the Chairman will warn the person concerned and if they continue to interrupt the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately, for example if they are being inappropriate, and the Chairman can do this by muting their microphone. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

#### Adjournments

People will remain on the call with mics muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology the Chairman should pause the meeting until that issue has been resolved. However, this does not stop a meeting going ahead because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful which renders the whole meeting incapable of proceeding and therefore the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman. Any interested party eligible to speak who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding unless they are happy to submit their comments through a written representation.

The Council will try and achieve the best possible outcome.

#### **Deliberations and Exclusion of the Press and the Public**

Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the licensing authority may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the Hearing or part of that Hearing taking place in public. In addition there may be information in the agenda pack pertaining to the hearing be exempt from publication or discussion in public under Schedule 12A of The Local Government Act 1972 as amended. In these circumstances the public will be excluded from part or the whole of the Hearing as appropriate.

At the conclusion of the Hearing, the Sub-Committee together with the Democratic Services Officer and Legal Advisor, will remain in a private virtual meeting in order to deliberate on the decision. Interested parties will then be notified of the outcome of the hearing in writing after the meeting in accordance with required timescales.

Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers it necessary and/or equitable to do so.

## **NOTE**

IN PRODUCING THIS PROCEDURE, THE FOLLOWING HAVE BEEN CONSIDERED: -

- Licensing Act 2003 *as amended* - and Explanatory Notes
- National Guidance
- The Licensing Act 2003 (Hearings) Regulations 2005 as amended
- The Human Rights Act 1998.
- Local Government Act 1972 as amended.
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Buckinghamshire Council

Licensing Sub-Committee  
Hearing Date: 29 September 2021, 13:00 hours

Agenda Item No: 5

<b>SUBJECT:</b>	<b>APPLICATION FOR A NEW PREMISES LICENCE at:</b> <b>74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN</b>
<b>REPORT OF:</b>	<b>Application under section 17, Licensing Act 2003</b>
<b>Responsible Officer</b>	<b>Charlie Robinson – Licensing Manager</b>
<b>Report Author</b>	<b>Charlie Robinson – Licensing Manager</b>
<b>Ward/s Affected</b>	<b>Denham</b>

## 1. Purpose of Report

To provide Members with information enabling the determination of an application for a new Premises Licence, in respect of which relevant representations have been received. The Application has been submitted by Solomons Solicitors, North Office, 16 Finchley Road, London, NW8 6EB, on behalf of their client; Mr Ashok Kumar Selvaraj, 4 Rosary Close, Hounslow, Middlesex, TW3 4NS ("The Applicant") in respect of 74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN ("the premises").

## 2. Background

2.1. The premises consist of a 17th Century Grade 2 listed building which has been extended over the years and is located to the north west of the A4020 Oxford Road in Denham. Historically the premises have been known as the Dog and Duck Pub, Turpins, Tiger Cubs and Maya, trading as either a public house or restaurant. Most recently, the premises was known as Soin Lounge and would have been best described as a shisha lounge/club which opened in August 2020. A location plan showing the premises location is attached to this report marked **Appendix 1**. As shown on the location plan, the premises is located on a main road (Oxford Road A4020) and is in close proximity to a number of residential dwellings located directly opposite, neighbouring to one side and also diagonally behind the premises.

2.2. The premises previously benefited from a premises licence issued under the Licensing Act 2003 which was revoked by the Licensing sub-committee on 10<sup>th</sup> November 2020 following a review application and hearing. The application to review the premises licence was submitted by the Buckinghamshire Council Environmental Health department following an extensive multi-agency investigation of the premises pursuant of evidence of non-compliance and significant concerns raised by local residents in relation to all of the licensing objectives.

### **3. The Application**

3.1. This application is for a new Premises Licence to commence with immediate effect upon the decision to grant by this licensing authority. A copy of the application, including a premises plan is attached to this report marked **Appendix 2**.

3.2. The licensable activities sought are as follows:

<b>Proposed activity</b>	<b>Proposed hours</b>
<b>Supply of alcohol</b> (On the premises only)	Sunday – Thursday 12:00 – 00:00 Friday – Saturday 12:00 – 01:00 Christmas Eve & New Year's Eve 12:00 – 02:00
<b>Live Music</b> (Indoors only)	Friday 20:00 – 01:00 Saturday 20:00 – 02:00 Sunday 20:00 – 00:00 Christmas Eve & New Year's Eve 20:00 – 02:00
<b>Recorded music</b> (Indoors & outdoors)	Monday – Sunday 12:00 – 01:00 Christmas Eve & New Year's Eve 12:00 – 02:00
<b>Performance of dance</b> (Indoors only)	Friday – Saturday 19:00 – 00:00 Sunday 19:00 – 23:00
<b>Late night refreshment</b> (Indoors & outdoors)	Sunday – Thursday 23:00 – 01:00 Friday – Saturday 23:00 – 02:00 Christmas Eve & New Year's Eve 23:00 – 02:00

\* The Panel should note that the playing of recorded music and performance of live music are de-regulated between the hours 0800 and 2300 hours and therefore fall outside of the jurisdiction of The Licensing Act 2003 unless part of a Review application under section 51.

### **4. Relevant Representations**

#### **4.1. Responsible Authorities:**

4.1.1.The Chief Officer of Police: Response received – representation in relation to reports of anti-social behaviour and crime **Appendix 3**.

4.1.2.The Licensing Authority: Response received – representation in relation to the promotion of all licensing objectives. **Appendix 4**.

4.1.3.The Local Environmental Health Authority (Head of Environmental Health): Response received – representation in relation to public nuisance and crime and disorder. **Appendix 5**.

4.1.4.The relevant enforcing authority under the Health and Safety at Work etc Act 1974: Response received – representation in relation to public safety and crime and disorder, **Appendix 6**.

4.1.5.The Fire and Rescue Authority: Response received – representation in relation to public safety. **Appendix 7.**

4.1.6.The Local Planning Authority (Head of Sustainable Development): No response received.

4.1.7.Weights and Measures Authority (Trading Standards Officer): No response received.

4.1.8.The Safeguarding and Child Protection Unit: No response received.

4.1.9.The Primary Care Trust: No response received.

4.1.10. No responses were received from any other Responsible Authority.

4.2. **Any other persons:** Forty-five (45) objections were received during the 28 day consultation process a copy of which are attached marked **Appendix 8.**

4.3. No letters of support were received.

## 5. Licensing Officer's Observations:

5.1. The Relevant Representations received raise the follows issues:

### 5.2. The prevention of public nuisance

Residents living nearby have expressed significant concerns in their representations about the late hours of the premises and the noise from patrons both whilst on the premises and when leaving the premises as well as noise from music and various other aspects associated with a late night premises of this nature.

### 5.3. The prevention of crime and disorder

Objectors have outlined their concern and opposition of the premises receiving this licence due to the anticipated anti-social behaviour and other related crime and disorder that had previously been experienced prior to the premises having its licence revoked. Residents provide details of incidents of alcohol and drug misuse as well as public order offences and violence being witnessed on a regular occurrence, all of which were attributed to the premises and its patrons.

### 5.4. Public Safety

Similarly to the representations in relation to the prevention of crime and disorder objective, many residents have raised concerns relating to feeling unsafe with the premises being operated for the use suggested and the potential for anti-social behaviour and violence to affect residents late into the evening once patrons have been consuming alcohol.

## 6. Policy Considerations

6.1. Regard must be given to the Council's Licensing Policy (last published 10th December 2018) when determining this application. Of particular relevance (but not limited to) is section 3

which details the concept of attaching condition to licences and section 4 which details the Council's approach to licensing hours.

- 6.2. Section 3.2 refers to conditions being imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents. In making decisions in respect of hours (section 4.4) consideration will be given to representations made by residents in the vicinity of the premises as well as the applicant.
- 6.3. The Council's Licensing Policy recognises that noise nuisance problems can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.
- 6.4. Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

**In relation to Prevention of Public Nuisance the Statutory Guidance states:**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

**In relation to the Prevention of Crime and Disorder the Statutory Guidance states:**

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

**In relation to Public Safety the Statutory Guidance states:**

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

## **7. Links to Council Policy Objectives**

- 7.1. The Authority regards existing and future environmental qualities and character of the District to be important when consideration is given to granting licences for any purpose. When considering licensing applications where relevant representations have been made, the Authority will consider its effect on the licensing objectives and in particular the effect the licence will have on the public nuisance objective.

## **8. Resources, Risk and Other Implication**

- 8.1. **Resource:** The only resource implications to date has been officer time. If the applicant or persons making relevant representations appeals against the decision of the Licensing Sub – Committee, however, 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.

### **Human Rights**

- 8.2. The Panel should consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents. Any decision taken must be appropriate and proportionate to the objective being pursued. In particular, the following should be taken onto consideration: Article 6 - the right to a fair hearing Article 8 - respect for private and family life Article 1, First Protocol - peaceful enjoyment of possessions (which can include the possession of a licence).
- 8.3. 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.
- 8.4. Therefore, if Members refuse to grant the application for a new 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.

8.5. 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-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998. 8.6 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.

## **9. Determination by the Licensing Sub-Committee**

9.1. 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

9.2. Regard must also be had to the Council's Statement of 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. 9.2 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. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

9.3. 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.

9.4. The following options are available to the Licensing Sub Committee:

9.4.1.Grant the Premises Licence - subject to any conditions 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.

9.4.2.Exclude from the scope of the Premises Licence granted under Para 9.4.1 above any of the licensable activities to which the application relates.

9.4.3.Refuse to specify a person in the Premises Licence granted under Para 9.4.1 as the premises supervisor.

9.4.4.Reject the whole of the Application.

9.4.5.Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate

and proportionate to promote the four licensing objectives and in response to the representations received).

9.5. The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

## **10. Conditions**

### **THE SCHEDULE**

#### **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 Condition - s21 of the Licensing Act 2003 - Door Supervision**

Where a condition of this licence requires one or more individuals to be present to carry out a security activity (as defined by the Private Security Industry Act 2001 as amended from time to time) must be licensed with the Security Industry Authority.

#### **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: " 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."
- "An activity which is not prohibited by paragraph 1(2)(b) of the Schedule to the 2010 Order, as it was in force immediately before the coming into force of this Order, because it related to alcohol consumed at a table meal (as defined in section 159 of the 2003 Act), will continue not to be prohibited provided certain conditions are met; these are that the activity is available only to an individual who holds a ticket or other written invitation in respect of that activity which was purchased by, or given to, that individual on or before 30th September 2014, and the activity takes place on or before 5th April 2015."

**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.

**Proposed conditions**

**Admission and control of entry control of entry**

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.

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).

6.Between the above times no customer will be permitted to enter or leave the Premise.

7.No more than 80 customers will be permitted on the premises at any one time.

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.

10.On all days from opening time to close at least 5 SIA registered door supervisors must be on duty at the premises.

11.Door supervisors shall be employed at the ratio of 10 door supervisor for every 100 customers (or part thereof).

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.

13.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 or vests or armbands).

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.

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**

17. The premises licence holder must ensure that:

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.

- (ii) The system records clear images permitting the identification of individuals.
- (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) The CCTV system operates at all times while the premises are open for licensable activities from 12.00 until 2.00am
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (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).

#### **Preventing illegal drug use**

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 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.

#### **Incident reporting**

18. 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.

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (viii) Any faults in the CCTV system, searching equipment or scanning equipment
- (ix) Any visit by a responsible authority or emergency service

The times on duty, names and the licence numbers of licensed door supervisors employed by the premises.

#### **Staff training**

19a) All staff authorised to sell alcohol shall be trained in (delete as appropriate):

- (i) Relevant age restrictions in respect of products
- (ii) Prevent underage sales (iii) Prevent proxy sales
- (iv) Maintain the refusals log
- (v) Enter sales correctly on the tills so the prompts show as appropriate
- (vi) Recognising signs of drunkenness and vulnerability
- (vii) How overset-vice 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.

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.

19c) Documented records of training completed shall be kept 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.

#### **Preventing and dealing with drunkenness and vulnerability**

20. 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

21. The premises shall display prominent signage indicating that it is an offence to sell alcohol to anyone who is drunk.

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 12400 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.

24. The premises shall provide facilities for customers to securely recharge their mobile phones.

#### **Glassware**

25. Drinks must only be served in polycarbonate glasses to be used at specified events,

26. 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].

27. 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 their table carrying any such bottle, or be permitted to drink directly from the bottle,

#### **Preventing underage sales,**

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 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. 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):

- (i) The trading name of any company that will operate under the licence
- (ii) All telephone numbers that will be used to accept orders
- (iii) The URL/website address that will be used to accept orders.

33. 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,

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. 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.

#### **Preventing noise and Public nuisances.**

38. 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.

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 seats automatic door closer must be installed

43. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

#### **Deliveries (nuisance)**

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.

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 and 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 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 and cleansing

50. At all times outside the premises, all areas to be swept and/or washed, and litter and sweepings collected and stored.

51. All takeaway packaging and wrappers shall clearly identify the premises, i.e. 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.

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 on the premises.

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
- (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].
- (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
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

60. 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 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.

<b>Officer Contact:</b>	Charlie Robinson (01494 432 056) – email address: <a href="mailto:charlie.robinson@buckinghamshire.gov.uk">charlie.robinson@buckinghamshire.gov.uk</a>
<b>Background Papers:</b>	Application reference 21/00813/LAPRE Licensing Act 2003, as amended Licensing Policy - South Bucks Area Published 2018. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

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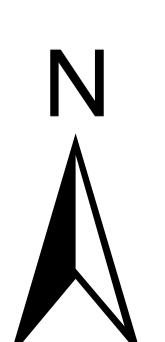


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## 74 Oxford Road



Date: 10/09/2021



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**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ASHOK KUMAR SELVARAJ  
*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
<u>74 OXFORD ROAD</u> <u>DENHAM</u>			
Post town	<u>BUCKINGHAMSHIRE</u>	Postcode	<u>UB9 4DN</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ <u>18038.85</u>	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- |   |   |
|---|---|
| a)    an individual or individuals *                    | <input checked="" type="checkbox"/> please complete section (A) |
| b)    a person other than an individual *               | <input type="checkbox"/> please complete section (B)            |
| i    as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B)            |
| ii    as a partnership (other than limited liability)   | <input type="checkbox"/> please complete section (B)            |
| iii    as an unincorporated association or              | <input type="checkbox"/> please complete section (B)            |
| iv    other (for example a statutory corporation)       | <input type="checkbox"/> please complete section (B)            |
| c)    a recognised club                                 | <input type="checkbox"/> please complete section (B)            |
| d)    a charity   | <input type="checkbox"/> please complete section (B)            |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>SELVARAJ</b>		First names <b>ASHOK KUMAR</b>		
Date of birth over		I am 18 years old or		<input checked="" type="checkbox"/> Please tick yes
Nationality <b>BRITISH</b>				
Current residential address if different from premises address  <b>4 ROSARY CLOSE HOUNLOW</b>				
Post town <b>MIDDLESEX</b>			Postcode <b>TW3 4NT</b>	
Daytime contact telephone number <b>07813 797944</b>				
E-mail address (optional) <b>ashok - Selvaraj @ hotmail . com .</b>				

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes
Nationality				
Current postal address if different from premises address				
Post town			Postcode	
Daytime contact telephone number				
E-mail address (optional)				

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period,  
when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE PREMISES ARE LOCATED ON OXFORD ROAD.  
DENHAM. THE PREMISES TRADE AS A PUBLIC  
HOUSE & SPANISH CAFE.  
WE INTEND TO RE-OPEN AS A BAR / SPANISH CAFE.

If 5,000 or more people are expected to attend the premises at any  
one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that  
apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

Classification: OFFICIAL

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat				
Sun				

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here</u> (please read guidance note 4)	
Thur				
Fri			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)	
Sat				
Sun			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>	
Sat				
Sun				

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
			<b>Please give further details here</b> (please read guidance note 4)	
			<b>DJ INDOORS</b>	
			<b>DJ MAY BE REQUIRED FOR LIVE MUSIC INDIAN NIGHTS - MAY HAVE LIVE SINGER.</b>	
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)	
Thur			<b>CHRISTMAS EVE:- 20:00 - 21:00 NEW YEARS EVE:- 20:00 - 21:00</b>	
Fri	20:00	01:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat	20:00	02:00	N/A	
Sun	20:00	00:00		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Indoors	<input checked="" type="checkbox"/>			
Outdoors	<input type="checkbox"/>			
			<b>Recorded Music to be Played</b> <u>(INDOOR   OUTDOOR - BEER GARDEN)</u>	
Both	<input checked="" type="checkbox"/>			
<p><u>Please give further details here</u> (please read guidance note 4)</p> <p><i>RECORDED MUSIC BETWEEN THE FOLLOWING HOURS AT A VERY LOW VOLUME.</i></p>				
Mon	12:00	1:00		
Tue	12:00	1:00		
Wed	12:00	1:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Thur	12:00	1:00	<i>CHRISTMAS EVE 12:00 - 2:00 NEW YEAR'S EVE 12:00 - 2:00</i>	
Fri	12:00	1:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat	12:00	1:00	<i>CHRISTMAS EVE 12:00 - 2:00</i>	
Sun	12:00	1:00	<i>NEW YEARS EVE 12:00 - 2:00</i>	

**G**

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 4)</u>	
Thur			POSSIBILITY OF A BEWY DANCER.	
Fri	19:00	23:00	<u>State any seasonal variations for the performance of dance (please read guidance note 5)</u>	
Sat	19:00	24:00	N/A	
Sun	19:00	23:00		

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon					
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

**I**

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish		
Mon	12:00	1:00	Please give further details here (please read guidance note 4)  LATE NIGHT REFRESHMENT LICENCE TO ALLOW THE SALE OF HOT FOOD / TEA'S, COFFEE'S.	
Tue	12:00	1:00		
Wed	12:00	1:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)  CHRISTMAS EVE - 12:00 - 2:00 NEW YEARS EVE 12:00 - 2:00	
Thur	12:00	1:00		
Fri	12:00	2:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)	
Sat	12:00	2:00		
Sun	12:00	1:00		

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises <input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises <input type="checkbox"/>
Mon	12:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Tue	12:00	00:00	CHRISTMAS EVE! - 12:00 - 2:00	
Wed	12:00	00:00	NEW YEARS EVE :- 12:00 - 2:00	
Thur	12:00	00:00	<b>Non standard timings.</b> Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri	12:00	1:00		
Sat	12:00	1:00		
Sun	12:00	00:00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MR ASHOK KUNWAR SELVARAJ	
Date of birth		
Address	4 ROJARY CLOSE HOUNSFIELD MIDDLESEX	
Postcode	TW3 - 4NJ	
Personal licence number (if known)		
Issuing licensing authority (if known)		



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

CHILDREN UNDER 18 WILL NOT BE ALLOWED  
ENTRY ON TO THE PREMISES AT ANY TIME.  
THEY WILL BE SIA REGISTERED SECURITY TO CHECK  
IDENTIFICATION. CHILDREN WILL NOT BE ALLOWED INTO  
THE BAR / STAFF AREA.

