



Licensing Sub-Committee agenda

Date: Thursday 6 January 2022

Time: 10.30 am

Venue: Via Video Conference

Membership:

T Green (Chairman), B Stanier Bt, D Town (reserve) and A Wood

Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the council's published policy.

Therefore, by entering the meeting room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

Agenda Item	Time	Page No
1 Introductory remarks by the Chairman		
2 Apologies for absence		
3 Declarations of interest 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.

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|----------|--|----------------|
| 4 | Hearing Procedure Rules | 3 - 10 |
| | To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | |
| 5 | The Eagle, 145 High Street, Amersham, Buckinghamshire, HP7 0DY | 11 - 60 |
| | To consider an application under s.34 of the Licensing Act 2003 to vary the premises licence in respect of The Eagle, 145 High Street, Amersham, Buckinghamshire, HP7 0DY (report attached). | |

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: Liz Hornby on 01494 421261, email 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

SUBJECT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE at: The Eagle, 145 High Street, Amersham, Buckinghamshire, HP7 0DY
REPORT OF:	Application under section 34, Licensing Act 2003
Responsible Officer	Charlie Robinson – Licensing Manager
Report Author	Charlie Robinson – Licensing Manager
Ward/s Affected	Penn Wood and Old Amersham

1. Purpose of Report

To provide Members with information enabling the determination of an application to vary a Premises Licence, in respect of which relevant representations have been received. The Application has been submitted by Flint Bishop LLP, St Michael's Court, St Michael's Lane, Derby DE1 3HQ, on behalf of their client; Punch Partnerships (PTL) Limited, Elsley Court, 20-22 Great, Titchfield Street, London, W1W 8BE (“The Applicant”) in respect of The Eagle, 145 High Street, Amersham, Buckinghamshire, HP7 0DY (“the premises”).

2. Background

- 2.1. The premises consist of a Grade 2 listed building which is located at the end of a terrace of properties within Amersham ‘Old Town’ and is located to the north west of the High Street. The premises share a party wall with a residential property to one side and shares a boundary with the Amersham High Street Methodist Church on the other side. A location plan showing the premises location is attached to this report marked **Appendix 1**. As shown on the location plan, the premises is in close proximity to a number of residential dwellings located directly opposite and on either side. The premises also has an outside/garden area which directly backs on to a green recreational space known as Barn Meadow.
- 2.2. The premises currently benefits from a premises licence issued under the Licensing Act 2003 which has been in place since the Act came into force in 2005, a copy of the existing licence is attached at **Appendix 2**.

3. The Application

3.1. This application is to vary the 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 3**. During the 28-day consultation period, the applicant amended their application with a view to address some concerns raised. The amendment (copy attached at **Appendix 4**) was to remove the proposed non-standard timing of Monday for each Bank Holiday and Maundy Thursday for live music and entertainment of a similar description. This is now reflected in the table below.

3.2. The newly proposed variation to licensable activities are as follows:

<u>Current</u>	<u>Proposed</u>	<u>Effect of proposal</u>
<u>Live music & Entertainment of a similar description</u> Sunday 11:00 - 22:30 Monday to Saturday 11:00 - 23:00 Non Standard timings: Live amplified or acoustic music consisting of not more than two performers may be performed outdoors at the premises between the hours of 11.00 a.m. to 10.00 p.m. each day. (Please note, this non-standard timing is no longer enforceable following deregulation of Live Music in 2012)	<u>Live music & Entertainment of a similar description</u> Sunday 11:00 - 22:30 Monday to Saturday 11:00 - 23:00 Non Standard timings: A further additional hour into the terminal hour on – Friday, Saturday and Sunday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Xmas Eve and Boxing Day New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day	Non Standard timings: - An additional hour on all days specified within the proposed non-standard timings. - Addition of extended hours on New Year's Eve
<u>Late night refreshment</u> Monday to Saturday 23:00 - 23:30 New Year's Eve 23:00 - 05:00 Non Standard timings: None	<u>Late night refreshment</u> Monday to Saturday 23:00 - 23:30 New Year's Eve 23:00 - 05:00 Non Standard timings: A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day New Year's Eve – From the end of permitted hours on New Year's to the	Non Standard timings: - An additional hour on all days specified within the proposed non-standard timings. - Addition of extended hours on New Year's Eve

	start of permitted hours on New Year's Day	
<p><u>Sale by retail of alcohol</u></p> <p>Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:30 Sunday 12:00 - 22:30 Christmas Day 12:00 - 15:00 19:00 - 22:30</p> <p>Non Standard timings: Alcohol may be sold or supplied for consumption on or off the premises for a further additional hour on: i) Christmas Eve ii) Boxing Day</p> <p>A further additional hour into the morning following every Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day.</p> <p>Alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save: a. when New Year's Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12 noon on New Year's Eve to 11.00 pm on New Year's Day; and b. when New Year's Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from</p>	<p><u>Sale by retail of alcohol</u></p> <p>Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 00:00 Sunday 12:00 - 22:30 Christmas Day - Restrictions removed</p> <p>Non Standard timings: A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day</p> <p>New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day</p>	<p>Additional 30 minutes for sale of alcohol on Friday and Saturday nights.</p> <p>Removal of restrictions on Christmas Day meaning the standard timings for the relevant day will apply.</p> <p>Non Standard timings: No change.</p>

11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day. New Year's Eve/Day to reflect existing hours.		
<p><u>Opening Hours</u></p> <p>Monday to Thursday 08:00 - 23:30 Friday to Saturday 08:00 - 00:30 Sunday 09:00 - 23:00</p> <p>Non Standard timings: None</p>	<p><u>Opening Hours</u></p> <p>Monday to Thursday 08:00 - 23:30 Friday to Saturday 08:00 - 00:30 Sunday 09:00 - 23:00</p> <p>Non Standard timings: A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day</p> <p>New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day</p>	<p>Non Standard timings:</p> <ul style="list-style-type: none"> - An additional hour on all days specified within the proposed non-standard timings. - Addition of extended hours on New Year's Eve

* 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.

3.3. Changes have also been proposed in relation to the plan of the premises, the full extent of which can be seen in the attached proposed plan that forms part of Appendix 3. The applicant describes these proposals as follows:

'Our application seeks to amend the licensing plan which along with a general refurbishment includes the following proposed changes to the layout –

- Addition of fixed seating
- New screens
- Inclusion of food counter
- Creation of an external bar servery in the rear garden

The proposal is for the external bar servery to be included in the licensed area to permit the sale of alcohol from. We are seeking this in order to take the pressure off the main bar servery inside the premises at peak trading times, to facilitate social distancing, and to create a better customer experience.'

4. Relevant Representations

4.1. Responsible Authorities:

- 4.1.1. The Chief Officer of Police: Response received – no objection.
 - 4.1.2. The Licensing Authority: Response received – no objection.
 - 4.1.3. The Local Environmental Health Authority (Head of Environmental Health): Response received – no objection following amended application. **Appendix 5**.
 - 4.1.4. The relevant enforcing authority under the Health and Safety at Work etc. Act 1974: Response received – no objection.
 - 4.1.5. The Fire and Rescue Authority: Response received – no objection.
 - 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:** Five (5) objections were received during the 28-day consultation process a copy of which are attached marked **Appendix 6**.
- 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 potential for increased noise disturbance if this variation is granted. Residents feel that the addition of the outside bar/servery will lead to an increase of noise from the outside space as more patrons are encouraged to use the area. The extension of alcohol sales, opening hours and proposed non-standard timings are also opposed by residents as they feel this will result in an increase and extension of noise disturbance from the premises from both regulated entertainment and other noise associated with a premises of this nature.

5.3. The prevention of crime and disorder

Objectors have outlined their concern and opposition to the premises receiving the proposed extensions to its licence due to the anticipated increase in anti-social behaviour that is already experienced with the premises' current operating hours. Residents have detailed incidents such as public urination, and littering which has been linked to patrons

from the premises and feel that a longer duration of alcohol sales will increase such occurrences.

6. Policy Considerations

- 6.1. Regard must be given to the Council's Licensing Policy (last published 17th October 2017) when determining this application. Of particular relevance (but not limited to) are paragraph, 2.10 with regard to the Council's approach to licensing hours and noise control in the case of premises which are situated in largely residential areas;
- 2.10 In general, the Council will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises which are situated in largely residential areas, including premises which are licensed for and the supply of Alcohol both on and off the premises, and/or regulated entertainment.
- 6.2. Paragraphs 6.10 – 6.12 should also be considered, which detail the Council's approach to the prevention of nuisance objective:
 - 6.10 The Council will protect the amenity of residents and businesses in the vicinity of licensed premises, and for these purposes 'vicinity' is taken to mean the immediate area around licensed premises.
 - 6.11 The Council will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
 - 6.12 At the same time the Council is aware of the importance of the licensed trade to the revitalisation of the local area. Accordingly, it will try and work together with other persons, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 6.3. Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended. Of particular relevance is paragraphs 9.42 – 9.44 regarding the determination of applications that are appropriate for the promotion of the licensing objectives
 - 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
 - 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
 - 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the

potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

6.4. Paragraphs 10.8 – 10.9 of the statutory guidance which relate to imposing conditions are also relevant and should be considered as part of determining this application. As are paragraphs 10.13 – 10.15 relating to hours of trading:

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.
- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

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 rights of individuals within the community to the 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. 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.

- The prevention of crime and disorder

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

9.2. Regard must also be had to the Council's Licensing Policy, October 2017, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.

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

9.4. 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.

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

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

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

9.5.2. Reject the whole of the Variation Application.

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

9.6. The Sub-Committee is asked to note that

9.6.1. It may not reject the whole or part of the application or modify or add to or vary the existing conditions - merely because it considers it desirable to do so. It must be **appropriate and proportionate** in order to promote the four licensing objectives and be in response to the representations received. Full reasons must be given for the Sub-Committee's decision.

9.6.2. When determining the application to vary the Premises Licence consideration must be given to the effect of the variations proposed. Any modification or variation to

Conditions or any additional Conditions to be added to the Premises Licence must also be as a result of the effect of the variation if granted on the promotion of the four licensing objectives.

10. Conditions

- 10.1. No additional conditions or controls have been proposed by the applicant in respect of this variation.