L

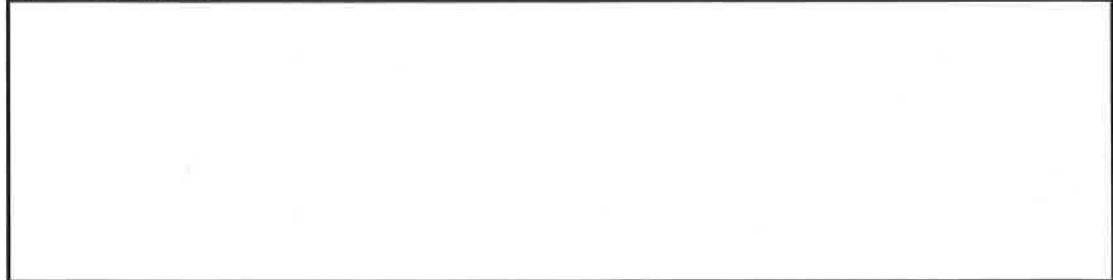
Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	1:00	CHRISTMAS EVE 12:00 - 2:00
Tue	12:00	1:00	NEW YEARS EVE 12:00 - 2:00
Wed	12:00	1:00	BOXING DAY 12:00 - 2:00
			NEW YEARS DAY 12:00 - 2:00
Thur	12:00	1:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	12:00	2:00	
Sat	12:00	2:00	
Sun	12:00	1:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

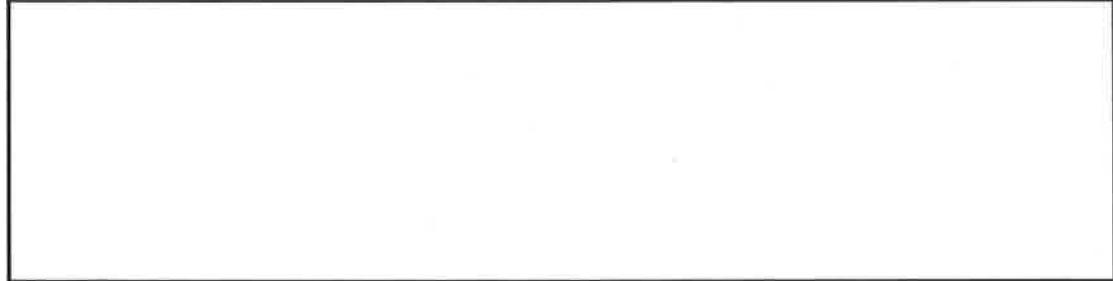
a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

SUBMITTING 60 CONDITIONS IN SUPPORT OF  
LICENSING OBJECTIVES, AS AN APPENDIX TO MAIN  
APPLICATION.

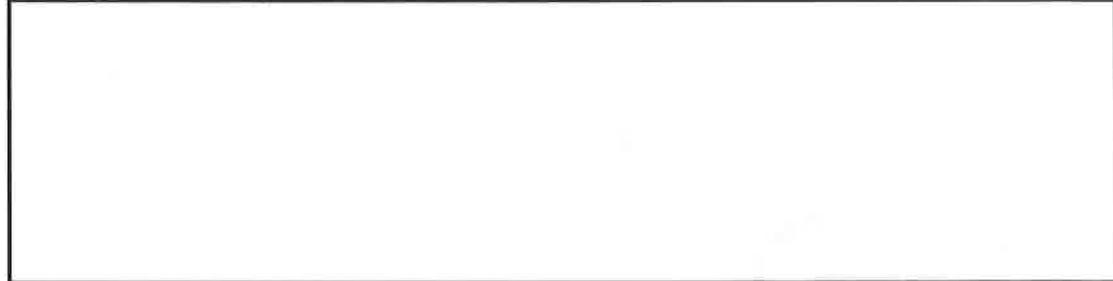
b) The prevention of crime and disorder



c) Public safety



d) The prevention of public nuisance



e) The protection of children from harm



**Checklist:**

**Please tick to indicate agreement**

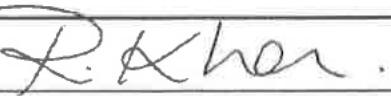
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	25 <sup>TH</sup> JUNE 2021
Capacity	SOLICITOR.

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Mr R KHAN SALOMONS SOLICITORS, NORTH OFFICE 16 FINCHLEY ROAD, ST JOHNS WOOD			
Post town	LONDON	Postcode	NW1P 6EB
Telephone number (if any)	02		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@solomons-solicitors.co.uk.			

#### **74 OXFORD ROAD CONDITIONS FOR LICENCE.**

##### **Admission and control of entry control of entry**

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.
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).
6. Between the above times no customer will be permitted to enter or leave the Premise.
7. No more than 80 customers will be permitted on the premises at any one time.
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.

10. On all days from opening time to close at least 5 SIA registered door supervisors must be on duty at the premises.

11. Door supervisors shall be employed at the ratio of 10 door supervisor for every 100 customers (or part thereof).

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.

13. 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 or vests or armbands].

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.

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 .

17.The premises licence holder must ensure that:

- (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].
- (ii) (ii) The system records clear images permitting the identification of individuals.
- (iii) (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)
- (iv) The CCTV system operates at all times while the premises are open for licensable activities from 12.00 until 2.00am
- (v) (v) All equipment must have a constant and accurate time and date generation.
- (vi) (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) (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).
- (viii)

#### Preventing illegal drug use

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 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.

Incident reporting

18. 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.

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol

Any faults in the CCTV system, searching equipment or scanning equipment

- (ix) Any visit by a responsible authority or emergency service
  - (ix) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

Staff training.

19a) All staff authorised to sell alcohol shall be trained in (delete as appropriate):

- (i) Relevant age restrictions in respect of products
- (ii) Prevent underage sales
- (iii) Prevent proxy sales

- (iv) Maintain the refusals log
- (v) Enter sales correctly on the tills so the prompts show as appropriate
- (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.

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.

19c) Documented records of training completed shall be kept 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.

Preventing and dealing with drunkenness and vulnerability.

20. 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.

21. The premises shall display prominent signage indicating that it

is an offence to sell alcohol to anyone who is drunk.

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.

24. The premises shall provide facilities for customers to securely recharge their mobile phones.

**Glassware**

25. Drinks must only be served in polycarbonate glasses to be used at specified events.

26. 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].

27. 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 their table carrying any such bottle, or be permitted to drink directly from the bottle.

**Preventing underage sales.**

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. 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):

- (i) The trading name of any company that will operate under the licence
- (ii) All telephone numbers that will be used to accept orders
- (iii) The URL/website address that will be used to accept orders.

33. 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.

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. 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.

### Preventing noise and Public nuisances.

38. 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.

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

43. There shall be no noise or odours caused by the kitchen extraction equipment

that gives rise to a nuisance.

**Deliveries (nuisance)**

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.

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 and 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

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 and cleansing

50. At all times outside the premises, all areas to be swept and/or washed, and litter and sweepings collected and stored.

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.

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 on the premises.

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.

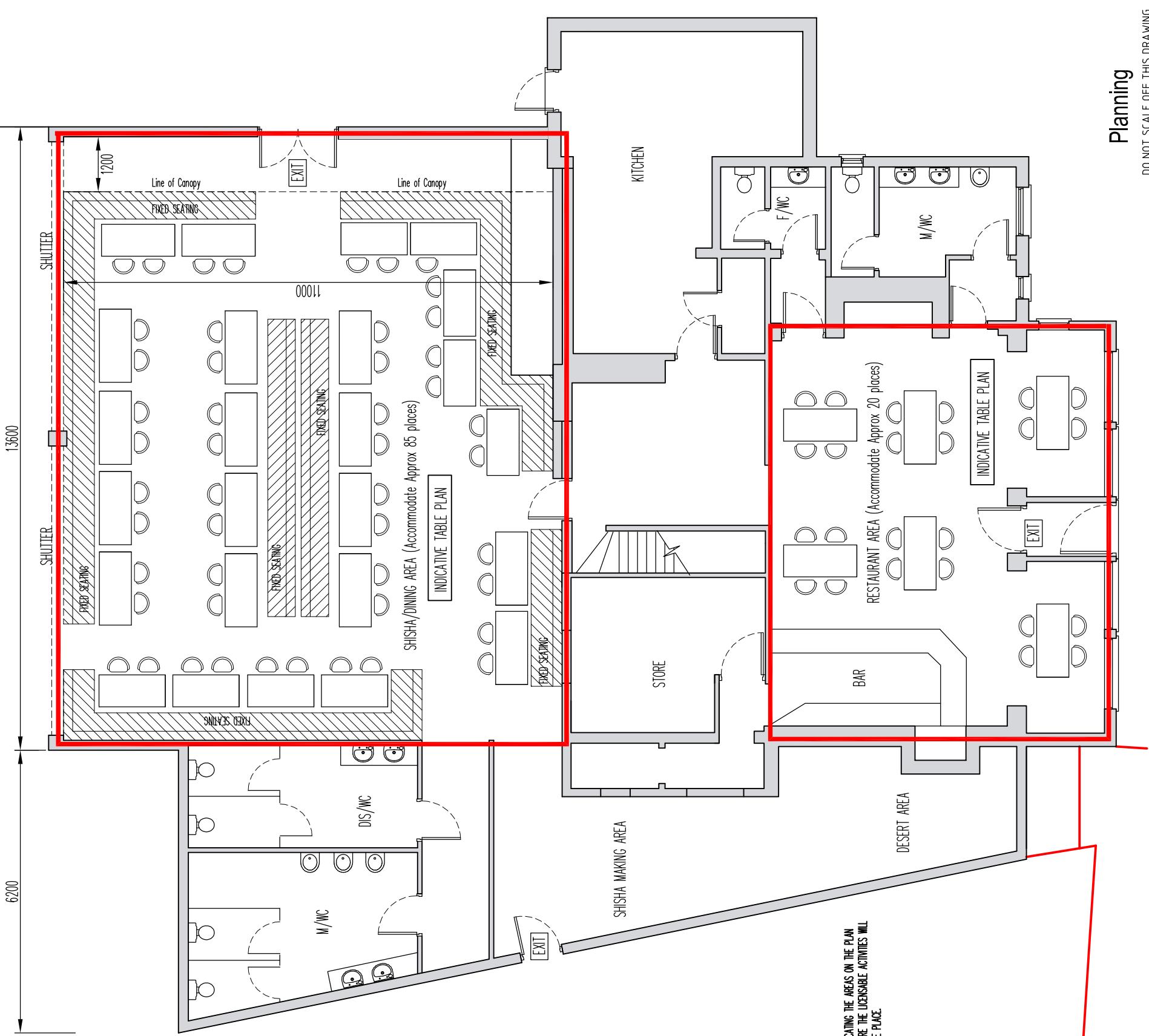
### Dispersal

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
- (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.].
- (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
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

60. From no later than 1 hour before the premises closes

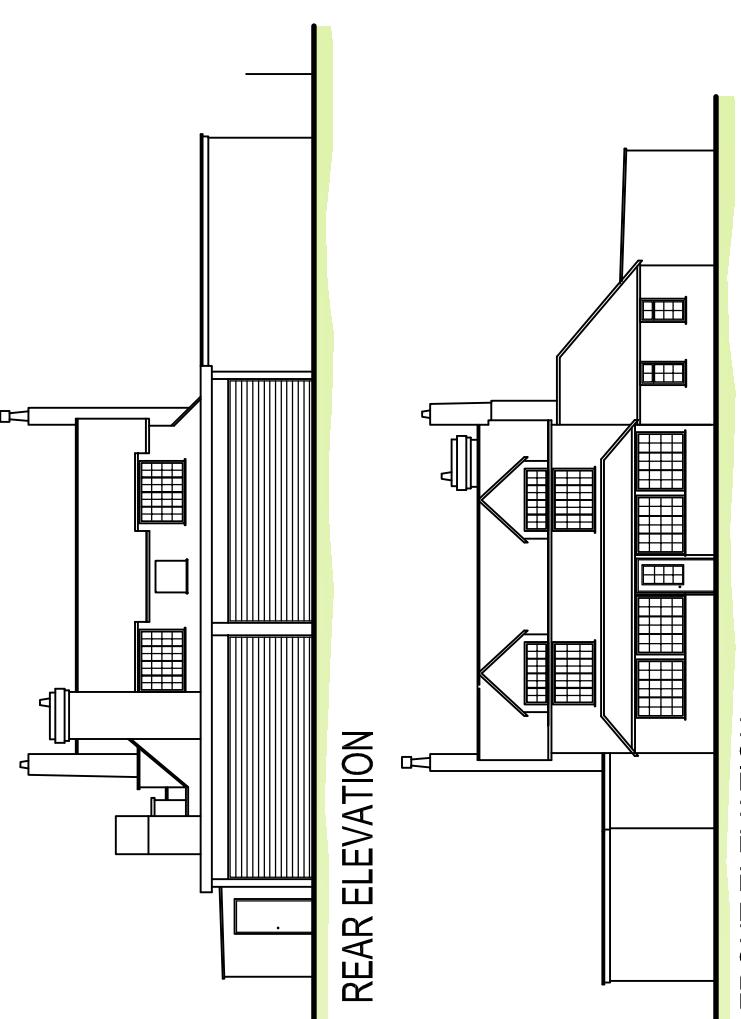
to the public, a member of staff shall be dedicated to monitor the dispersal of customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.



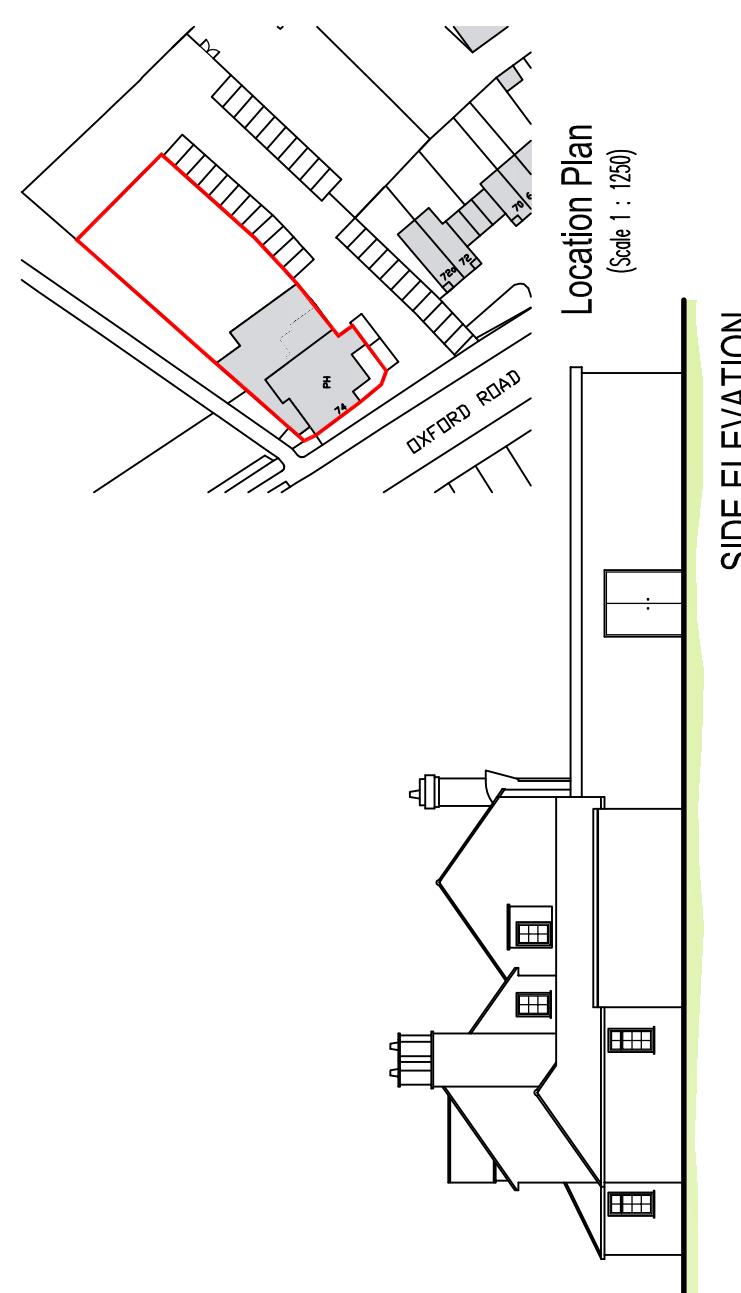
## Planning

DO NOT SCALE OFF THIS DRAWING  
THIS DRAWING IS NOT A FIRE PLAN

Appendix 2



FRONT ELEVATION



LOCATION PLAN  
(Scale 1 : 1250)

SIDE ELEVATION

DRAWING: GROUND FLOOR LAYOUT & ELEVATIONS			
Scale: @ A3	Date:	Job No:	Dwg No: PL-01

DRAWING: GROUND FLOOR LAYOUT & ELEVATIONS			
Scale: 1:100	metres	100/200	May 2021

CLIENT:	Ashok Selvaraj
PROJECT:	74 OXFORD ROAD, DENHAM, UXBRIDGE
Mill House, Mill Court Great Shelford Cambridge CB22 5LD Tel: 01223 233 600	
www.westridgeconsultants.co.uk	

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# THAMES VALLEY POLICE

Division/Station : Aylesbury

From : Trevor Hooper To :Claire Collinson-Drew  
Subject : Licensing Officer

Ref : Date : 24<sup>th</sup> August 2021

---

## **Vici Bar and Shisha Café, 74 Oxford road, Denham, Bucks, UB9 4DN**

This is an application for a New Premises Licence for the above named premise.