Officer Contact:	Charlie Robinson (01494 432 056) – email address: charlie.robinson@buckinghamshire.gov.uk
Background Papers:	Application reference 21/01179/LAPVA Licensing Act 2003, as amended Licensing Policy - Chiltern Area Published 2017. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.



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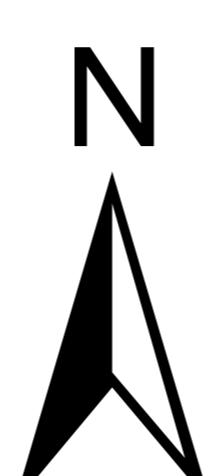
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0 0.0325 0.065

ANSWER The answer is 1000.

1:600

ArcGIS Web Map



Author: ArcGIS Web AppBuilder

Date: 06/12/2021

Time: 14:05:50



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Licensing Act 2003

Premises Licence

Premises Licence Number

20/00377/LAPRE

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Eagle
145 High Street
Amersham
Buckinghamshire
HP7 0DY

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Performance of Live Music	Late Night Refreshment
Entertainment of a Similar Description	Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Live Music, Entertainment of a Similar Description

Sunday	11:00 - 22:30
Monday to Saturday	11:00 - 23:00
Late Night Refreshment	Monday to Saturday
	23:00 - 23:30
	New Years Eve
	23:00 - 05:00
Sale by Retail of Alcohol	Monday to Thursday
	11:00 - 23:00
	Friday to Saturday
	11:00 - 23:30
	Sunday
	12:00 - 22:30
	Christmas Day
	12:00 - 15:00
	19:00 - 22:30

NON STANDARD TIMINGS:

Live Music:

Live amplified or acoustic music consisting of not more than two performers may be performed outdoors at the premises between the hours of 11.00 a.m. to 10.00 p.m. each day.

Sale / Supply of Alcohol On and Off the Premises:

Alcohol may be sold or supplied for consumption on or off the premises for a further additional hour on:

- i) Christmas Eve
- ii) Boxing Day

Alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Years Eve to 11.00 p.m. on New Years Day save:-

- a. when New Years Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12 noon on New Years Eve to 11.00 pm on New Years Day; and
- b. when New Years Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Years Eve to 10.30 p.m. on New Years Day.

A further additional hour into the morning following every Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before

Good Friday, Xmas Eve, Boxing Day.
New Years Eve/Day to reflect existing hours.

The opening hours of the premises

Monday to Thursday	08:00 - 23:30
Friday to Saturday	08:00 - 00:00
Sunday	09:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Punch Partnerships (PTL) Limited
Elsley Court,
20-22 Great Titchfield Street
London
W1W 8BE

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 03512363

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Flamur Gashi
The Eagle
145 High Street
Amersham
Buckinghamshire
HP7 0DY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number LBHIL2787146183 **Issued by** London Borough Of Hillingdon



Head of Healthy Communities

Date of Issue 28.03.2020

Annex 1 – Mandatory conditions

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

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

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

"Relevant Premises" has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act;

"Responsible Person" has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence).

Mandatory Condition - s19 of the Licensing Act 2003

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made authorised by a person who holds a personal licence

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014:

Mandatory Condition 1

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: $\frac{1}{2}$ 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—
$$P = D + (D \times V) \text{ where—}$$
 - (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.

Annex 2 – Conditions consistent with the Operating Schedule

1. The premises will participate in any local pubwatch scheme, where such a scheme exists
2. External lighting shall be provided in the external areas and shall be switched on when such areas are available for use by members of the public and there is inadequate daylight
3. Notices shall be prominently displayed at all public exists requesting customers to respect the needs of local residents and leave the premises and area quietly
4. No customer shall be allowed to use the rear external area after 11pm
5. All external windows and doors shall be kept closed after 10pm when regulated entertainment, in the form of live or recorded music, is taking place, and from 11pm when there is no regulated entertainment taking place, except in the event of an emergency and for the immediate access and egress
6. A dedicated telephone number for the DPS or manager will be given to any resident on request to allow complaints to be made directly at all times the premises are open. A record of complaints shall be kept on the premises and the record shall be made available for inspection by the Responsible Authorities
7. When regulated entertainment in the form of live or recorded music is taking place, regular boundary noise checks shall be conducted. Records detailing the sound checks and any required action shall be recorded and shall be made available for inspection by the Responsible Authorities

NON STANDARD TIMINGS:

Sale / Supply of Alcohol On and Off the Premises:

Alcohol may be sold or supplied for consumption on or off the premises for a further additional hour on:

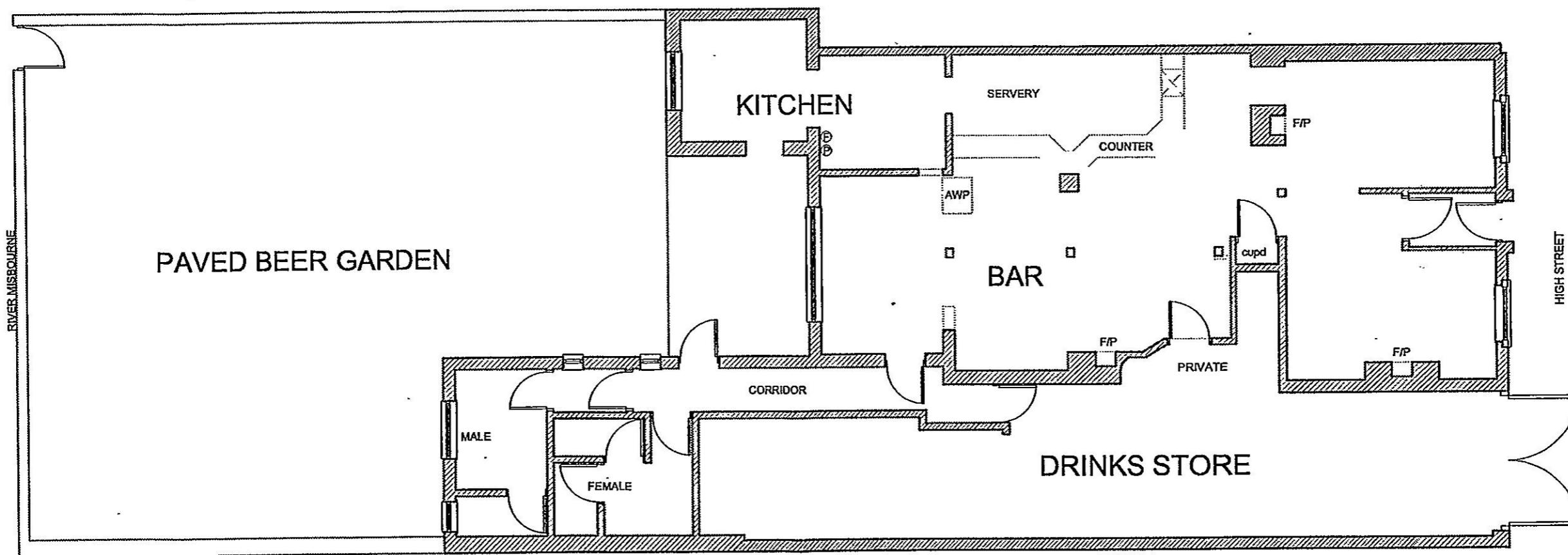
- i) Christmas Eve
- ii) Boxing Day

Alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Years Eve to 11.00 p.m. on New Years Day save:-

- (a) when New Years Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12 noon on New Years Eve to 11.00 pm on New Years Day; and
- (b) when New Years Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Years Eve to 10.30 p.m. on New Years Day.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans



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Application to vary a premises licence 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.

WE, Punch Partnerships (PTL) Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number
20/00377/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
The Eagle 145 High Street

Post Town	Amersham	Postcode	HP7 0DY
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Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Elsley Court 20-22 Great Titchfield Street London		
Post Town	London	Postcode	W1W 8BE

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes No

Day Month Year

If not do you want the variation to take effect from

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The application proposes to –

1. Amend the licensing plan in accordance with drawing number 7837-LC dated 28.09.21 which accompanies the application and to permit the sale of alcohol from an external bar servery. Please note that the amendments to the licensing plan are not to take effect until the works are complete and the Licensing Authority are notified.
2. Extend the terminal hour for the sale of alcohol on Friday and Saturday to 00:00 hours
3. Extend the opening hours to allow the premises to close on Friday and Saturday at 00:30 hours
4. Remove the existing Christmas Day timing restriction for the sale of alcohol
5. Remove certain existing non-standard timings and add new non-standard timings

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

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- 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)

In all cases complete boxes K, L and M

A

<p>Plays Standard days and timings (please read guidance note 8)</p>			<p>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</p>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<p>Please give further details here (please read guidance note 5)</p>	
Thur			<p>State any seasonal variations for performing plays (please read guidance note 6)</p>	
Fri			<p>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 (please read guidance note 7)</p>	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur				
Fri			State any seasonal variations for the exhibition of films (please read guidance note 6)	
Sat			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 (please read guidance note 7)	
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			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 (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Thur				
Fri			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 7)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon	No Change	No Change	Outdoors	<input type="checkbox"/>
Tue	No Change	No Change	Both	<input checked="" type="checkbox"/>
Wed	No Change	No Change	Please give further details here (please read guidance note 5) As existing	
Thur	No Change	No Change		
Fri	No Change	No Change	State any seasonal variations for the performance of live music (please read guidance note 6)	
Sat	No Change	No Change	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 (please read guidance note 7)	
Sun	No Change	No Change	A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day	

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
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 5)	
Thur			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)	
Fri			<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 7)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur			State any seasonal variations for the performance of dance (please read guidance note 6)	
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u> As existing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	No Change	No Change		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	No Change	No Change	<u>Please give further details here</u> (please read guidance note 5)		
Wed	No Change	No Change			
Thur	No Change	No Change	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri	No Change	No Change			
Sat	No Change	No Change	<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 7)		
Sun	No Change	No Change	A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day		

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	No Change	No Change		Both	<input checked="" type="checkbox"/>
			Please give further details here (please read guidance note 5) As existing		
Tue	No Change	No Change			
Wed	No Change	No Change	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	No Change	No Change			
Fri	No Change	No Change	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 7)		
Sat	No Change	No Change	A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day		
Sun	No Change	No Change	New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day		