The applicant is a Mr Ashok Kumar Selvaraj of 4 Rosary Close, Hounslow, Middlesex. TW3 4WJ.

The application is for a premise Licence to include the following Licensable activities.

**Prvision of Regulated Entertainment** (Live music, Recorded music and the performance of dance)

**Live music**- to take place. 8pm to 1am on Friday, 8pm to 2am on Saturday and 8 am to midnight on Sunday. 8pm to 2am on Christmas and New Year.

**Recorded Music**-Midday 20 1am the following day both indoors and outdoors (Beer garden) 2am on Christmas and New Year.)

**Performance of Dance**-Friday 7pm 20 11 pm, Saturday 7pm to Midnight, Sunday 7pm to 11pm.

**Provision of Late Night Refreshment**.-Sunday through to Thursday Midday to 1am the following day, Friday and Saturday Midday to 2m the following day. 2am on both Christmas and New Year.

**Supply of Alcohol**.-12 Midday to to Midnight Sunday through to Thursday , 12Midday =through to 1am Saturday and Sunday. 2am on Christmas and New Year.

**Opening hours**-12 Midday to 1 am Sunday through to Thursday. 12 Midday Friday and Saturday. Christmas Eve, New Years Eve, Boxing day 12 Midday to 2 am.

The applicant has offered 60 conditions to help promote the 4 licensing objectives.

## **History of premise.**

When the premise first opened it was opened as a restaurant in the name of Tiger Cubs, it catered for all types of restaurant dining including Wedding receptions, Christenings, Duwhali, Indian Festivals and from opening the premise was well run and never came to the notice of the police. The latest licence I have on file is dated 2009 but the premises has been in existence prior to this, the hours reflected within the licence would be hours for a restaurant type premise situated very close to residential properties. Over the years the premise named changed at one time it was Maya Tandoori but the style and operation did not.

**Soin Lounge**- In August 2020 it came to the notice of the police by way of a complaint that the premises had changed its name and on this occasion the style of operation, it was no longer a restaurant but was being run as a Shisha bar and café, alterations had taken place within the premises with no planning permission. From this date complaints became a regular occurrence for the premises ranging from, noise,, urination in a public place, sexual activity in public, foul language, cars speeding of, patrons congregating outside smoking, firearms and on 2 occasions the refusal to allow Responsible Authority to enter. The local authority served a noise abatement notice on the premises and this was completely disregarded. As a result of

these complaints and the premises refusal to work with Responsible Authorities a review of the licence was applied for.

This took place on the 4<sup>th</sup> of November 2020. 23 Households in the vicinity were represented. The Licensing committee heard the evidence and watched and listened to recordings. At the completion of the hearing the panel revoked the licence.

Had the original application for the licence been one of Shisha Bar and café with the hours and licensable activities applied for. Taking into consideration the proximity of local residents the Police would almost certainly have objected to the hours applied for and asked for conditions to be placed on the licence which would reflect the style of operation of the premise.

Therefore Thames Valley Police are unable to support the applicant with the application as it stands.

The list of conditions submitted by the applicant has been amended by TVP and we would ask that if the committee are considering approving the application for a licence then the committee are requested to amend the hours to reflect the style of premise. We would like to see a terminal hour of=

Sunday through to Thursday 12 noon to 11pm for all licensable activities.

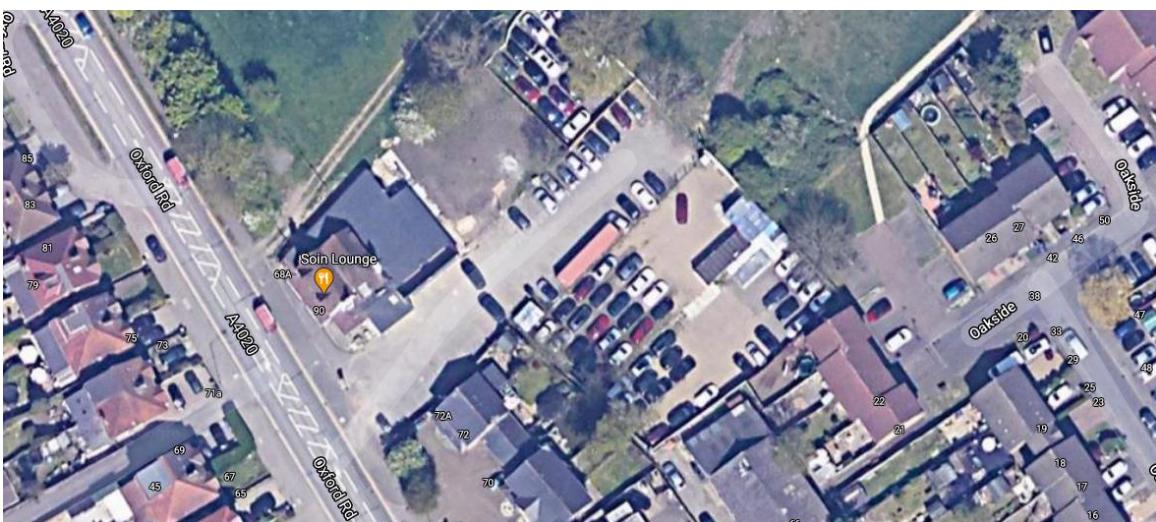
Friday and Saturday 12 noon to Midnight for all licensable activities.

We would also ask that the amended conditions are attached to the working schedule of the premise and become conditions which will be enforceable.

These hours and conditions are requested to protect the premises neighbours.

We have attached photographs to show the proximity of the local community.





## 74 OXFORD ROAD CONDITIONS FOR LICENCE.

### Admission and control of entry

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. **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 **closing time**.
6. Between the above times no customer will be permitted to enter or leave the Premise.
7. No more than 80 customers will be permitted on the premises at any one time.
8. The premises license 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 **12.00midday 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. **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).

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) 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.

13. 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 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 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.

17. The premises licence holder must ensure that:

- (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].
- (ii) (ii) The system records clear images permitting the identification of individuals.
- (iii) (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)
- (iv) The CCTV system operates at all times while the premises are open for licensable activities from 12.00 until **closing**.
- (v) (v) All equipment must have a constant and accurate time and date generation.
- (vi) (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) (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).
- (viii)

#### Preventing illegal drug use

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 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.

Incident reporting

18. 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.

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (ix) Any visit by a responsible authority or emergency service
- (ix) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

Staff training

19a) All staff authorised to sell alcohol shall be trained in (delete as appropriate):

- (i) Relevant age restrictions in respect of products
- (ii) Prevent underage sales
- (iii) Prevent proxy sales

- (iv) Maintain the refusals log
- (v) Enter sales correctly on the tills so the prompts show as appropriate
- (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.

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.

19c) Documented records of training completed shall be kept 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.

Preventing and dealing with drunkenness and vulnerable persons .

20. 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.

21. The premises shall display prominent signage indicating that it

is an offence to sell alcohol to anyone who is drunk.

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 **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.

**Glassware**

25. Drinks must only be served in polycarbonate glasses..

26. 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].

27. 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 their table carrying any such bottle, or be permitted to drink directly from the bottle.

**Preventing underage sales.**

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. 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):

- (i) The trading name of any company that will operate under the licence
- (ii) All telephone numbers that will be used to accept orders
- (iii) The URL/website address that will be used to accept orders.

33. 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.

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. 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.

### Preventing noise and Public nuisances.

38. 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 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

43. There shall be no noise or odours caused by the kitchen extraction equipment  
that gives rise to a nuisance.

**Deliveries (nuisance)**

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.

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 and 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  
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.

50. 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.

Litter and cleaning

51. At all times outside the premises, all areas to be swept and/or washed, and litter and sweepings collected and stored.

52. All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.

53. 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.

54. Empty bottles which have been collected must be placed into locked bins when deposited outside.

55. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time s.

56. Between the hours of 12.00 until 8am no waste/glass bottles will be moved or deposited outside.

Children on the premises.

57. 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.

58. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.

59. 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

60. 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.].
- (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
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

61. 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 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.



**Directorate for Communities**

**Neighbourhood Services**

**Licensing Team**

Buckinghamshire Council

The Gateway

Gatehouse Road

Aylesbury

HP19 8FF

[licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)

01296 585605

[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

Licensing Service

Buckinghamshire Council

The Gateway, Gatehouse Road

Aylesbury

Buckinghamshire

HP19 8FF

2 September 2021

**Ref: LARep74OxfordRdUB94DN**

Dear Sir/Madam

**Licensing 2003**

**Licensing Authority Representation**

**74 Oxford Road, Denham, Buckinghamshire UB9 4DN**

I am submitting this representation on behalf of the Licensing Authority in respect of this application for a new premises licence. In drafting this representation, careful consideration has been given to the promotion of the four licensing objectives, the Council's Statement of Licensing Policy for the South Bucks Area of Buckinghamshire and the Secretary of State Section 182 Guidance.

The application is for a new licence to allow the sale of alcohol for consumption on the premises only between the hours of 12:00 and 00:00, Sundays to Thursdays, and between 12:00 and 01:00 on Fridays and Saturdays. Additional hours are sought on Christmas Eve and New Year's Eve between 12:00 and 02:00.

The application also seeks to allow regulated entertainment as follows:

Live music (Indoors) between 20:00 and 00:00 Sundays, 20:00 and 01:00 Fridays and between 20:00 and 02:00 on Saturdays. Authorisation is also sought for Christmas Eve and New Year's Eve between 20:00 and 02:00.

Recorded music (Indoors and Outdoors) between 12:00 and 01:00, Mondays to Sundays. Additional hours are sought on Christmas Eve and New Year's Eve between 12:00 and 02:00.

Performance of dance between 19:00 and 23:00 on Fridays and Sundays and 19:00 and 24:00 on Saturdays.

The applicant seeks to provide late night refreshment to 01:00 on Sundays to Thursdays and to 02:00 on Fridays and Saturdays. Additional hours are sought on Christmas Eve and New Year's Eve to 02:00.

Finally the proposed opening hours are between 12:00 and 01:00 Sundays to Thursdays and between 12:00 and 02:00 on Fridays and Saturdays. Additional opening hours are specified for Christmas Eve, New Year's Eve, Boxing Day and New Year's Day between 12:00 and 02:00.

In accordance with the Section 182 Guidance, paragraph 8.41, applicants for licences are expected, among other matters to demonstrate knowledge of their local area and undertake their own enquiries about the area in which the premises are situated to inform the content of their application. The present applicant should therefore be aware that their premises is located in close proximity to a number of residential properties. Their enquiries should also have revealed that a licence for the same premises was revoked in November 2020 by the Council for failing to promote the public safety, prevent of public nuisance and prevention of crime and disorder licensing objectives. As part of the review proceedings leading to the revocation, a significant amount of evidence was presented to the Council from local residents and responsible authorities. The evidence reflected the risk to the promotion of the licensing objectives both generally and at this specific location if appropriate safeguards are not in place such as adequate licence conditions and robust management control.

The applicant proposes operating to late hours with licensable activities provided up until 1am during weekdays and 2am on Fridays and Saturdays. The premises is located in a residential area with houses in close proximity. It should be apparent to the applicant that given the location and the recent history of the premises that a comprehensive and well thought out operating schedule would be necessary to adequately promote the licensing objectives. Unfortunately the present application appears to be inadequate and presents a realistic risk to the promotion of the licensing objectives. The accompanying operating schedule is poorly constructed, contradictory, confusing and many of the proposed measures are either not achievable or sustainable. The reason for this conclusion is detailed below by way of reference to the applicant's proposed measures:

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.

Condition 5: no customers permitted to enter or re-enter between 12:00am and 1am, unless they have temporarily left. 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..

Condition 6, 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.

Condition 7 specifies no more than 80 customers permitted on the premises, however the plans accompanying the application indicate accommodation for approximately 105. Furthermore condition 49 restricts the number of customers to 80 in the shisha area at anyone time. If the capacity of the premises is restricted as per condition 7, then condition 49 is not necessary.

Condition 9 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.

Condition 10 stipulates a minimum of 5 door supervisors on all days from opening to close, which could be from 12:00 to 01:00 or 02:00. Again this arrangement would be extremely costly and is unlikely to be sustainable.

Condition 11, specifies further door supervisors at a ratio of 10 per 100 customers. 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.

Condition 12, states that the number of door supervisors will be risk assessed. 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.

Condition 17, stipulates that 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.

Condition 25 is ambiguous. If the intention is that polycarbonate drinking vessels are to be used at “specified events”, these events should be defined.

Condition 26 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.

Condition 27, the plan does not show a delineated area for the service of bottles greater than 70cl.

Conditions 32 to 34 refer to deliveries of alcohol, this would not be permitted by the proposed application as alcohol would not be authorised for consumption off the premises.

Condition 38 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.

Condition 42 is 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.

Conditions 44 to 46 under the heading deliveries are ambiguous and it is unclear what this refers to.

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.

Condition 50 is poorly worded and it is presumed that this is not what is intended.

Condition 52 which refers to late night refreshment being consumed off the premises contradicts conditions 57 and 58 which prohibit this.

Condition 59(iii) which appears to refer to a wind down period for the playing of music and sale of alcohol is unclear.

In summary, for the reasons given above, it is concluded that this application has been poorly put together. It is questionable whether many of the proposed measures are realistic or sustainable. There are also concerns why a bar or shisha café in a residential area would require nightclub style conditions. It is recommended that this application be refused to protect local residents from the risk of public nuisance and crime and disorder issues that would otherwise arise from a

late night licensed premises with inadequate control measures. A refusal of the application will give the applicant opportunity to reconsider their proposal and to potentially submit a new application more appropriate for this location, together with a meaningful operating schedule.

Yours sincerely

A handwritten signature in black ink, appearing to read "Simon Gallacher".

Simon Gallacher  
Principal Licensing Officer



**PREMISES LICENCE APPLICATION  
74 OXFORD ROAD  
NEW DENHAM**

**REPRESENTATION MADE  
BY THE RESPONSIBLE  
AUTHORITY FOR POLLUTION CONTROL**

**21/00813/LAPRE**

**16<sup>th</sup> September 2021**

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- 1.1 Authorisation of author
- 1.2 Role as Responsible Authority
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#### 3. Analysis of Compliance Risk

#### 4. Conclusion and Recommendations to the Licensing Panel

## **1. Introduction and Background**

- 1.1 The author of this Representation is Andrew Godman, an *Authorised Person* of the Council as defined by Section 69(2)(d) of the Licensing Act 2003: '*...an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purpose of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.*'
- 1.2 This Representation is made by the Council acting as a *Responsible authority* as defined by Section 69(4)(e) of the Licensing Act 2003: '*... the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.*'
- 1.3 I am a Chartered Environmental Health Practitioner and have performed pollution control regulatory duties for local authorities since 1992. I hold a BSc. (Hons) in Environmental Health and a Post Graduate Diploma in Acoustics and Noise Control. I am a corporate member of both the Chartered Institute of Environmental Health and the Institute of Acoustics. I also provide advice on risk management matters to the Chief Constables of Hertfordshire and Cambridgeshire and also the Police and Crime Commissioners for those counties.
- 1.4 The structure formerly, and most recently, known as the Soin Lounge is a detached building situated at 74 Oxford Road, New Denham and is listed under Town & Country Planning Act 1990. Immediately adjacent to it is a car park used by its staff and patrons.

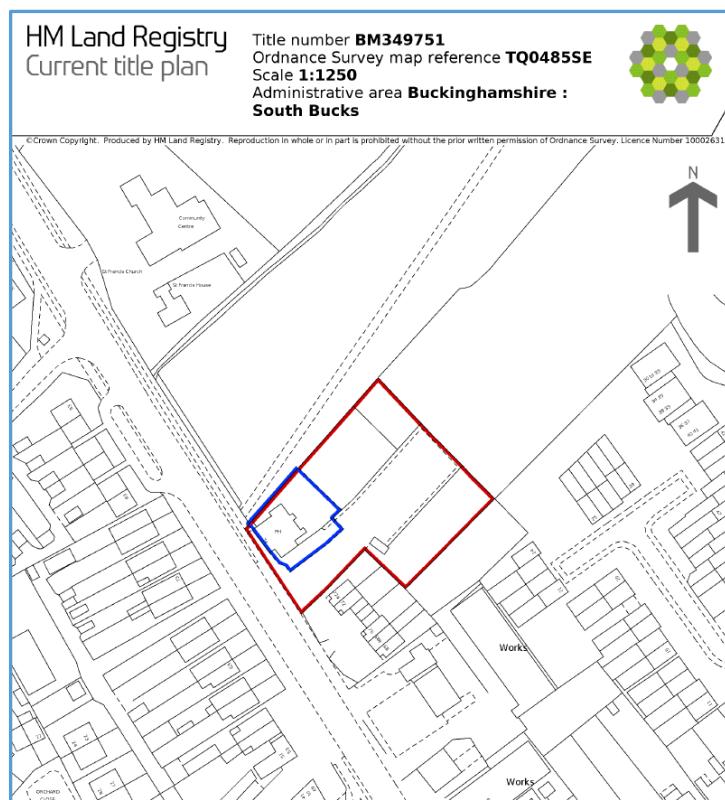
Map 1, over page, illustrates the location of 74 Oxford Road in the context of New Denham and Map 2 sets out the demise of 74 Oxford Road as recognised by the HM Land Registry.

Photograph 1 shows the front elevation of the 74 Oxford Road and also the entrance to the adjacent car park and Photograph 2A and 2B show the rear elevation of the building which is largely composed of large metal shutters. Photograph 3 is of the current main entrance to the building which is via the adjacent car park.

Map 1: location of 74 Oxford Road, New Denham (marked as 'Maya Tandoori')



Map 2: the demise of 74 Oxford Road, New Denham (land within red line)



Photograph 1: the front/right elevation of the building at 74 Oxford Road and car park entrance



Photograph 2A: the rear elevation of the lounge area of 74 Oxford Road



Photograph 2B: the rear elevation of the lounge area of the building  
(as viewed from the interior)



Photograph 3: the side entrance the structure



1.5 Premises Licence 05/00319/LAPRE was issued by South Buckinghamshire District Council on 24<sup>th</sup> November 2005 in respect of 74 Oxford Road citing the trading name of 'Tiger Cubs'. This licence permitted the following activities:

- Sale by Retail of Alcohol
- Live Music (Indoors & Outdoors)
- Provision of facilities for dancing (Indoors & Outdoors)
- Late Night Refreshment (Indoors & Outdoors)

The typical permitted hours (the licence allowed later hours as regards Bank Holidays, etc.) for the above activities were as following:

- Monday - Thursday 12.00 – 24.00
- Friday - Saturday 12.00 – 02.00
- Sunday 12.00 – 24.00

The typical (again different hours were permitted as regards Bank Holidays, etc.) opening hours for the premises were restricted to:

- Monday - Thursday 09.00 – 24.30
- Friday - Saturday 09.00 – 02.30
- Sunday 09.00 – 24.30

In June 2020 this Premises Licence was transferred in to the name of the Soin Lounge (which point it became 09/00460/LAPRET) with essentially the same permitted activities and times as those contained within Premises Licence 05/00319/LAPRE.

This Premises Licence 09/00460/LAPRET was revoked by the Council on 4<sup>th</sup> of November 2020 following a Review sought by myself acting in the capacity of a Responsible Authority (see above). The Council's Licensing Panel concluded that it was fair and proportionate to revoke the premises licence to promote the licensing

objectives of the prevention of public nuisance, public safety, and the prevention of crime and disorder.

- 1.6 The Council maintains records of all complaints made to it (or its predecessor for the area, South Buckinghamshire District Council) concerning environmental noise since the late 1990s. Table 1, below, summarises the complaints received in connection with this premises up until July 2021:

Table 1: summary of noise complaints regarding 74 Oxford Road

Date	Reference	Description by complainant	Response summary
07/04/1998	98/00395/NPUB	Noise from Karoke on Saturday evening	Not substantiated
27/07/1998	98/01506/NFOOD	Noise from Karaoke at the weekend	Substantiated and abatement notice served on premises
28/9/1998	98/02696/NPUB	Noise from karaoke and ladies night events	Not substantiated
29/06/1999	99/00936/NPUB	Noise nuisance Fridays and Saturdays until 1.30am	Not substantiated
30/06/1999	99/00949/NPUB	Noise on Thursday night	Not substantiated
20/12/1999	99/02240/NPUB	Loud music Fridays and Saturdays	Not substantiated
14/02/2000	00/00276/NPUB	General noise from premises	Not substantiated
07/08/2000	00/01868/NPUB	Noise from loud amplified music	Resolved by discussion with Mr Uddin
14/08/2000	00/02105/NPUB	Amplified music	Substantiated and abatement notice served on premises
05/04/2001	01/00646/NPUB	Noise from smashing bottles	Resolved by informal discussion with Mr Uddin
18/12/2001	01/02402/NPUB	Amplified music from marquee	Not substantiated
22/07/2002	02/01737/NPUB	Out of hours noise complaint (no details recorded)	Resolved by provision of advice
16/08/2004	02/02339/NDPART	Out of hours noise complaint (loud music from noisy party)	Substantiated and abatement notice served on premises (trading as Tiger Cubs)
05/09/2005	05/01515/NPUB	Loud music reported to out of hours by Thames Valley Police	Resolved by informal dialogue
27/06/2016	16/01666/NSMUS	Amplified music on Sundays	Resolved by informal dialogue
8/08/2020	20/01712/NSMUS	Entertainment noise from the premises Noise associated with patrons	Noise abatement notices served Noise making equipment seized Premises Licence revoked

The shaded cells in Table 1 illustrate that this premises has been subject to four separate sets of statutory noise abatement notices.

- 1.7 In the summer of 2021 the Council received a number of applications for a Premises Licence in connection with 74 Oxford Road most of which were deemed by the Licensing Authority to be technically invalid. However, on the 25<sup>th</sup> of June 2021 a valid application was made – the applicant seeks a licence to permit very similar activities, and at times, as the revoked Premises Licence 09/00460/LAPRET.

Following a review of the contents of this application and an external inspection of the premises (as permitted by a warrant granted to me in connection with the Environmental Protection Act 1990) on 6<sup>th</sup> August 2021, I made a Representation to the Licensing Authority recommending that a Premises Licence is not granted on the terms sought – see Appendix A.

I have sought to engage with the applicant with view to securing amendments to the application that would, in my opinion, promote the licensing objectives set out in the Licensing Act 2003. This offer has not been explored by either the applicant or their agent to date.

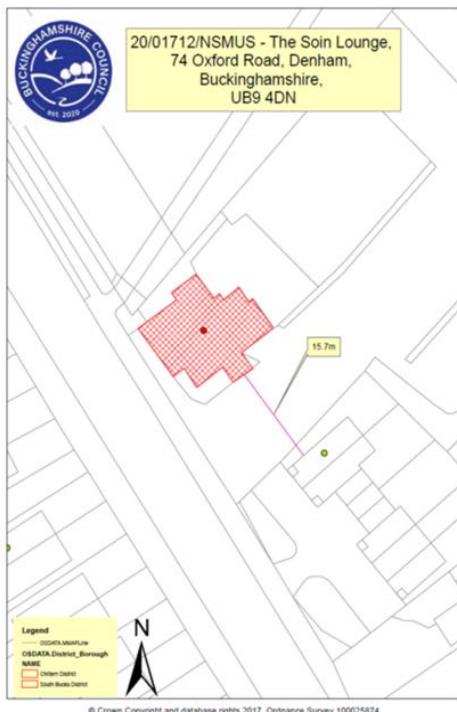
## 2. Key factors relating to the promotion of licensing objectives

Since application 21/00813/LAPRE seeks authorisation from the Council to permit regulated entertainment until 1 am, seven days per week, and 2 am once per week (plus Christmas eve and New Years eve) I have carefully considered the physical factors that I believe will heavily influence the practical promotion of the *prevention of public nuisance* licensing objective – see below.

### 2.1 The physical location of the premises vis-à-vis dwellings and local noise climate

The structure in which the proposed regulated entertainment will be undertaken is in very close proximity to dwelling houses – see Map 3 and 4 below:

Map 3: the distance between the building and the nearest noise sensitive receptor (72A Oxford Road) – 15.7m

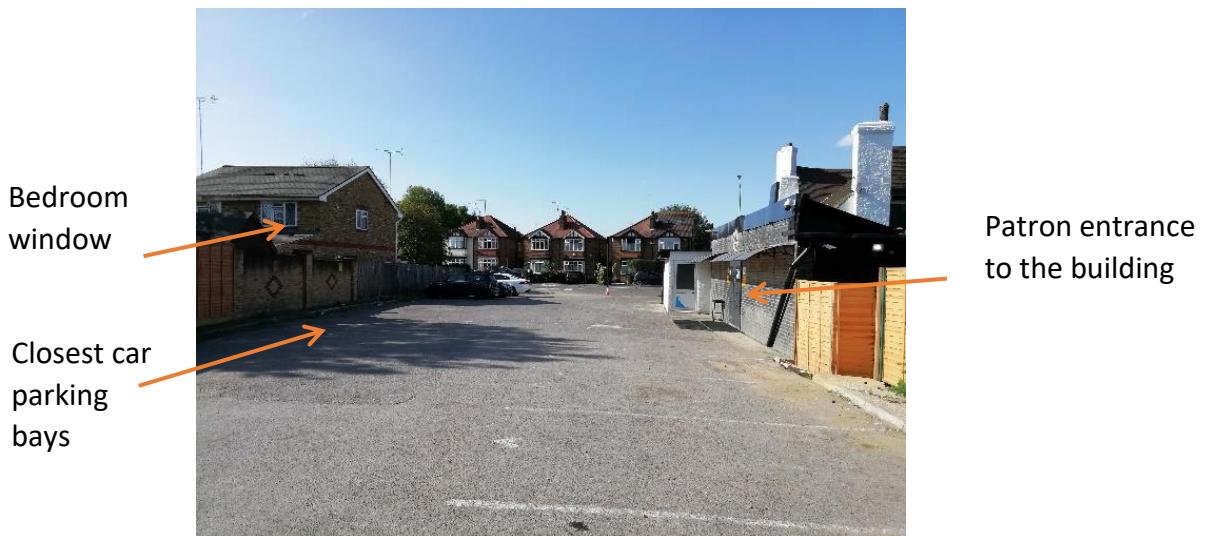


Map 4: the distance between the building and other dwellings on Oxford Road – 28.4m

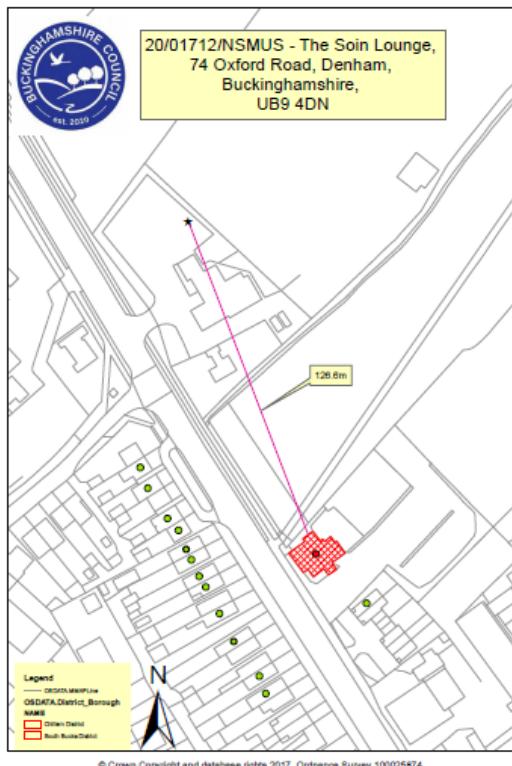


Furthermore, the patron car park is even closer to the nearest dwelling house, being less than 2 metres from its façade – see Photograph 4 over page.

Photograph 4: view from the car park of 74 Oxford Road



During my enquiries concerning noise and other disturbance last year relating to 74 Oxford Road (with essentially the same structure as the current building) music noise associated with regulated entertainment could be heard over 126 metres away thereby illustrating the potential physical scope of disturbance to the community – see Map 5 below:



Map 5: Illustration of distance between the façade of the building at 74 Oxford Road and the car park of the Saint Francis New Denham Community Centre – 126.6 m

Accordingly, the location of 74 Oxford Road, not only in terms of the building in which regulated entertainment is proposed to take place but also the car park from which patrons will leave, is far from ideal in the context of a business with an operational nature similar to a night club.

Whilst background noise levels in the area during the day (07:00 to 23:00) are relatively high due to road traffic, these levels fall significantly after midnight. Indeed, between 1 am and the proposed terminal hour of licensable activity as set out in the application, road traffic on Oxford Road declines to around one vehicle every 5 minutes; this results in negligible levels of masking noise.

## 2.2 The structure of the building and its resistance to the passage of sound

The main structure of the building situated at 74 Oxford Road was constructed over 80 years ago and is listed. It is reasonable to assume that it was not designed or built with noise control in mind as amplified entertainment, such as music, was not a common practice at the time of its construction. At the Review hearing in November 2020 I did ask Mr Moyn Uddin, the Designed Premises Supervisor (DPS) and co-liscence holder at that time who had a familiarity with the building spanning a period of over 20 years, about any noise control features of the building and he was unable to furnish the Panel with any such information. Again, it is reasonable to assume that the fabric of the building was not modified, post its original construction, to accommodate noise control measures linked to electronically amplified entertainment.

In 2020 an annex was added to the rear elevation of the main structure which was not in conformity with the Local Planning Authority's approved plan arising from application PL/19/1728/FA ('*Single storey covered canopy at rear and associated alterations to the rear façade of the listed building*'). The approved plans show that the rear elevation of the extension was to have a solid continuous façade with windows rather than full span shutters that were *actually* installed – see Photograph 2A and 2B. This particular aspect of this unauthorised development materially degrades the performance of the lounge area from a noise control point of view. When open (even to a limited degree), this substantial structural opening would permit the unfettered emission of acoustic energy in to the local environment.

The construction of the façade containing the main entrance also departs from the approved plans as regards the wall/ceiling area: the façade above the main wall is of a very lightweight construction and immediately behind it is a void that directly communicates with the lounge area below where regulated entertainment is proposed to take place – see Photograph 5 over page. The construction type used *significantly* weakens the noise insulation properties of this façade too.



Photograph 5: view of upper side façade construction as seen from rear of 74 Oxford Road

Beyond the physical inadequacies of the structure (in the context of controlling regulated entertainment noise) during my last inspection of the building there was no noise control technology employed at the premises to limit the emission of noise from the structure such as an electronic noise limiter fitted to the sound reproduction system or sensors attached to external doors, windows, or shutters that would curtail such entertainment when there were open. As I understand it, no such systems of control are currently installed.

### **3. Analysis of Compliance Risk**

- 3.1 My Representation principally relates to the prevention of public nuisance licensing objective as set out in Section 4(2)(c) of the Licensing Act 2003. Guidance issued by the Secretary of State under Section 182 of the Act (dated April 2018) states that the use of the term public nuisance in the context of local authority licensing retains its broad common law meaning. In this case I have been guided by the Attorney-General v PYA Quarries 1957 judgement and, in particular, the comments of Lord Denning in that case:

*"I prefer to look to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large."*

The Licensing Act 2003 places a duty on the Licensing Authority to exercise its powers with a view to promoting the licensing objectives, one of which relates to the prevention of public nuisance(s).

In considering this application I have used a compliance risk assessment methodology that seeks to initially establish the gross (i.e. unmitigated) risk of the creation of a public nuisance associated with licensable activity, and secondly to assess the effectiveness of any proposed control measures to arrive at an assessment of the net, overall, risk of compliance with the above statutory objective.

The gross risk of non-compliance is very high indeed for the reasons cited in sections 2.1 and 2.2 of this Representation in the context of the proposed Operating Schedule, i.e. regulated entertainment throughout the week until the early hours of the morning in a structure that was very unlikely to have been designed or built to contain elevated noise levels. This structure has a particularly inadequate rear annex (in terms of its resistance to the passage of noise) where the regulated entertainment is proposed to take place. All of this would be important in any application, but it is made all the more critical given the close proximity of 74 Oxford Road to dwelling houses, the number of which easily meets the test set out in the Attorney-General v PYA Quarries 1957 judgement, above. Indeed, the Operating Schedule largely mirrors that associated with the premises last year which occasioned such significant and persistent nuisance to the local community.

I now turn to the control measures set out in the proposed Operating Schedule. 60 site specific (*sic*) conditions have been proposed in the application pack but they are not set out, as the prescribed form encourages, in terms of their relevance to each of the four statutory licensing objectives. Accordingly, it has been difficult for me to assess the likely effectiveness of these measures in the context of the prevention of public nuisance.

Furthermore, some of the proposed conditions do not appear to be relevant to this particular premises or have been made with this premises in mind (for example condition 34 and 40).

I have reviewed the proposed conditions explicitly cited as '*Preventing noise and Public nuisances*' and make the following observations:

Proposed condition no.	Observation
38	An open door will significantly reduce the noise control properties of the façade in which it is situated. In this case, the main entrance door faces the nearest residential property and is likely to be open frequently during the course of the night time trading period for the access/egress of customers. It therefore offers a poor level of protection to the community.
39	This is vague and does not provide a specifically enforceable control measure.
40	It is unclear which type of device the applicant has in mind and therefore it is difficult assess its likely performance in practice.
41	The attached premises plan does not show the location of speakers.
42	It is not clear where these features are to be fitted. For example, the main customer entrance does not have an acoustic lobby.
43	This is vague and does not provide a specifically enforceable control measure.
44	It is not clear what this condition seeks to achieve.
45	This is a reasonable condition.
46	This condition does not appear to relate to this premises or proposed trading model.
47	The site plan does not show where the designated smoking area will be located – this may be significant if it is situated adjacent to 72A Oxford Road.
48	This is a reasonable condition.
49	It is not clear how the proposed limit will have a bearing on the emission of noise.

I believe that only two of these proposed conditions are clear, relevant, and enforceable in their current form; overall they illustrate, in my view, an inadequately thought through set of control measures.

Accordingly, the net risk of non-achievement of the prevention of public nuisance licensing objective remains very high.

#### **4. Conclusion and Recommendations to the Licensing Panel**

I believe that the evidence provided within this Representation demonstrates that the current construction of the building at 74 Oxford Road, its orientation, and the spatial proximity (including associated car park) to residential properties makes the practical achievement of the *prevention of public nuisance* licensing objective very challenging. In particular, the practical control of noise associated with patrons when they leave 74 Oxford Road is an additional difficulty given that it will, according to the proposed Operating Schedule, occur a) during the early hours of the morning, b) in the open air, and c) when background noise levels are typically low. This is likely to be an insoluble problem.

I particularly wish to draw the Licensing Panel's attention to the history of regulatory activity associated with noise nuisances arising from 74 Oxford Road: it has been cited in four sets of noise abatement notices (none of them were subject to an appeal) illustrating the fundamental unsuitability of this premises for licensable activity at night.

**The application, as it stands, does not promote the prevention of public nuisance licensing objective in my opinion. Whilst it is clearly a matter for the Panel to determine this matter, I would nonetheless respectfully invite it to refuse this application in this instance.**

However, should the Panel be of the opinion that 74 Oxford Road can sustain, in terms of the promotion of the licensing objectives, some licensable activity then I would respectfully suggest that it uses its powers as set out in Section 18(4) to:

- i. Limit all licensable activity to no later than 23:00 with some very limited exceptions as regards Bank Holidays, etc.
- ii. Require that the premises closes at 23:30 with some very limited exceptions as regards Bank Holidays, etc.
- iii. Limit licensable activity to the structure situated on 74 Oxford Road so that no such activity can take place outdoors.
- iv. Prohibit all regulated entertainment at the premises.
- v. Revise the current Operating Schedule conditions – please see APPENDIX B for set of suggested conditions relating to the *prevention of public nuisance* licensing objective.