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises <input type="checkbox"/>
Day	Start	Finish		Off the premises <input type="checkbox"/>
Mon	No Change	No Change	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both <input checked="" type="checkbox"/>
Tue	No Change	No Change		
Wed	No Change	No Change		
Thur	No Change	No Change	Non standard timings. 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 7)	
Fri	No Change	00:00	Existing non-standard timing to remain - A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day	
Sat	No Change	00:00		
Sun	No Change	No Change	New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day	

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 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	No Change	No Change	
Tue	No Change	No Change	
Wed	No Change	No Change	
Thur	No Change	No Change	<u>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</u> (please read guidance note 7)
Fri	No Change	00:30	A further additional hour into the terminal hour on – Friday, Saturday, Sunday, Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday, August Bank Holiday, Easter Bank Holiday, Thursday before Good Friday, Xmas Eve and Boxing Day
Sat	No Change	00:30	New Year's Eve – From the end of permitted hours on New Year's to the start of permitted hours on New Year's Day
Sun	No Change	No Change	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

[The information provided in this box is solely for information only and not intended to be converted into conditions on the Licence]

Our application seeks to amend the licensing plan which along with a general refurbishment includes the following proposed changes to the layout –

- Addition of fixed seating
- New screens
- Inclusion of food counter
- Creation of an external bar servery in the rear garden

The proposal is for the external bar servery to be included in the licensed area to permit the sale of alcohol from. We are seeking this in order to take the pressure off the main bar servery inside the premises at peak trading times, to facilitate social distancing, and to create a better customer experience. Please note that the amendments to the plan are not to take effect until completion of the works as notified to the Licensing Authority.

The purpose for also seeking a 30-minute extension to the terminal hour for the sale of alcohol and opening hours only on Friday and Saturday would allow our customers to continue their night in a safe and comfortable environment and allowing more flexibility around trading. We are also proposing to remove the existing Christmas Day timing restriction for the sale of alcohol to again allow the premises more flexibility around trading on this notable day.

We are seeking to remove the existing non-standard timing for live music - *Live amplified or acoustic music consisting of not more than two performers may be performed outdoors at the premises between the hours of 11.00 a.m. to 10.00 p.m each day* – as this is disallowed between 08:00 and 23:00 daily under the Deregulation Act 2015. The existing New Year's Eve non-standard timing for the sale of alcohol has been reworded and added for all other licensable activities and opening hours. The existing additional hour on notable days non-standard timing for the sale of alcohol has been added for all other licensable activities and opening hours.

b) The prevention of crime and disorder

As existing

c) Public safety

As existing

d) The prevention of public nuisance

As existing

e) The protection of children from harm

As existing

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	29/10/2021
Capacity	Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). 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 13)

George Domleo
Flint Bishop LLP
St. Michael's Court
St. Michael's Lane
Derby
DE1 3HQ

Telephone number (if any) 01332 340 211

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
george.domleo@flintbishop.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application. to correspond with you about this application.

1:20 -	0	200mm	400mm	600mm	800mm	1000	1200	1400	1600	1800	2000
1:100 -	0	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m
1:50 -	0	100mm	200mm	300mm	400mm	500mm	600mm	700mm	800mm	900mm	1000mm

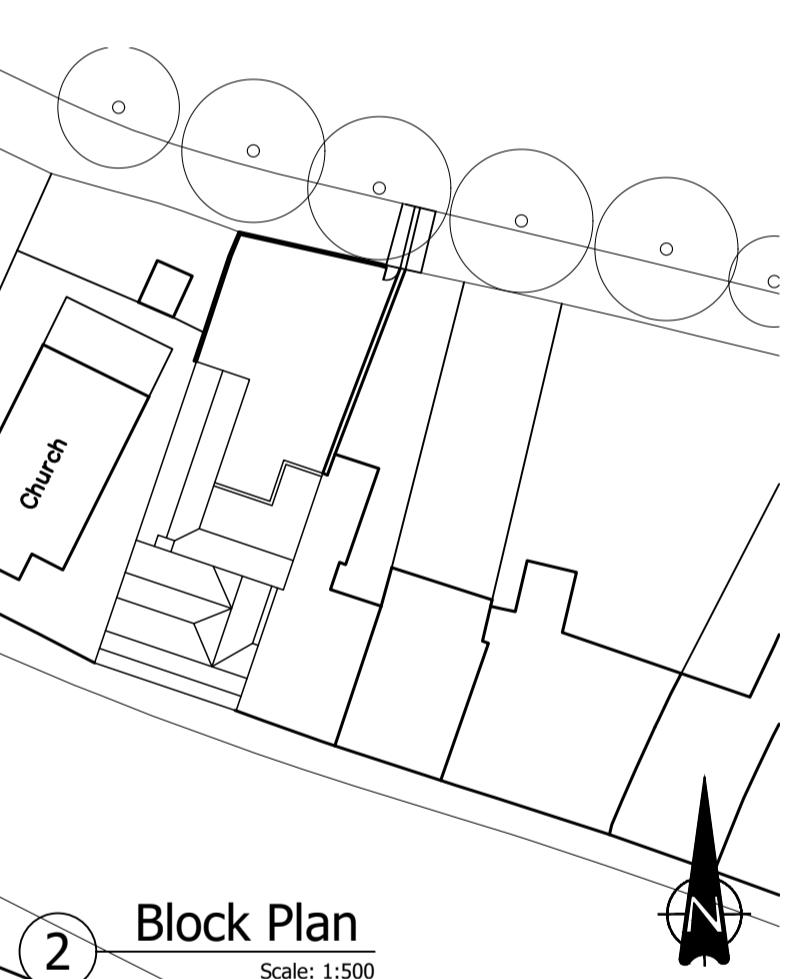
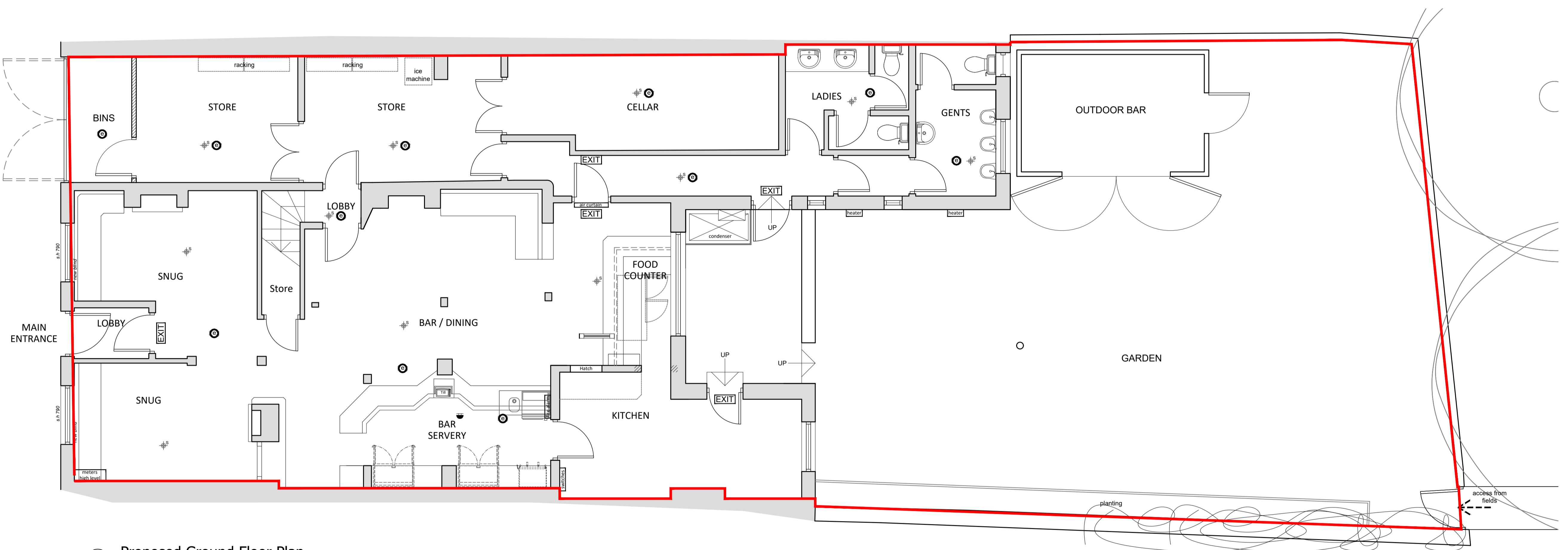
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Rev:	Description:	Date:
-	-	-

Licensing Key.

Symbol	Description
●	Fire alarm sounder
◆	Smoke detector (area to be covered by)
▲	Heat detector (area to be covered by)
●●	FD30s with self closing device
●●●	FD60s with self closing device
PBTO	Door fitted with panic bar set & push bar to open sign
EXIT	Illuminated exit sign
9L W	9L water extinguisher
EXT	External emergency light fitting
△9L W	9L water extinguisher
△CO2	CO2 extinguisher
△FB	Fire blanket
●	Distress alarm & indicator to outside
○	Emergency light fitting
○ C	Combined emergency fitting
○ G	Fire alarm break glass point

INTERNAL & EXTERNAL AREA TO BE USED FOR THE SALE & CONSUMPTION OF ALCOHOL & ANY OTHER PERMITTED ENTERTAINMENT - EDGED IN RED



CDM 2015:
Under the CDM regulations there are no significant design risks.

JS DESIGN PARTNERSHIP LLP					
T: 0174 5 3302 E: info@jsdesignpartnership.co.uk Unit 5, Peel House, 2 Taunton Street, Shipley Bradford, BD18 3NA. the design partnership llp is a limited liability partnership registered no OC 393311					
Client: STAR PUBS & BARS					
Project: The Eagle 145 High Street Amersham HP7 0DY					
Title: LICENSING PLANS					
Drawing No:	Rev:	Date:	Drawn By:	Checked:	Scale @ A1
7837-LC	-	28.09.21	FP	-	1:50

From: George Domleo <George.Domleo@flintbishop.co.uk>
Sent: 29 November 2021 14:32
To: Charlie Robinson <Charlie.Robinson@bucksshire.gov.uk>
Cc: Alison King <Alison.King@bucksshire.gov.uk>
Subject: [EXTERNAL] RE: The Eagle, Amersham

Hi Charlie

Following my discussion with Alison King the other day we wish to amend our application to remove the proposed non-standard timing of Monday for each Bank Holiday and Maundy Thursday for live music and entertainment of a similar description.