Signature of Officer

Capacity

Environmental Health Officer

Date

16<sup>th</sup> September 2021

## APPENDIX A: REPRESENTATION AGAINST GRANT OF PREMISES LICENCE



**Directorate for Planning, Growth and Sustainability**  
King George V House, King George V Road, Amersham, Bucks HP6 5AW  
[envhealth.csb@buckinghamshire.gov.uk](mailto:envhealth.csb@buckinghamshire.gov.uk)  
01494 732058  
[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

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Mr M Bruver	Dealt with by:	Andrew Godman
Licensing Authority CSB Area	Direct Line:	01494 732934
Buckinghamshire Council	Your Ref:	21/00813/LAPRE
Amersham	Date:	31 <sup>st</sup> August 2021
Buckinghamshire	Our Ref:	21/01780/LIAPPL
HP6 5AW	Email:	<a href="mailto:Andrew.Godman@Buckinghamshire.gov.uk">Andrew.Godman@Buckinghamshire.gov.uk</a>

### ----- BY EMAIL -----

Dear Mr Bruver  
Licensing Act 2003  
Re: Premises Licence application – 74 Oxford Road, Denham, Buckinghamshire

I acknowledge safe receipt of the Premises Licence application documentation (including proposed Operating Schedule) as regards the above premises.

I am an authorised officer of the Council as set out in Section 69(2)(d) of the Licensing Act 2003. I fulfil the duties of a Responsible authority as defined by Section 69(4)(e) of the Act in terms of the Council's statutory functions associated with the minimisation or prevention of risks associated with pollution to the environment or harm to human health.

I have reviewed the proposed Operating Schedule in the context of what steps, if any, are appropriate for the promotion of the licensing objectives as described in Section 4 of the Licensing Act 2003 and wish to make a Representation against the granting of a Premises Licence at this time.

The proposed Operating Schedule identifies the provision of regulated entertainment, the provision of late night refreshment, and the supply of alcohol which, if unmitigated, would not in my opinion promote the *prevention of public nuisance* licensing objective.

#### Inadequacy of the steps cited in the proposed Operating Schedule

Many of the control measures cited in Part 3 of the application (the proposed Operating Schedule) are necessary and, in principle, go *some* way to securing the prevention of public nuisance licensing objective as stated in the Act. However, the current wording of these measures do not permit their direct translation into relevant, clear, and enforceable licence conditions that reflect the *Crawley Borough Council v Attenborough 2006* judgement and

consequently, in my view, currently amount to a set of *unreliable* control measures in their current form.

**Additional steps and other control measures necessary to promote the Licensing Objectives**

Notwithstanding my comments, above, the application documentation does not contain *all* of the steps that I believe are necessary in order to promote the prevention of public nuisance licensing objective *in practice*. Specifically, the provision of regulated entertainment and the trading hours of the premises as set out in the proposed Operating Schedule give me considerable cause for concern due to the following:

- The proximity of the premises (including patron car park) to dwelling houses
- The inadequate fabric of the structure of 74 Oxford Road in the context of noise control
- The provision of licensable activities into accepted sleeping hours (i.e. 23:00 to 07:00)
- The inadequacy of managerial control measures as demonstrated by similar trading activity in 2020

Accordingly, I see the following additional measures as being necessary and proportionate in this instance:

- 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

**The way forward**

I have provided a copy of this document to Mr Selvaraj, the applicant, so that he may contact me to discuss my concerns with view to arriving at a mutually agreeable revised Operating Schedule. If, however, no such agreement is reached then I am mindful that this matter will be subject to formal determination by a full Licensing Sub-committee of the Council where I will be permitted to expand on my comments above.

Yours sincerely,



Andrew Godman  
Environmental Health Officer

cc Mr A K Selvaraj (Applicant)

## **APPENDIX B: Proposed Operating Schedule conditions**

Licensing Objective	Suggested condition
The prevention of public nuisance	All staff including contract door supervisors shall be briefed and be aware of their responsibilities including contents of the Premises Licence and associated Operating Schedule, the powers of entry associated with officers of the Licensing Authority and Responsible Authorities, and relevant operating procedures before they commence paid duty at the premises.
The prevention of public nuisance	Queuing outside the premises shall be restricted to a designated area located at [area to be marked on revised PL plan].
The prevention of public nuisance	Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by licensed door supervisors to ensure that there is no public nuisance.
The prevention of public nuisance	Clear legible notices shall be erected on the Licensed Premises requesting patrons to keep noise to a minimum and to respect local residents when entering or leaving the Licensed Premises and the area.
The prevention of public nuisance	A notice shall be clearly displayed inside the Licensed Premises to request staff and patrons to advise drivers not to use their vehicle horns and entertainment systems in the vicinity of the Licensed Premises.
The prevention of public nuisance	All reasonable steps shall be taken by the Licensee or his representative to ensure that people entering or leaving the Licensed Premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the Licensed Premises.
The prevention of public nuisance	The Licensee or his representative shall ensure rubber matting and handling aids are used in the movement of barrels, kegs, cylinders, bottles etc., to help reduce the noise emanating from such movements to a minimum.
The prevention of public nuisance	All refuse and bottles shall be disposed of by the Licensee or his representative in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside the building structure of the Licensed Premises between 23.00 hours and 07.00 hours.
The prevention of public nuisance	No alteration shall be made to the Licensed Premises either in construction, arrangement of public accommodation or exits without the prior notification in writing to the Licensing Authority at least 21 days prior to any such proposed alteration.
The prevention of public nuisance	No deliveries shall be made to the premises between 19:00 and 08:00.
The prevention of public nuisance	Refuse shall be collected from the premises only between the hours of 08:00 and 19:00.



**ENVIRONMENTAL HEALTH**  
Housing and Regulatory Services

**Directorate for Planning, Growth and  
Sustainability**

REPRESENTATION ON PREMISES LICENCE APPLICATION

YOUR REF: 21/00813/LAPRE	DATE: 12 August 2021
ADDRESS: 74 Oxford Road New Denham Denham Buckinghamshire UB9 4DN	To: <a href="mailto:licensing.csb@buckinghamshire.gov.uk">licensing.csb@buckinghamshire.gov.uk</a> From: <a href="mailto:nick.phillips@buckinghamshire.gov.uk">nick.phillips@buckinghamshire.gov.uk</a>

To The Licensing Authority

**Premises Licence Application – 74 Oxford Road New Denham Denham  
Buckinghamshire UB9 4DN**

I refer to the application for a Premises Licence for 74 Oxford Road New Denham Denham Buckinghamshire UB9 4DN. On behalf of Environmental Health I would like to make a representation on the grounds of crime and disorder as the application seeks to operate as a shisha café in the area marked 'Shisha/Dining Area' on the submitted plan which is required to be 'smoke-free' under the Health Act 2006 because the permanent openings in the walls (not including doors, shutters, windows) are less than half of the total areas of walls.

Although this legislation primarily concerns the protection of the public (including staff) from risks to health from second-hand smoke, it is a criminal offence to contravene the Health Act 2006 and therefore shows non-conformity towards the crime and disorder licensing objective.

**Nick Phillips**  
Senior Environmental Health Officer  
For Housing and Regulatory Services

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### THE LICENSING ACT 2003 SECTION 5(3) CONSULTATION

<b>LICENSING REFERENCE:</b>	FOR ATTN: Licencing Team		
<b>PLANS NO:</b>	Yes		
<b>DATE RECEIVED:</b>	22/07/2021		
<b>Premises Address:</b>	Maya Tandoori Restaurant, 74 Oxford Road, New Denham, Denham, Buckinghamshire UB9 4DN		
<b>OUR REF. (FILE NO).</b>	S2352	FSEC Cat.	Licensing

#### SECTION A – THIS AUTHORITY DOES WISH TO MAKE “RELEVANT REPRESENTATION” UNDER THE FOLLOWING SECTION OF THE ABOVE ACT

- Application for a premises licence under section 18(6) and 18(6)b
- Variation of a premises licence under section 34 and or section 35(5) or 36(6)
- Application for a club premises certificate under section 72(3)
- Application for variation of a club premises certificate under section 85(3)
  
- 

#### THE GROUNDS FOR “RELEVANT REPRESENTATION” ARE: -

The plans submitted did not provide sufficient information to determine if fire safety provisions in place are sufficient. A suitable & sufficient fire risk assessment must be completed by the Responsible Person in accordance with the Regulatory Reform (Fire Safety) Order 2005, furthermore we require an appropriate fire alarm system which is properly tested, serviced and maintained by a competent person in accordance with BS 5839-1 and provide and install appropriate emergency lighting in accordance with BS 5266 Part 1.

Due to inward opening doors indicated on the plans submitted from the Shisha/Dining Area, the occupancy is required to be limited to a maximum of 60 people.



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Signature and Role of officer: Katie Kolb Date 02/09/21

Correspondence address: Buckinghamshire Fire & Rescue Service  
Marlow Fire Station  
Parkway, Marlow  
SL7 1RA

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Telephone Number	Office 01628 470640	Mobile 07919 057880
Email address	kkolb@bucksfire.gov.uk	

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**1.**

**Name:**

**Email:**

**Address:** , New Denham, Denham, Buckinghamshire UB9

**Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Crime Objections
- Noise Disturbance
- Opening Hours
- Public Nuisance
- Public Safety
- Traffic

**Comments:** 5:38 PM on 23 Aug 2021 The last time this lounge was open my 18yr daughter was followed and harassed by 4 men that had come out the lounge at 12 o'clock she was walking home from work in Uxbridge. We had constant cars driving at high speed up and down Oxford Rd late at night all coming out the lounge. We had cpls having sex opposite our house in full view. We had people leaving the lounge and smoking drugs outside our home and when I approached them I was met with verbal abuse. Constant drug paraphernalia outside in the street left by patrons of the lounge. Fights outside the lounge with security staff and patrons of the lounge. Excessive loud music even with good windows the bass would rattle through the house. We are house with 3 keyworkers being kept awake until 1am is unacceptable, we start work most days at 6 or 7 and to be kept awake is completely unacceptable, we pay good money to the council and expect them to uphold good standards for us to live in.  
This objection is for myself, , and .

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**2. To whom it may concern,**

I am writing to strongly object to Soin Lounge in New Denham renewing its licence. I live in Road. I have an 11 month old and a 2 year old. We regularly walk round the block down and along and our local postbox is at the end of . Since the start of Soin Lounge opening, on this regular walk we were greeted with hundreds and hundreds of gas canister drugs all over the floor. My two year old at one point picked these up to ask me what they were. As I am sure you can imagine, not only is this a huge environmental health issue, but it is not a conversation that I wish to expose an infant to. These groups of customers would walk from Soin Lounge and congregate at the top of to engage in this activity.

The music was a disturbance even from our distance away. I cannot imagine what is it like for residents completely adjacent or opposite the property. It is a complete disturbance to our family life.

The people that gathered in the car park - and out of the car park all over the roads - was outrageous. They were loud, rude, using foul language, leaving litter and completely disturbing the peace of the area. It was absolutely anti social behaviour. As a local resident I was intimidated when driving past during late hours and would try to avoid using that route if necessary.

Very sadly, the fact of the matter is that if this licence is approved, then we will have no choice but to try and move out of the area. We are so happy here; we have lovely neighbours and feel safe in our close. But there is no denying that when Soin Lounge opened and began operating at those hours with such anti social behaviour, that feeling was very much compromised. I would never let my partner walk our dog when it became dark because of the groups that gathered. I would please urge you to consider stopping this application for the safety of residents and children in our small area. I do not wish for the residents of New Denham to have to return to living with such disturbance and intimidation. This is our home.

Kind regards

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**3. Reference Ref: 21/00813/LAPRE**

74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN

Premises licence application

Dear Sirs

I am writing to express formal representations in respect of the above application.

I am a resident of \_\_\_\_\_ Road, Denham, South Bucks having lived here for over 20 years. I live here with my wife and three children. During recent times the venue above was taken over and operating as a business called SOIN lounge.

With the current application requesting live music to be allowed till 0200 on Saturday and recorded music to be played till 0100 every day indoor and outdoor in the beer garden, alcohol to be served till 0200, if granted this will effectively be allowing the licence holder to operate the same as it was being operated previously.

The previous licence had very similar licence terms as those that have been applied for and the conduct, behaviour, problems and unlawful acts that took place whilst this business was operating caused a huge public nuisance, a significant drain on local authority resources, created a hellish environment which local residents were forced to tolerate and resulted in unsavoury characters visiting and loitering for extended periods in the near vicinity.

The extent of the problems were so extreme that various regulatory units including licencing, building planning, fire, police were involved and the business received numerous notices and a fine due to continued breaches of regulations and licence conditions. The business seemingly continued without regard for any authority involvement, the noise nuisance was unbearable, all problems continued and it was only resolved once the decision from the licensing review was given and officially served.

I think it is crucial to highlight that the venue which is seeking these licence conditions is set in the midst of a residential area, it has approximately 45 residential homes surrounding it alongside and directly opposite in the immediate vicinity. These homes are mainly comprised of 3 bedroom semi-detached properties indicating that demographic makeup is predominantly families. Many of these families have young children.

This area is totally unsuitable for a such a business to operate due to the residential environment aside from the obvious concerns it raises due to the violence, indecent sexual conduct of its patrons, dangerous driving, noise pollution, air pollution, antisocial behaviour, drugtaking and related behaviour. It must be factored in that this area is unsuitable for any nightclub / shisha lounge / bar as it is a residential area occupied by members of the public and children. It is not served well by public transport links meaning most patrons would most likely drive to it in order to partake in its entertainment and refreshments. This clearly means that upon leaving there is a significant risk of drink drivers. If you have access to the previous records, you will note that the previous patrons were leaving and drinking bottles of alcohol which they were sharing with each other upon leaving.

If granted this licence would encourage more of the same problems and have a negative impact on the local community and the lives of all residents in the area.... young children, students, mature retired residents and all in-between.

This licence must be refused so as to prevent crime and disorder, reduce risk to public safety, prevent the public nuisance it has caused most recently and to protect children from harm. All of these have been evidenced in great detail previously.

I have enclosed my previous representation for your ease of your viewing and reference as required.

Denham,  
UB9

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Date 26/09/20  
Reference **SOIN LOUNGE – Review of a premises licence**

Dear Sirs,

I am writing to express formal representations in respect of the review of the SOIN LOUNGE licence. I am a resident of \_\_\_\_\_ Road, South Bucks having lived here for over 20 years. I live here with my wife and three children. During the time I have lived at this address I have never seen the kind of behaviour observed since the arrival of SOIN LOUNGE. I have serious concerns over the issues caused by the SOIN LOUNGE / NIGHTCLUB that opened 01/08/2020 on Oxford Road which continues to cause many problems.

#### **Mediation**

Initially I attempted to engage with the owner within its first week of business due to very excessive noise from recorded DJ music. I approached the owner calling him via phone about the noise. He asked me to go and speak to him in person. Upon going to the door security went and called him out. He came outside the nightclub and stated he was the owner. He requested I accompany him to

the boundary at the front by the main road. I tried to explain the noise was very loud and he immediately asked me where I lived. I stated on Oxford Road. Then he said he has no concern for any of the residents on Oxford Road and in his words "I don't really care to be honest". He kept repeating "there is no noise". He then started behaving in a strange manner and said he wasn't willing to do anything and walked away. His security approached me to intervene. I walked away and as I did so I was accused me of being jealous. I continued to walk away. Interestingly the owner repeatedly asked where I live during our brief interaction. Upon leaving his security came to the roadside and watched me return to my property.

I understand the owners have been approached on several occasions by other residents and behaved in a generally aggressive and intimidating manner. Any requests for them to make adjustments, such as reducing the music noise in the early hours of the morning have been ignored or mocked. Security staff are abundant and appear to be there to support the owner's assertion once he decides he doesn't want to discuss the matter any further.

I raise the following representations.....

#### **Prevention of crime and disorder**

- VIOLENCE - used by patrons and security staff, this includes security staff punching patrons, patrons fighting in the street outside after having left the venue around closing time. This behaviour occurs regularly
- PUBLIC ORDER – patrons urinating in the street whilst waiting to be granted entry in the queue, people opting to use the outside of the venue as a toilet upon leaving, cab drivers taking the opportunity to relieve their bladders whilst awaiting on fares or picking people up, all in the vicinity of the frontage of the venue or the field alongside
- INDECENCY – sexual activity taking place by patrons of the venue whilst waiting to go in.
- DRUGS – being smoked openly outside the venue by groups attending the venue

#### **Public Safety**

- COVID risk – people are sharing shisha pipes, there have been excessive patron numbers to the degree that the venue cannot permit them for some time. Over populating the venue and no apparent COVID risk management in terms of distancing, temperature checking, registration or masks observed
- DRIVING - Driving dangerously at excessive speeds, well above the speed limit. Dangerous manuevres of cars attempting to do 'U' turns having missed the venue, cars clogging up the entrance area of the car park causing backing up of patron vehicles on the road causing obstructions and people to brake suddenly or swerve to avoid collisions.
- PARKING - Cars parked on the streets around the venue taking up any available spaces in front of neighbouring properties and properties opposite
- PHOTOGRAPHY – people stopping vehicles on the road outside venue causing an obstruction whilst taking 'selfie' shots or 'posed' shots with complete ignorance and disregard to the traffic and safety of other road users

#### **Prevention of public nuisance**

- NOISE POLLUTION – patrons singing in the venue heard 40 metres away indoors, cars heard revving engines to excess levels sporadically in the early hours, typically around closing time, cars being driven at high speeds away from the venue creating excessive noise
- ASB – noise, cheering, swearing, shouting, loud verbal discussions and singing heard, caused by patrons and staff leaving the venue from early hours until around 0500

- MUSIC – recorded music and live music being played to excessive levels that can be heard outside for up to around 80 metres away. Music pollution going on till early hours of the morning upon occasion till 0330. Bass beats heard continuously thumping into the early hours.

### **Protection of children from harm**

- Due to the ongoing noise and disruption occurring around the venue this is having a significant impact on children living in the area. This affects my children preventing them being able to sleep and rest as they could before SOIN LOUNGE's opening, therefore impacting upon their behaviour, performance in school, studying and daily routines. This is harming the childrens' emotional wellbeing.
- Careless and dangerous driving as mentioned before poses significant risk to any children or frail elderly persons walking near the venue or attempting to cross the road.
- Witnessing of any indecency or violence as mentioned above would clearly have a negative impact upon any child who happens to see it.

This problem has grown week by week. SOIN LOUNGE has continued despite the service of numerous orders and its owners appear to have no respect or regard for the authority of the council, court or licencing powers that are there to monitor and control its conduct. SOIN LOUNGE is having a detrimental effect on peoples' lives, mental health & wellbeing, at the same time preventing enjoyment of residents in their homes and infringing on our human rights to private and family life.  
Page 3 of 3

### **Impact**

I am a shift worker as are two of my neighbours. I get up at 0500 frequently. Sometimes earlier for specific activities for work. Unfortunately, I cannot rest properly with this disturbance taking place. It has a negative impact on me and my work, my driving and my overall performance as I cannot concentrate well due to lack of rest and broken sleep cycles. My wife is also continuously disturbed for the same reasons. The consequence of the disturbance aggravates my wife's health condition, thus affecting her health negatively and impacts upon her long-term health issues. My children are of school age. There is no doubt this disruption will impact their rest and wellbeing negatively for the same reasons. My children are suffering from disturbed sleep, migraines and irritability. They have exams pending and this will have an impact.

### **Summary**

My family and I have suffered significant levels of stress, anxiety, sleep deprivation and disturbance since SOIN LOUNGE opened for business. Their patrons, security and staff pose an ongoing risk for the residents in the area. The owners have no regard for lawful authority or licensing or the council as evidenced by their activities. As seen their patrons are clearly willing to behave anti-socially by swearing, shouting, urinating in the street, fighting, engaging in sexual acts in public display and taking drugs. SOIN LOUNGE brings an unsavoury element to the area and this impacts upon all the residents.

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Oxford Road,  
Denham, UB9

**4.** It is with great shock that an application has been sent in to reopen another club/ drinking venue in New Denham on the premises of Soin Lounge.

I wish to appeal against this for many reasons. When Soin lounge was operating my life became truly blighted. Firstly they had a spot light than was on all night and shone directly into my front room and bedroom, however this did highlight the men openly urinating in my front garden and afterwards throwing disregarded rubbish and drugs away also in my garden.

I had to phone 999 on at least four occasions, this was due to fights breaking out and coming onto my property and up my front path, music being played so loudly that there was no chance of sleep and this regularly on a Friday and Saturday went on till 3am. Weekends for me became a real fear and I at best got three hours sleep. Cars blocking my drive way and customers shouting, swearing and excessive use of car engines. During lockdown Covid 19 regulations were openly being flouted with no social distancing and no track and tracing taking place.

A team of security was employed who would stand opposite my house and look and point at me whenever I put my rubbish out. On several times I witnessed fights between the security team and customers.

Another regular occurrence was cars racing out of the car park and up and down the Oxford Road, U turns then took place and several accidents took place with collisions into each other and near misses.

The building as you are aware is listed , however lots of work was undertaken without permission and to my knowledge as not be restored to its original state. New

Denham is a residential family area and this type of business is not suitable or wanted.

The thought of going through all this stress again is unbearable and I trust that the council will treat this matter with upmost Importance.

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**5. Date:** 22nd August 2020

Dear Sir/Madam of The Licensing Board,

Ref: Application - Grant of a premised licence, 74 Oxford Road, Denham. UB9 4DN.

Activities proposed, opening times:

Mon – Thu & Sun 12:00 – 1:00

Fri - Sat 12:00 - 2:00.

Late-night refreshment licence.

Supply of alcohol on the premise.

Live music / recorded music. Performance dance.

I am writing to oppose this action. I reside at \_\_\_\_\_ Road, Denham UB9 \_\_\_\_\_, with my Mother and Fiancée and from my home the said property is adjacent to my \_\_\_\_\_. This part of Oxford Road neighbourhood comprises of families especially with young to teenage children, and retired members of our community, therefore, this establishment conducting such activities as to a Night

Club or similar practising business with the outlined licence application would cause disturbances, nuisance and safety concerns and matters.

In recent times this property was formally known as the SOIN LOUNGE and I had encountered and experienced the effect of this kind of licence.

#### 1. Noise Nuisance

The constant loud DJ music, thumping bass, screaming, shouting, whooping, cheering, cars revving, music played from cars and wheel-spinning from exiting the car park. It is prominent throughout the night, whereby it resonates into my home, particularly the front.

#### 2. Any Social Behaviour

I have witnessed Patrons who are wilfully smoking drugs standing in groups on Oxford Road and directly in front of my home. The smoke and residues smell travels across into my home creating an unhealthy family living environment. Also, I have seen people urinating before entering the property and through the late night, especially after closing times. Fighting and arguments have occurred at the end of the night, with people sitting in cars smoking drugs with the music on. Again, I have witnessed and heard this from my home.

#### 3. Road Traffic safety

The car park is not suited nor designed for the property. I have seen cars overspill on the Oxford Road, double-parked with all wheels on the pavement, on both sides of the carriageway, risking road traffic accidents and safety for walking pedestrians, as well as, a complete disregard to the residents living in the area. At the end of the night, cars have revved, the wheel spun off, using the road as a racing point from the car park at law-breaking speeds.

#### 4. Public Safety

Such licence granted in this residential area would encourage unlawful criminal behaviours and activities, as before, with the former Soin Lounge, with the same premises licence, had caused my family and from speaking with the neighbourhood to feel unsafe in our homes.

All the above will impact my family's human rights to peacefully enjoying family life. Equality and Human Rights - Article 8 protects the right to respect for private and family life.

Finally, I would like to attach my previous documents to expand my related issues and matters.

All the above will impact my family's human rights to peacefully enjoying family life. Equality and Human Rights - Article 8 protects the right to respect for private and family life.

Yours Sincerely,

Oxford Road,  
Denham,  
Bucks.  
UB9

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6. Date 23/08/21

Reference Ref: 21/00813/LAPRE

74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN

Premises licence application – OBJECTION

To whom it will concern,

I am writing to express a formal representation with regards to the above application. I would like to object against this application from being approved.

I have been a resident of Oxford Road, South Bucks, UB9 for over 6 years. I live on my own and during August 2020 the venue to which this premises license application above is referred to is now called SOIN Lounge.

The previous license was very similar, if not exactly the same which was revoked in November 2020 due to the business breaching various licensing acts with regards to conduct, behaviour, public nuisance, noise nuisance and many more. As a resident who lives directly opposite the venue, this new application causes me great concern and wanted to share with you my personal experience as to why I oppose this premises licence for SOIN Lounge.

This license should be rejected based upon the following:

1) The prevention of crime and disorder

During the time that SOIN lounge was open, from 2 August 2020 through to when its licence was revoked in November 2020, there was numerous accounts of crime and disorder both within the premise and around the surrounding area including outside residential properties mostly late at night or early hours of the morning. Examples of this include drug use, public sexual acts, violence, with some taking place on the boundary of my property as well as dangerous driving, with potential that the drivers were under the influence.

2) Public safety

During the hours that the venue was open, the residents directly next to and opposite witnessed and recorded many acts of dangerous driving to both gain access to the venue and when patrons left. Other public safety breaches included acts of violence, anti-social behaviour and a report of a patron carrying a firearm within the venue.

3) The prevention of public nuisance

As stated above, we experienced noise nuisance until 2.30 / 3 a.m. some mornings, we recorded individuals smoking cannabis and we could smell this within my residence. There were acts of violence with many fights breaking out both within the car park and falling out onto the main street and even within the boundary of my property. We witnessed vomiting and urination within the bushes opposite my property and beside the venue. We often heard people shouting and screaming at each other as patrons left the premise within the early hours of the morning.

4) The protection of children from harm

Although I do not have children, I know that many of the residents around the venue have families including the house directly next door. They were forced to move out of the property after having to move their children from the bedrooms into other rooms so they could sleep. I also heard that when

the resident complained to the venue, they were treated with disdain and ignored. I'm sure that other properties around the venue will have children and they could be impacted by these incidents.

All of these events were gathered by residents to form a report that was sent to local authorities including licencing, building control, planning, fire and police were involved as well as meeting with our local MP, Joy Morrisey and local councillor . A huge impact to local resources and services during the time.

I believe that the individual who is applying for the same licence for this venue is a partner of the previous licence holder who breached building control and planning, noise abatement orders and licencing terms, which meant that they were prohibited from running SOIN Lounge. Our concern is that the residents around the premises will experience the same levels of crime, disorder and public safety concerns that we did during 2020. The experience resulted in me personally being fearful of leaving my property, impact to my sleep and wellbeing and if the situation had continued, I may have been forced out of my home, which would create a huge financial burden for me.

I ask that you take into account the lives of those affected by SOIN Lounge and help us to not go through this again. This license must be refused to prevent crime and disorder, reduce risk to public safety, prevent public nuisance and protect any children from harm as stated above with evidence presented in great detail.

I have also enclosed my previous representation as reference.

Thank you,

Oxford Road, Denham, Bucks, UB9

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**Impact Statement:**

Date: 8th October 2020

Dear Sir/Madam of The Licensing Board,

Ref: Noise Nuisance - Soin Lounge, 74 Oxford Road, Denham. UB9 4DD

I live at road, Denham, Uxbridge, UB9 on my own and have lived here for over 5 years now. It has been a generally peaceful 5 years I have resided here, that is of course until the Maya restaurant across the road from me has now turned into Soin Lounge, which happened on the 1st August 2020. Since then, I've experienced on my doorstep, nothing but grief consisting of anti-social behaviour, noise nuisance, drug abuse, dangerous driving and cars parked constantly blocking the pavements that we walk on and access to my driveway.

Soin Lounge at from my house. My front bedroom and living room can hear all of the nuisances on a daily basis, but in particular from 8pm to around 2:30am on Thursday, Friday, Saturday and Sunday evenings.

This establishment to me can only be described as a nightclub. I've actually been in there myself with friends on a Saturday evening, so I can personally say, that is exactly what it is, a nightclub. There was smoking of cigarettes within the building (I thought this was illegal since 2006). Shisha pipes being shared (surely a breach of Covid 19), and very loud music. To the extent that I had to shout to

speak to my friend sitting next to me. If it was that loud when I was in there, imagine listening to that music at 2am every weekend from my house. It's not something I signed up for when I purchased my property.

1) Parking issues and road traffic – the car park often is full and overspills onto Oxford road. I have a driveway where I park my car and I often attend the gym in the evening. Whereby to find my driveways is often blocked by patrons from Soin Lounge. This must be stopped immediately. Then when patrons leave, they speed off like the wind racing down Oxford Road. Note, there are no speed bumps or speed cameras on our road where the car racing happens after they have been to Soin lounge.

2) Anti-social behaviour – I've pretty much seen it all and have the evidence on my CCTV to show for it. A fight on the pavement with a 3 on 1 situation. Smoking on marijuana across the road where the smell is blown in through my windows during the month of August. People drinking in their cars before going to Soin lounge then leaving the litter on the floor. A couple having a domestic argument across the road from my house then the security staff from Soin lounge being involved in an entanglement. The police haven't done anything about it when its been reported. How much before someone takes something into their own hands?

3) Noise nuisance – the noise from above two points is bad enough. But we must add on the constant bass thumping from there speakers. How can anyone sleep in our area? I'm the youngest homeowner around here and it annoys me when I'm trying to sleep.

4) Working from home – I now have been ordered to work from home by the prime minister during this global pandemic. I work for a global firm and sometime that means I must work in the evening or during the night. With the points raised above, how am I supposed to work from home? The answer, I can't. The noise affects me and I'm unable to concentrate on basic tasks from the nuisances mentioned above.

Everything mentioned above has affected my human rights. And the environmental department and licencing board need to act immediately! My safety as a person has been massively affected now as a human. I don't have a home full of people where I have that protection. I have myself and nobody else. Where we've had gangs of patrons outside my house fighting towards my property and my vehicle, it now endangers me. This causes me:

- Anxiety
- Sleep deprivation
- Unneeded emotional stress

This should give you some insight into what Soin Lounge has done and impacted my life. I hope that you, the Licence Board, can take appropriate action against the Soin Lounge to give back what I once had.

The Equality and Human rights act – article 8 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. This is certainly not happening as of now.

I look forward to hearing from you.

Yours sincerely

Oxford Road, Denham, Uxbridge, UB9

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## **7. Dear Licensing Team**

We are writing to object to the premises license for 74 Oxford Road, New Denham, UB9 4DN.

Our concerns under your licensing objections are:

1. The prevention of crime and disorder - this is a densely populated residential area and there are houses less than 10 metres from the premises. When people are leaving (at the ridiculous hours on the application) there is the potential for fights and damage to cars parked outside our houses. There is the potential for illegal parking along the pavement as the car park is not large enough causing us to walk along the main road A4020 that goes into Uxbridge.
2. The prevention of public safety - the hours in application are too late in a residential area. There is the potential for dangerous driving as people are leaving the venue so late in the dark.
3. The prevention of public nuisance-there is the potential for noise nuisance due to the the late timings of the live & recorded music, that will be harmful to us. How am I supposed to sleep (with the late noise) and then go to work the next day caring for women and their babies as I am a midwife.
4. The protection of children from harm - I don't want my children to witness drunken people leaving the venue with the potential for acts of public indecency as there were with the previous premises with the same opening hours.

Please consider our objections and we are happy to attend the licensing hearing.

Kind regards

Oxford Road  
New Denham  
UB9

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## **8. To whom it may concern**

I write with regards to the licence application detailed above.

I have lived 74 Oxford Road for the last 28 years, during which time I have seen the premise change hands many times. However, each resultant business trading from the premise, be it a Public House or restaurant, has operated with due consideration of the fact the area is densely populated with young families, many of whom have also lived here for years. By this I mean, the trading hours of the business have been commensurate with a residential area, with the latest closing time being 23:00hrs, as is typical of many hospitality businesses.

The proposed operational hours in the application made by Mr Ashok Kumar Selvarj, whereby the earliest closing time is 24:00hrs on a Monday and either 01:00hrs or 02:00hrs on the other 6 days of the week, clearly shows the lack of consideration Mr Selvarj has for our community, especially when the application is looking for approval to the sale of alcohol, and the playing of recorded music externally till 01:00hrs, 7 days a week. These are not the hours of a responsible, community serving

hospitality operation, rather that of an out-of-town nightclub, something I find totally inappropriate given the densely populated location of New Denham.

I have never before objected to how 74 Oxford Road has been operated, far from it. I believe 74 Oxford Road needs to reopen in order to serve the wider community of New Denham, however, I cannot stand by and ignore the need to raise my objection to this licence application given its proposed mode of operation.

In summary:-

I believe the approval of the proposed licence will result in an increase in crime & disorder, due in the main to the type of clientele likely to find favour with the late hours of operation proposed, as has been the case when a similar late hours business operated here previously.

I understand elements of the 'new' build of the property do not comply with Building Regulations and therefore pose a Health & Safety risk to both patrons and the wider community.

As evidenced previously, when the property operated similar hours, the area immediately around the building, and long the adjacent Oxford Road, has seen many examples of high exuberance with exiting patrons driving their cars at high speed along the Oxford Road, a road with a maximum speed limit of 30mph.

The late operation proposed will inevitably result in noise pollution as patrons discharge from the property, and, given the car park's location adjacent to residential properties, disrupted sleep is inevitable for those immediately adjacent, in front, and to both sides and behind the property.

I trust on reading this objection, and those of other residents I know to be objecting on similar grounds to me, the Licensing Department of the Council will make the right decision to reject the application of Mr Selvarj. As mentioned, I have no objections to a hospitality facility at 74 Oxford Road, just the one proposed that has real potential to do untold hurt to our community here in New Denham. Approval of the licence will result in our community suffering nightly disturbance, as previously demonstrated when the property was operated as a late night/early morning entertainment venue. Surely this can't be allowed to happen again, not if the Licence Department is listening to the residents it is there to serve fairly.

Yours sincerely

, Oxford Road

UB9

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#### 9. To whom it may concern

We at number    Oxford Road would like to Oppose the Application for the premises licence at 74 Oxford Road [Soin Lounge]

The council previously spent hours gathering evidence against the premises when it was last open,

An establishment with any kind of alcohol, late night, live entertainment, music or "shisha" causes so many issues as it did in the past and would be unavoidable should a licence be granted

Noise, including music, fighting, shouting, swearing, damage to property and noise from vehicles attending the address as well as people arriving or leaving on foot

Anti social behaviour including crime, litter and sexual indecency, as well as drug use and urinating and throwing up

I am also under the impression that the structure itself was erecting without proper planning permission

There is a massive problem with parking whenever the establishment is open and this causes issues for us to park or even to gain access to our properties via car

There is also issues with road safety with clear drink driving and also dangerous and reckless driving resulting from the clients of such an establishment

When the soin lounge was open previously is greatly affected our mental health which impacted our private and work lives.

There are a lot of young families, young children, elderly people, pets who's lives are dramatically disordered by any type of establishment such as a bar or anything of that nature opening up on the road so close to peoples homes.

The building actually overlooks my property limiting the privacy in our own home as well as well as promoting crime in a way of burglary or vandalism as it would be clear to anybody within soon lounge whether or not we were at home

It is important that no license is granted to prevent crime and disorder, public nuisance, and to ensure safety of public and protecting children from harm.

no business like this ie a nightclub /shisha lounge / bar is acceptable here due to the residential environment and demographic...children and families makeup of the local residents as well as the affect it would have for any of us on resale

Kind regards

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**10. To whom it may concern,**

I am commenting to express my concern at the prospect of the Soin Lounge being allocated a late licence until the early hours of the morning.