Alison – FYI and as I emailed you earlier.

Kind regards

George

George Domleo
Senior Associate
Licensing

DD 01332 226 192 ext: 258
M 07776 258 540
F 01332 207 601
DX 729320 DERBY 24

Flint Bishop LLP St. Michael's Court, St. Michael's Lane, Derby, DE1 3HQ



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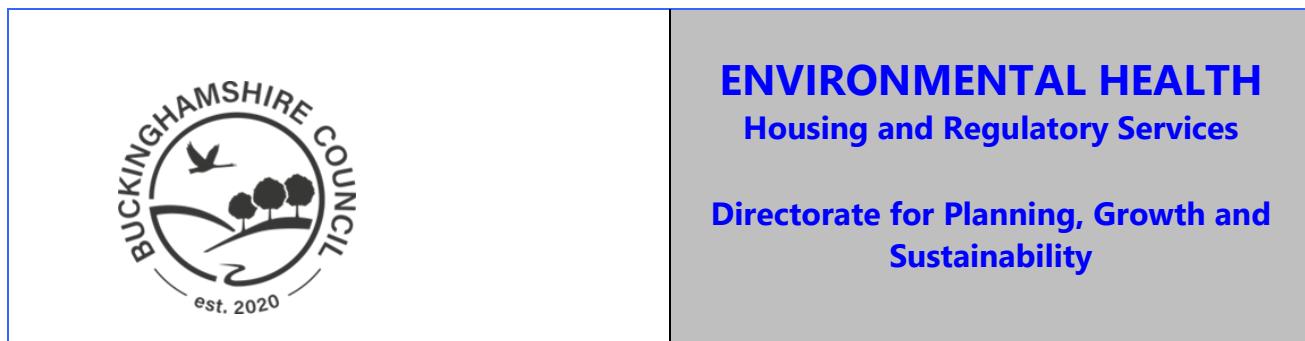
INVESTORS
IN PEOPLE

Gold
Until 2022

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COMMENTS ON MAJOR VARIATION - PREMISES LICENCE

OUR REF: 21/02487/LIAPPL	DATE: 30 th November 2021
ADDRESS: The Eagle Public House 145 High Street Amersham Buckinghamshire HP7 0DY	To: licensing.csb@buckinghamshire.gov.uk From: alison.king@buckinghamshire.gov.uk

Re: Application for a major variation Premises Licence - The Eagle Public House 145 High Street Amersham Buckinghamshire HP7 0DY

Further to the above application.

The application has been reviewed along with historic records held by Environmental Health in consideration of the major variation submitted. Environmental Health's role in this matter is to have regard to the four licensing objectives as set out in The Licensing Act 2003 with specific attention to the Prevention of Public Nuisance.

Environmental Health have held discussions with Flint Bishop Solicitors acting on behalf of their client Punch Partnership (PTL) Limited, following submission of the application.

The additional communication received from Flint Bishop Solicitors on 29th November 2021 is acknowledged with amendment to the hours in relation to remove the proposed non-standard timing for live music and entertainment of a similar description for each Bank Holiday and Maundy Thursday.

Environmental Health's comments, in this matter, are restrained by the matter of public nuisance and not private nuisance and relevant licensable activities applied for within this application and are guided on this matter by Section 4(2)(c) of the Licensing Act 2003 and guidance issued by the Secretary of State under Section 182 of the Act (dated April 2018).

In consideration of the above, Environmental Health do not raise an objection to the application.

PLEASE NOTE:

The Live Music Act 2012 allows regulated entertainment up until 11:00pm at certain venues; however, it does not allow a licensed premise to cause either a statutory noise nuisance (The Environmental Protection Act 1990) or a Public Nuisance (Licensing Act 2003) at any time of the day or night.

A review of the licence can be brought by a responsible authority or any other person to review a premises licence as a result of matters arising in connection with one or more of the four licensing objectives.

For avoidance of doubt Environmental Health has a duty to investigate complaints of nuisance under statutory law as defined within the Environmental Protection Act 1990 and under Public Nuisance under The Licensing Act 2003.

With regards

Alison King B.Sc (Hons) MCIEH
Environmental Health Practitioner
Environmental Protection
For Housing and Regulatory Services

Representations

1. Dear Licensing Team,
re application 21/01179/LAPVA

I am writing to object to the application from The Eagle, 145 High St, Old Amersham, for changes in the times of their activities and sale of alcohol.

I am the neighbouring property, [REDACTED] High St.