Before I give my reasons, I would like to point out that the owner Mr Uddin has not made the application. He was deemed to be unfit to hold a license "*The authority chastised the venue's licence holder Mr Moyn Uddin for his 'cavalier attitude', adding he is "clearly not fit and proper to hold such a licence and has no understanding or regard for licensing legislation".*" Since starting Soin Lounge, Mr Uddin as had complete dis-regard for rules and regulations. Additions were added onto the property as 'smoking shelters' but they were rooms and the license used from two owners before which had different stipulations etc. Mr Uddin has not got what he wanted and now this application is in another name.

[https://www.bucksfreepress.co.uk/news/18867304.soin-lounge-denham-licence-pulled-following-illegal-activity-covid-breaches/?fbclid=IwAR2iePYJhJCz7nVt5tYDJuAmbUll\\_bFHyPX5EyYTu5-TjX0wFF\\_F3j9Y](https://www.bucksfreepress.co.uk/news/18867304.soin-lounge-denham-licence-pulled-following-illegal-activity-covid-breaches/?fbclid=IwAR2iePYJhJCz7nVt5tYDJuAmbUll_bFHyPX5EyYTu5-TjX0wFF_F3j9Y)

We live in a residential area and are used to a quiet environment at night apart from the cars travelling along the Oxford Road. There are families with children who require their sleep to be

ready for the day ahead and ensure their emotional wellbeing. Opening until 1am Sunday to Thursday is just unacceptable and until 2am on seasonal variations eg Christmas Eve is ridiculous. Soin Lounge is not in a commercial area. Loud music and cars beeping and revving their engines in the early hours of the morning is impacting the residents, and their parking along side streets and on pavements is dangerous. I live in Newtown Road and, although we cannot hear the noise directly, I worry about the impact of a 'nightclub' in the area where I live with my two young daughters eg potential drug use, violence etc.

The license at the property was originally allocated when it was Tiger Cubs so that they could have the occasional performer eg Elvis tribute night. It was also for live music only for the odd event. When Tiger Cubs became Maya, they did not use the licence for that purpose. The license was passed to Soin Lounge, without a new application, which they used 7 days a week. They are now applying for live/recoded music until the early hours every day making it a nightclub. This is vastly different from the original frequency and finishing time (midnight) which took into consideration the location of the venue and proximity to residential homes.

The late opening hours are not appropriate as they have a negative impact on the locality. When the business was open before (ignoring Covid restrictions and under an illegal license) the residents were subjected to the following issues:

1. **Noise.** When people came out they were very loud, many were under the influence of alcohol and there was no consideration for the residents.
2. **Traffic/parking.** The customers that were driving were parking anywhere they could in the area, on pavements right outside houses etc. They would then be noisy when coming back to their cars in the early hours of the morning. Add to this cab drivers picking up customers and beeping of horns/engines running whilst waiting and this is a continuous level of noise during the night.
3. **Pollution.** The extra cars in the area is adding to the reduction in air quality.
4. **Drugs/Sexual acitivity.** Residents have seen customers 'dealing' or 'sharing' drugs whilst waiting to go in. There have also been inappropriate sexual acts witnessed by residents and cars driving past It is not the kind of practice that we want near where we live.

I feel that there is no need for a license allowing music until the early hours of the night, 7 days a week, to be granted for this property in its location.

I hope you look favourably on the position of the residents and do not grant the license.

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## 11. Good morning,

I am writing in reference to 21/00813/LAPRE, the application for a Premises Licence for 74 Oxford Road.

My family and I are residents of Oxford Road and live the premises in question. I am writing in objection to this establishment being permitted a license to operate under the conditions outlined in the application. I have two young children as do many families in the local area who will be directly impacted by the level of noise and disruption that would be present with such a venue.

In the past this premises has operated similarly with loud music into the early hours of the morning, 7 days a week (from customer cars not just the venue). We have witnessed numerous fights and acts of violence, public indecency, extremely reckless and dangerous driving and police visits on a frequent basis. My children have lost sleep over and over again, neighbours have been intimidated and felt threatened.

Any nightclub, bar or Shisha lounge is not acceptable in this location, this is a family neighbourhood with small children who have already suffered enough disruption with their education due to Covid and lack of sleep from the previous occupants of this premises. They do not deserve any more disruption. The community should feel safe and comfortable in their homes and not feel threatened or intimidated by the type of clientele such a place with inevitably attract.

Sincerely,

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**12.**

**Name:**

**Email:**

**Address:**

**Comments Details**

**Commenter Type:** Councillor

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Crime Objections
- Noise Disturbance
- Opening Hours
- Other objection
- Public Nuisance
- Public Safety
- Traffic

**Comments:** 3:43 PM on 06 Aug 2021 I would like to strongly object to this application.

This is identical to the previous licence which was revoked after a hearing .

The cynical use of a different applicant via the owner does not give me any confidence that there will not be a return to late night traffic and crowd noise, allegations of 'patrons' drug dealing , having sex in cars in residential streets opposite the premises and the harassment of female residents which lead the TVP officer at said hearing to state that he had never seen so many breaches in his 20 year career within the county .

Council enforcement officers spent many hours of work fruitlessly visiting the premises ( when the doormen would allow them access!) purportedly to persuade the 'management' ( and I use the term in the loosest sense of the word) to deal with these issues as well as to not continually breach the rules on track and trace and social distancing which was an abhorrent way for them to behave during the pandemic.

In addition , it is my understanding that the owner has breached planning consent when modifying this Grade 2 listed building.

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**13. Dear Sir/Madam,**

I would like to appeal against the license application of 74a Oxford Road, Ref: 21/00813/LAPRE (Soin Lounge).

I was at the forefront when it came to having their license revoked in the first place.

I have only recently moved, and one of the very reasons for moving my family away from the area was because of Soin Lounge, so I am doing this for the sake of our buyers who have quite literally been in New Denham for 3 weeks.

Soin Lounge and all those associated show a complete disregard to the neighbours, surrounding area and the law. I worked tirelessly, gathering evidence and recording 100+ hours of video and noise recordings. I wasn't the only one to have gone through this, pretty much the whole neighbourhood joined together to shut down the place. Not only because of the noise Soin Lounge brought to the area but also the antisocial behaviour as well as crime.

You should be fully aware of the council reports, including numerous police reports, explaining why they lost their license in the first place, and I find it unsettling that the license has even been considered.

74 Oxford Road is very much a residential area, it is surrounded by housing, mostly those consisting of young families and the new license is asking for them to be open till 1 am and 2 am which is ridiculous. Me and my family all suffered from stress while living beside this premises, because of the late hours in which they would be open. The music would be extremely loud and yet they would "shut" at 1 am, they will not actually clear the premises and car park till gone 3 am.

It was also brought to our attention during the hearing they do not have building permission on the property in which this club functions and there would need to be multiple alterations made to make it capable of containing the noise and lets also not forget the illegal smoking of shisha in an enclosed area which also seems to have been forgotten about.

All in all, we were living in a nightmare when Soin Lounge first opened, it affected our mental health which also had a knock-on effect on our personal and work lives. I ask that you reconsider this application.

Kind regards,

---

**14. Hi,**

Please take this email as an objection to the re-licensing and re-opening of the Soin Lounge (74 Oxford Road, New Denham)

In response to the recent application 21/00813/LAPRE, please see below my reasons:-

New Denham is a highly residential area, the premises sit opposite and to the side of several properties, all of which were adversely effected by the Soin Lounge and its clientele for the entire several months of its opening.

Police were called every weekend and sometimes during the week, due to the large amount of anti-social behaviour. Which included, arguing, fighting, sexual acts, drug taking, vomiting, urinating, cars screeching, cars crashing. The constant noise and disruption went on virtually every evening for several months, making home life unbearable.

With reference to the proposed licensing schedule:-

Performance of live music - the building is not sound proofed music can be heard easily (due to the age and breech of building regulations) and the patrons spill out onto a residential area and a busy main road - regardless of opening and closing time this is just not acceptable and reasonable to expect local residents to put up with any noise pollution and anti-social activity.

Playing of loud music/dance music/ recorded music - objection as above

Late night refreshments/sale of alcohol - Given the amount of anti social behaviour previously witnessed and ignored by the previous licensee and there team - once again the licencing committee should not grant them a licence where alcohol is involved at all.

It took a huge community effort to get the previous licence reviewed and eventually withdrawn, several months of police phone calls, logging and recording every anti-social, criminal event via the correct channels, emails to local council officials, emails to planning teams, the local MP was also actively involved. I do not want to have to repeat this event again.

It is unacceptable for local residents to once again have to be exposed to this behaviour, which is both damaging mentally and physically and makes home life very unpleasant.

During the review where there previous licence was revoked the building regulations were deemed to be have been breached, as in the plans that were agreed upon by the council were completely ignored and therefore the building as it stands at the moment is not legally viable. Therefore, they should not be able to trade within these premises - please see the lengthy notes from this review. This will also provide you with the full picture as to the lack of care and concern shown to the local residents.

I am presuming that Ashok Kumar Selvaraj - is somehow connected to the Soin Family as they are still very active at the premises. Perhaps he needs to declare his interest? Given that the previous licensee Mr Udin, was also connected by pleaded complete ignorance to the events occurring at 74 Oxford Road.

Under no circumstances should the application for a trading licence at this premises be permitted.

Please update me as to the progress of this licence application.

Kind regards

---

**15. Dear Martyn Bruver,**

I strongly oppose this licensing application for 74 Oxford road.

This premises previously operated as a late night bar and caused absolute misery for us all in the immediate and surrounding areas. This included but was not limited to:

Noise

Antisocial and abusive behaviour (the likes of which a representative from Thames Valley police said they had never experienced)

Drug taking and dealing

Street urination

Dangerous driving and racing

Women and girls living in the surrounding areas being made to feel unsafe

Residents being intimidated by both owners and patrons

Litter

This really affected my mental health and that of many others around here. This was closed down and we do not want to go through this again.

I request strongly that you decline this application.

Kind regards

---

**16. Hi there,**

I'd like to object to this renewed licensing application for the Soin Lounge on Oxford Road (above application reference number).

I am in full support of local enterprise but the events I've observed with the original set up cause concern in a residential area of this nature.

I've observed users urinating openly and being asked by my son (aged 10) why people would ever urinate outside / public ally and not in the toilet.

We have been witness to loud music playing in guests' cars and meetings on the car park that appear dubious....frequent arrivals and departures, windows wound down, small exchanges and then driving off!

I am concerned that there will be increased noise levels and further anti-social behaviour if this licence is granted. There should also be consideration to practical elements of running such an establishment in a residential area namely emptying of bottle bins and deliveries at anti-social able hours!

Sadly, the replacing of a restaurant with this establishment has proven to be an unworkable and unwelcome addition to the area.

I'd be in favour of something being available but the license application suggests an establishment that will cause ongoing concerns and impede the quality of life from all the neighbourhood. This is based on the experiences of the initial set up.

I'd be happy to attend any meetings about this license if required.

Thank you

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**17. Name:**

**Address:**

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Fitness of Licence Applicant

**Comment:** 10:36 PM on 10 Aug 2021 The licensee has proved he is unfit to run Sion Lounge and has had the licence revoked. There is no information to show that he will run a lawful licensed premises.

The opening hours are excessive resulting for a licensed premises. customers departing from the premises in the early hours of the morning disturbing the residents nearby.

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**18. Customer Details Name:**

**Address:** , Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application Comment

**Reasons:** - Noise Disturbance

- Opening Hours
- Public Nuisance
- Traffic

**Comment:** 9:19 PM on 23 Aug 2021 I am resident of Oxford Road who is concerned about the reopening of the Lounge at 74 Oxford Road. The extra noise that is created during the early hours of the morning. The noise created by the cars racing up and down the road which

was noticeable when the Lounge was open previously. This is bad enough now with Macdonald's open 24 hours. Also the residents who live in close proximity to the Lounge who suffered with the antisocial behaviour is unacceptable.

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**19. Name:** Mr

**Address:** New Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

**Comment:** 11:00 AM on 01 Sep 2021 This residential area was disrupted beyond when the last Nightclub was there, albeit illegal, the effect to the local area will be the same. Noise, parking and anti social behaviour are all factors in this kind of establishment within a residential area.

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**20. Name:** Ms

**Address:** , New Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Noise Disturbance
- Opening Hours
- Other objection
- Public Nuisance

**Comment:** 1:57 PM on 01 Sep 2021 This will increase the noise considerable, with the cars racing up and down the Oxford Road. We have people dealing drugs out of their cars in full view of young children, people throwing their rubbish out of the cars and being abusive to the people who live around here. I am sure that you wouldn't want to live by these people, so why should we. It is bad enough with McDonalds being at the end of the road, with the motorbikes & cars revving their engines at all times of the night. Also, we don't want people who drink and drive being so close to our neighbourhood.

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**21. Name:**

**Address:** , New Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Fitness of Licence Applicant

- Noise Disturbance
- Opening Hours
- Parking
- Public Nuisance
- Public Safety
- Spoil the amenity of the village
- Traffic

**Comment:** 4:24 PM on 01 Sep 2021 Dear Sir / Madam,

I would like to object to the granting of Soin Lounge to re-open as a nightclub. When the club was previously opened (illegally) it was a major source of local antisocial behaviour in the area.

The venue was closed down due to:

Antisocial behaviour

Public urination

Noise nuisance

Operating without a licence

Intimidation of local residents

Drug dealing and taking

Cars using local streets as a race track

Litter

The problems were so bad that I would have felt very uncomfortable leaving my wife alone in the house for an evening as local female residents had been threatened and harassed. Since the venue was closed down the neighbourhood has felt much safer. Allowing this venue to reopen would be a travesty and a real kick in the teeth to law abiding residents.

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**22. Name:** Mr

**Address:** , New Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Public Nuisance

- Public Safety
- Spoil the amenity of the village
- Traffic

**Comment:** 4:51 PM on 01 Sep 2021 We strongly object to this application. This is a residential area. The playing of loud music and the late night drinking hours all week are unacceptable here and unfair to all of us that live nearby.

If this application is granted, it will cause a public nuisance with too much vehicle movement and parking. The parking will cause pedestrians to walk in the road. The road is busy and dangerous.

No business like this is acceptable in any residential area and a late night bar/ night club/ shisha lounge is not fair to local residents.

Local families should not have to live near or endure this type of business on their doorstep.

New Denham has always been a quiet residential area. Please help us keep it this way and reject this application.

We live in Buckinghamshire, not in London (where this type of establishment would be more appropriate).

---

**23. Name:** Mr

**Address:** , New Denham, Buckinghamshire UB9

objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Fitness of Licence Applicant
- Noise Disturbance
- Opening Hours
- Public Nuisance
- Public Safety
- Traffic

**Comment:** 5:18 PM on 01 Sep 2021 Based on the previous operation of this premises as a nightclub and the illegal and nuisance activities it brought to the area, it seems obvious that any re-opening would bring these back again. Basically the locale is completely inappropriate for this type of business as history has proved. I hope that if this application does get the go ahead it doesn't take a serious crime i.e. drugs, property damage more seriously an act of violence, for it to be rescinded.

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**24. Name:** Mr

**Address:** , New Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Fitness of Licence Applicant
- Noise Disturbance
- Opening Hours
- Parking
- Public Nuisance
- Public Safety
- Spoil the amenity of the village
- Traffic

**Comment:** 7:07 PM on 01 Sep 2021 When this business opened, it was months of nightmare. The whole area around New Denham changed overnight. The noise was unbearable but the associated intimidation and total disregard for law and order was shocking. We as a family could no longer walk on that pavement for fear of violence and the fact cars were parked on the pavement meaning you could not walk on the pavement. My daughter could no longer walk alone for fear of sexual harassment from customers of that business. The road then being used as a car racing venue did not help either. There was also evidence of sexual activity taking place in and around the area and as there is a local park near the venue this was very disturbing. The location of such a business does just not work. It is a residents area and there is no way this business can accommodate the amount of visitors they had and made any attempt to accommodate them on their own premises. So often, driveways were blocked and confrontations arising from inconsiderate parking and the unwillingness of the Soin Business to tell their patrons to find other suitable parking. This business will only lead to further turmoil and mental struggles for many residents and the already past history of this business demonstrates they simply are not suited to this type of business in this area.

---

**25. Name:** Miss

**Address:** , New Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Fitness of Licence Applicant
- Noise Disturbance
- Opening Hours
- Public Nuisance
- Public Safety

**Comment:** 7:40 PM on 01 Sep 2021 This is a residential area in which I generally feel safe walking home from friends albeit late at night. The last time the Soin Lounge was open I certainly did not feel safe walking home.

It was extremely loud and generally seemed to attract unpleasant individuals who were intimidating in their demeanour and language.

I also suggest that anyone who opens such a sordid venue without application, consultation with residents and I believe without a suitable licence is indeed quite unfit to run any establishment let alone a nightclub! I also suspect a 'plethora' of illegal drug taking and dealing although I have no hard evidence for this other than the extremely unpleasant demeanor of its cliental.

I strongly object to this licence being granted on the above grounds as well as the fact that this is a residential area and not a suitable siting for a Night Club!

---

**26. Name:** Mr

**Address:** New Denham, Denham, Buckinghamshire UB9

**Stance:** Customer objects to the Licensing Application

**Comment Reasons:**

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Public Nuisance
- Public Safety
- Safety of Premises
- Traffic

**Comment:** 5:33 PM on 02 Sep 2021 I would like to strongly object to this application largely due to the requested opening hours which suggests that this venue will be operating as a club rather than food or family orientated establishment.

This property is situated in a residential area, populated by working families with children of a school going age. Historically this venue has worked well as a restaurant / eating establishment.

For a period it became a shisha club when the area was plagued by loud music, late night noise as customers left the venue, traffic violations, parking congestion, anti-social behaviour, aggressive behaviour towards residents, and vandalism, resulting in emergency services being called to the premises as well as the environment agency, councillors and even the local MP.

This cannot be allowed to happen again.

---

27. Dear Sir / Madam,

I am a resident at Road, the Soin Lounge. I have a family of two teenage daughters.

I believe an application has been made for the premises to be granted license to operate under new management, however I am very concerned about this matter and I strongly oppose to this idea of having a night club/shisha lounge/bar in this area where we are surrounded by residential homes with families and young children.

Last time, Soin Lounge were allowed to operate, I myself experienced and witnessed a lot of disturbing issues of which are listed below:-

- Unsociable and unruly behaviour by patrons visiting the lounge
- Urinating in public, right in front of my hedge / faeces in my hedge with their clothing left behind for me to clear up
- Loud shouting, brawls, music, people screaming and shouting until early hours in the morning, keeping us awake which had an impact on my health where I was suffering from sleep deprivation and frequent migraine attacks.
- Cars speeding up and down the main road, revving engines loudly, turning into my drive way and hitting the neighbours cars. Dangerous parking on kerbside.
- Empty alcohol bottles thrown about and left in my driveway
- Drugs and large volumes of alcohol intake on the main road and pavement areas.
- My teenage daughters being wolf-whistled at and harassed when walking home from the bus stop. They felt very unsafe and unsecure with all sorts of unsavoury characters loitering outside our home and opposite in the lounge car park where they stand around checking out females passing by and they know where my daughters live. It became so bad that it was scary for my daughters to go and put the bins out.
- Drug paraphernalia- nitrous oxide canisters strewn about -Sexual activity in cars in the Soin car park and surrounding areas around neighbours hedges. Used condoms on pavements and near the Budget tyre shop Illegal parking

I have collected video evidence of these happenings and therefore I am very concerned if this type of business will be granted license to operate.

I can be contacted on mobile should you need to further discuss this matter. Thank you for your help.

Kind Regards,

---

28. Good afternoon.

I would like to express my objection for the Premises Licence for 74 Oxford Road New Denham Denham Buckinghamshire UB9 4DN

When the premises was previously open for business, it caused absolute misery for many local residents.

The noise from the premises could be heard into the early hours of the morning by local residents, and interrupted sleep.

Patrons of the establishment would frequently engage in car races down Oxford road. This was both noisy and very dangerous for any residents walking along the narrow pavement.

I feel it also work noting that when residents complained to the management and staff not only were complaints not listened to, but many residents felt staff acted in an intimidating manor and many people became fearful of being able to raise any further issues. Issues were subsequently raised with the Police

I ask this establishment is not given back their license.

Regards,

---

29. Dear Sir,

I am a resident of New Denham and wish to object to the granting of a Premises Licence to the Soin Lounge.

This venue has had a major detrimental effect on New Denham in the short period of time it was open last year.

For example -

1) I have had to report the venue twice to Thames Valley Police for clear breaches of Covid-19 social distancing rules last year, they have shown a clear disregard for national government guidelines.

2) After contacting Thames Valley Police several times, they told me that this is a "Red Flag" venue and was taking up a lot of their time dealing with issues at the venue and resident's complaints.

3) Elderly neighbours have told me they were too frightened to go out in the evenings while the venue was open due to all the reports of anti-social behaviour.

4) Myself and my young daughter were verbally abused and threatened by customers who had parked their cars on the pavement outside the venue blocking our walk home, security staff saw outside the venue this and did nothing to stop this.

Thank you

---

, New Denham, Uxbridge, UB9

30. Hello,

I am emailing to make representations against the application of a license to Soin Lounge (formerly Maya Tandoori, 74 Oxford Road, New Denham, UB9 4DN).

The property wishes to reopen as a night club which it previously, illegally, operated as, before being closed (and license removed) for:

- antisocial behaviour
- street urination
- noise disturbance (until very early hours)
- operating without a license
- intimation of local residents
- drug dealing and taking
- cars using streets as a racetrack
- litter

For all these reasons I feel it would be completely inappropriate to grant Soin lounge another license for operation in a residential area.

Best,

---

31. Dear Sir / Madam,

I am emailing to make representations against the application of a license to Soin Lounge (formerly Maya Tandoori, 74 Oxford Road, New Denham, UB9 4DN).

The property wishes to reopen as a night club which it previously, illegally, operated as, before being closed (and license removed) for:

- antisocial behaviour
- street urination
- noise disturbance (until very early hours)
- operating without a license
- intimation of local residents
- drug dealing and taking
- cars using streets as a racetrack
- littering

For all these reasons I feel it would be completely inappropriate to grant Soin lounge another license for operation in a residential area.

Kind regards,

---

32. I have been advised by a neighbour that there is currently a 'consultation' being conducted into the opening of the former Restaurant and Pub at 74 Oxford Road, UB9 4DN.

On checking the Bucks web-site it seems there are no documents supporting this application, no information about the ownership, and no information about the background and experience of the applicant.

It also suggests there are no 'cases' associated with this licence. ( Of course there aren't, because there is no background information beyond a request to operate the premises for music and drinking.)

As a consequence, the only facts available are those related to previous operation of the Soin Lounge. This is a matter of record, obliging the Council to take drastic steps to protect the local community. There are no saving features here which would support ANY new licence being agreed. It demonstrated that this site is not suited to late night opening of any sort as it cannot be successfully controlled either by the owners or the authorities.

I'd appreciate if you ensure that these issues are considered should the 'consultation' be conducted.

Regards

---

33. Dear Sir/Madam

I am a resident of [redacted] in New Denham. I have just heard through our neighborhood network that the Soin Lounge, formerly Maya Tandoori, have applied to re-open as a night club. This is totally unacceptable in a residential area. I am not directly affected, unlike some of my neighbours, but we get cars coming down here at all hours of the night with their lights on and speeding down the lane then having to brake sharply. We pay a lot to live in this neighbourhood and do not need this type of establishment here. If they want to open a nightclub then do it in the main town away from residential areas. I do hope that this is not approved as it brings nothing to us as a community.

Yours faithfully

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34. Good morning,

I am writing to object to the above application for the re-opening of the "Soin Lounge" Nightclub, I am a local resident and the reason I object are due to following reasons:-

- High volume of noise pollution consisting loud music and people shouting
- A large amount of litter left behind which will eventually attract vermin and cause disease
- Cars parking inconsiderately along the Oxford Road

- Speeding cars adding to more noise pollution at night and into the early morning.
- The intimidation of local residents due to the abuse of drug taking and dealing.

I would appreciate it if you would consider this before you agree to the application.

Kind regards

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35. Dear sir/madam

We are not happy of the plan to open a night club for Soin Lounge. It has attracted a lot of anti social behaviour and disturbances in the past in this nice calm neighbourhood and thus night club is not an option in this area.

We don't mind if a license is granted for a restaurant but not for late night opening hours.

I believe all the residents in the area has the same view and we request that our concerns be addressed properly.

Yours sincerely

New Denham

BUCKS

UB9

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36. Dear Sirs - reference above application relating to 74 Oxford Road for a night club licence,I wish to register my objection,this address

is in a semi rural area with several households nearby who will be disturbed by the noise and general antisocial behaviour experienced

previously when the former owners illegally ran a similar establishment.

Regards -

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37. Hi,

I object for SION lounge to re open. It was very very antisocial and my neighbours received abuse from their customers.

Drug dealing was right outside my house, Newtown road and numerous cars parking across my drive even though it is double yellows.

I strongly strongly object to this opening.

Kind Regards

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38. Hi

I would like to object to the application made by Soin Lounge to re-open as a nightclub.

My reasons are listed below

Cars were using the main Oxford Road as a racetrack and were also using it for parking due to the fact there was insufficient parking for the amount of vehicles using the Soin Lounge.

There was drug taking and also drug dealing in full view of local residents. The police were always being called regarding this.

The Soin Lounge was operating without a valid licence. (I'm amazed that they have the audacity to reapply for this reason alone as they obviously have no idea of how a business should be run and obviously think they are above the law by opening without a licence)

The intimidation local residents received was unacceptable. Residents were threatened and harassed by groups of people from the Soin Lounge and residents cars were damaged during the night.

The noise was unbearable for the residents, especially those living directly across from the Soin Lounge and I honestly cannot understand how you could give a licence to a nightclub in a residential area.

Customers from the Soin Lounge were urinating in the street in full view of residents and their children (who were woken up by the noise and looking out of their windows)

The antisocial behaviour was just awful, swearing, shouting and gestures to each other and local residents is just unacceptable.

The litter along the road and down local residential streets was awful.

Please do not issue a licence for Soin Lounge to re open as this will have a detrimental effect on local residents and people's safety.

Kind Regards

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Resident of , New Denham

39. Dear whom ever this concerns,

It was brought to my attention that there was an application in place to create a night club on Oxford Road application 21/00813/LAPRE.

I would like to object this night club going ahead, as previously there was a similar thing opened before and it brought with it visitors leaving all hours of the night, noisily I may add. People parking in local roads, taking up valuable parking spaces needed for people living in the area. The smell and rubbish left from people visiting the site from urinating on streets to general rubbish being thrown into people's gardens was also not suitable for small children living in the area.

Also as a woman I felt very uncomfortable to walk to local amenities such as the garage or getting to and from the bus stop due to the people visiting the site.

Whilst I would love to see this venue used again, I think a nightclub is not fitting in the local venue considering the young families that live around this area.

Many thanks

, New Denham, Buckinghamshire UB9

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40. Dear Sir/Madam,

I write to strongly object to the licencing application currently lodged in respect of the Soin Lounge at 74 Oxford Road.

I note that a new licensee is proposed on this occasion, but the business is the same.

The business was previously illegally trading as a night club under its earlier restaurant licence (relating to the former Maya Restaurant) and this cannot be allowed to return. This is a residential area with many families living directly opposite the property. As a restaurant this is perfectly reasonable, but it is not fair to expect residents to have to put up with the noise and behaviour of a night club's customers late at night.

The business was previously run in a very anti-social manner with staff and customers spilling out onto the adjoining roads at all hours through the night. There were numerous incidents requiring police attendance including those with weapons. We have had customer cars racing along the Oxford Road, customers urinating in public and residents verbally abused when challenging those incidents.

We have had to put up with loud music emanating from the premises until approximately 2 a.m. each trading night when the doors open and shut.

Night clubs belong in town centre locations.

A restaurant here would be perfectly acceptable, but please do not allow the licence to be granted for a night club in this location.

It is simply not reasonable to expect residents to have to live with this business in very close proximity.

Many thanks for your help with this matter.

Yours faithfully

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41. Date 02/09/2021

Ref: 21/00813/LAPRE 74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN

Dear Sir/Madam

I'm writing to express formal representations in respect to the review of recently issued licence with the above reference.

I myself and my wife are parents of [redacted] and setting up a late-night venue like this would seriously impact her health and development.

#### Public safety

- Risk of COVID infection spread, the previous withdrawal of the licence due to non-compliance COVID risk management, no management of face masks, social distancing or track and trace.
- Previously the venue failed to control its patrons with regards to parking and driving, one of the points in regards to the withdrawal of the previous licence of this premises, the issues of patrons parking and driving causing disruption to the other road users as well as the residents and general public, previous objections raised by residents mentioned that patrons would park in residents driveways and access ways causing mass blockages which would be a significant danger if an emergency were to develop.
- Patrons whom frequented the venue when it was open would cause further disruption by taking photo around the area which resulted in further disruptions to other road users and the residents

#### Crime and public disorder

- Another reason for this venue losing its licence was due to constant fighting between other patrons and the security staff, in some cases the security staff being instigators of violence, which the police have had to attend to regularly, the previous owner & licence holder did use his security staff to intimidate residents into silence.
- Public urination was frequent and is a regular issue with night clubs due to excessive drinking,  
such issue would cause smells to linger [redacted] would make it impossible to open windows, especially in summer times and would be required especially with a baby in the household. This issue is also caused by taxi drivers after the venue shuts
- Littering was a major issue during the time this venue was open previously, the subsequent cost to the council for the clearance of this littering would increase
- People who attended the venue also engaged in sexual activity in public outside of the venue, which is a major health hazard as used contraceptives such as condoms have been left behind. Another reason the previous licence was withdrawn
- Drug use and dealing was rife at the venue both inside and out which the police also attended to. This issue was also raised in the withdrawal of the licence previously.

#### Noise Pollution

- The venue failed to control the noise levels it generated, a concern addressed by police on multiple occasions but to no avail, this was another reason the licence was withdrawn with the owner & licence holder failing to acknowledge and address.
- Anti-social behaviour, patrons would often drink to excess and upon leaving would shout, swear, sing loudly, talk loudly and fighting loudly; this would cause a detriment to myself as well as my family.
- Music coming from the venue was never willingly addressed by the owner & licence holder, despite warnings from the council and the police as well as continuous complaints from residents their cavalier attitude to this significant issue is another reason why this venue shouldn't have a licence. This issue was another reason why the licence was withdrawn

#### Protection of children from harm

- The venue will have a serious impact on my 8-month-old daughter's health, mental and emotional wellbeing, with constant disruptions being caused by the above representative factors, the licence must be withdrawn.
- The careless attitudes of the venues visitors parking and driving is also a clear and present danger not only for my child but also for the children of the residents and the general public who would be walking nearby or crossing the road around the venue.
- Drug use, violence as well as the public indecency this venue brings with it would seriously impact my daughter's emotional growth as these types of activities would harm a child's development which should not be put at risk.

I base these representations on the fact that the venue was granted a late licence to operate up to 02:00 which would mean that this venue will operate as a nightclub which in itself brings its own set of concerns and issues, especially being located in a residential area.

I live with my wife and my ; a late-night venue would cause significant harm to our health, mental & emotional well-being, which is a serious breach of our human rights to a private & family life and quality of life. My wife and I are in full time employment and this type of venue would prevent us being able to sleep and will impact our job performances and my ability to drive to and from work.

the owner & licence holder previously ignored all warnings from the council and police to address the issue raised above and feel that if I tried to convey my grievances to the owner & licence holder, this would put myself my family and my home at risk to intimidation and reprisals as the security staff have been used by the licence holder & owner keep residents silent.

The new licence holder is simply a different associate to previous licence holder & owner, so it may allow the licence to be obtained again and operated by the same people as before

As my property is to the venue in question, the decision to grant the licence I feel isn't the correct decision and hope this appeal is upheld as our back bedroom window overlooks the car park and has a clear line of sight as does those who frequent the car park further impeding our privacy.

The link below is the publicly available review from the premises review conducted on the 07/10/20 raising the same issues as mentioned in this representation document.

<https://buckinghamshire.moderngov.co.uk/documents/s13515/Appendix%206%20-%20Representation%20-%20Review%20of%2009-00460-LAPRET%20Pollution%20Control%20Final.pdf>

in conclusion the licence should be withdrawn as a late night venue previously impacted the area to such a large degree it upset the serenity of normal life, if this venue were to be opened as a restaurant that didn't operate until the 02:00, in my opinion the residents would be more open this type of venue than a cocktail & shisha bar, my daughters health and wellbeing is of the utmost importance and will use all legal avenue's to ensure this is affected which this licence approval will most certainly affect, the owners & licence holder previously disregarded all warnings from the council and the police on numerous occasions and the residents and myself feel this pattern of behaviour will not change and it would only be a matter of time before this premises loses its licence again and should have its licence withdrawn immediately.

Kindest Regards

New Denham

Buckinghamshire

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42. Dear Sir/Madam,

With reference to licence application 21/00813/LAPRE for 74 Oxford Road, New Denham.

I believe this licence should be refused as this premises has residential housing to the front and side on the Oxford Road and to the rear at Oakside and Willowbank.

I am concerned that a Nightclub style of business operating into the early hours of the morning would be inappropriate for this area and would create a public nuisance in the form of excessive noise from loud music and patrons leaving the premises.

This would have a detrimental impact on the ability of residents to obtain a good nights sleep, and that of school age children to study and complete their homework in peace.

There is also the Public Safety and anti social behaviour aspect to consider, as previously patrons parking has spilled over from the car park on to nearby roads and forecourts, inconveniencing residents and causing disturbance when they return to them in the early hours, with the slamming of doors and revving of engines.

There is a huge probability that the present applicant is a frontman for the Soin Lounge and if a licence were to be granted then we would be back to where we were a year ago, thereby negating all the hard work put in by Andrew Goldman and his team at Environmental Health Services.

In conclusion I request that you refuse this licence,

yours sincerely,

New Denham

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43. Dear Sirs

I write to object in the strongest way to the above application for a licence to operate a nightclub at 74 Oxford Road, New Denham, Buckinghamshire UB9 4DN.

These premises previously operated an illegal nightclub with a huge detrimental impact on the neighbourhood. It was subsequently forcibly closed down with the necessary attendance of Thames Valley Police and representation from Chiltern and South Bucks Council.

The reasons given for the closure included; Operating without a licence Drug dealing and usage Urinating in the street and against neighbours fence Sex acts in cars Unacceptable levels of noise into the early hours of the morning with no regard for the neighbours Cars arriving and leaving with revving of engines and using Oxford Road as a racetrack Intimidation of local residents Female residents being followed, threatened and harassed Litter

These people have demonstrated that they have no intention of operating a legal, well run business and I urge you to refuse their application.

Yours faithfully

New Denham

UB9

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44.

### **Customer Details**

**Name:**

**Email:**

**Address:** , New Denham, Buckinghamshire UB9

### **Comments Details**

**Commenter Type:** Neighbour

<b>Stance:</b>	Customer objects to the Licensing Application
<b>Reasons for comment:</b>	<ul style="list-style-type: none"> <li>- Crime Objections</li> <li>- Fitness of Licence Applicant</li> <li>- Noise Disturbance</li> <li>- Opening Hours</li> <li>- Parking</li> <li>- Public Nuisance</li> <li>- Spoil the amenity of the village</li> </ul>
<b>Comments:</b>	2:41 PM on 17 Aug 2021 I make this objection on the basis of the previously poor administration of this venture.

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45. Dear Sir/Madam

I am writing to object to the planning application by Soin Lounge (formerly Maya Restaurant) 74 Oxford Road New Denham Bucks.

I have been made aware that plans have been submitted for the venue to open as a nightclub potentially opening until 2:00am at weekends.

I would like to register my objection to these plans. This location is wholly unsuitable for a nightclub. The Oxford Road, in the immediate vicinity of this venue is a residential area and the nightclub would completely change the area bringing with it drunken antisocial behaviour and noise to the extreme detriment of local residents living in very close proximity. I can easily imagine people regularly urinating in the street and vomiting, discarded litter and glasses, abusive language and vandalism which more often than not, accompany these types of venues.

I am a local resident living at

I look forward to hearing that this application has been declined.

Regards