I have a few points of objection:

- It is totally unnecessary as their present opening hours are more than adequate
- it is a quiet residential part of Old Amersham and already suffers from noise at closing time as there is another public house, The Swan opposite
- Men come out of the pubs and urinate against my house already; this elongated opening time would only make this worse with more drunk people
- the character and fabric of the neighbouring listed buildings would be spoilt by this
- If this lengthened opening time was in place, people would come from other places after closing time to continue drinking which would mean an influx of cars and visitors late at night with people looking to find a pub that's still open
- this might be appropriate in the middle of London but not here
- there are many families with young children and pets in close proximity and any late night music and entertainment would have an adverse effect on them
- increasing the time that people can drink alcohol is very bad for the health of the public and the present opening times are entirely adequate
- the only reason I can think of that this application is made is to increase the profits of the owning brewery; this is not a good reason to allow this application especially with all the negative reasons listed above
- it does not increase the amenities to the local population as there are already 4 public houses and 2 hotels in close proximity

This application is totally unsuitable for the type of establishment that it is and for the environs it's in. I am asking that you refuse the application, please.

Kind regards

[REDACTED] David [REDACTED]
[REDACTED] High St
Old Amersham
HP7 [REDACTED]

2. FAO: Charlie Robinson, Commercial Licensing Manager

Further to your recent Notification of a Premises Licence Application - Licensing Act 2003 - I would respond as follows:

My response to all the proposals contained in the above is that I am emphatically not in favour of any of the proposed time extensions. I feel residents have more than enough late night noise to contend with as the licensing hours are now. It is time residents were considered and not just the businesses as the hours of opening and outside drinking steadily increase year upon year. I believe no regard whatsoever has been paid to how the residents cope with the relentless increase of noise and disturbance from the regular extensions to opening hours both inside and outside public house. My feeling is that public houses are NOT nightclubs and the fact that, in the High Street, they are surrounded by residential properties - not located in a city centre - should be taken into account far more than it is.

When considering the requested extension to opening hours - the proposed external bar servery would add hugely to the external noise which is even harder on the residents later into the night or for longer periods during the day.

Please consider that when the pubs close, that is not the end of the noise for residents. The disturbance then continues as people spill into the High Street before finding their way home - shouting goodbyes - or simply just shouting - apart from the police having to attend from time to time. The staff have to clear up and then leave - and so on - probably for another hour.

I hope my comments will be taken into consideration.

Lynda [REDACTED]

[REDACTED]
Old Amersham

3. Hello, once again it has been brought to my attention that the Eagle is wanting to change it's hours next year. WHY?

I live at [REDACTED] High Street. Old Amersham and back on to Barn Meadow, the same as the Eagle. The noise and rubbish from The Eagle was terrible this summer, especially during weekends. The trouble is that the back gate on to the Meadow is open mostly , therefore the Meadow became an extension of the pub garden. There is a light by this gate which acts as a beacon for people to enter the pub at night from the field. and this has encouraged lots of youngsters to stay in the field and garden until late, shouting and screaming until the pub shuts.

Regarding the non-standard timings for Live Music/Entertainment and Live Music - if the present hours are increased by an hour it will only add to the noise and anti-social behaviour. Finishing at 10.00 p.m. at present at least gives neighbours a chance to get to bed at a reasonable time. The noise of music reverberates through the adjacent terraced houses, and in the summer it's a nightmare if we have windows open.

Surely the sale by retail of alcohol being restricted to finish at 11.30 pm on Friday and Saturday at present means the pub is vacated by midnight? So an additional half hour or hour on Friday/Saturday,Sunday or Monday into the terminal hour and Bank Holidays and Xmas/New Year will only lead to more drunken behaviour in the High Street or Barn Meadow after midnight.

Likewise the Opening Hours surely don't need to be extended beyond midnight ?

I have lived here for thirty years and whilst I realise the pubs are all wanting to increase their turnover after Covid, there has been a history of problems regarding this pub's clientele since 2014. Maybe you should check Amersham Town Council (rubbish) police/anti social behaviour records. This is a conservation and residential area so consideration should be given to this.

Janet [REDACTED]

4. Dear Licensing Team,

I am writing in response to application from The Eagle 145 High Street Amersham HP7 0DY to change and vary it's premises licence.

We strongly object to the following:

The Bank Holidays, Easter Bank Holiday, Thursday before Good Friday, X mas Eve and Boxing Day plus New Years Eve extension to opening Hours until Midnight + .

Whilst this is a High Street it is also a residential street enjoyed by families with young children as well as elderly residents.

The noise that will take place between The Swan and The Eagle should this extension be granted will be entirely inappropriate and detrimental to the culture of the incumbent residents.

Inevitably ,should you grant this extension , the noise pollution will go on until well past midnight ,spoiling sleep and the peace of the neighbourhood and families rights to enjoy their holiday.

By allowing an external bar servery it will encourage people to 'spill out' from the small garden and into Barn Meadow. This area is used by all members of the public and they do not need to 'trip over' empty bottles , glasses and crisp packets.

In addition should you grant the licence it will only set a precedent for all of the other pubs such as the Swan and the Elephant and Castle to apply for extensions.

Yours Sincerely,

Chris & Emma [REDACTED]

[REDACTED]
Amersham

HP7 [REDACTED]

5.

Mr Charlie Robinson
Licensing Section
King George V House
King George V Road
Amersham, Bucks
HP6 5AW

25 November 2021 I am writing to you to express my concern regarding the proposed demolition of the former Royal Holloway College building at 120-122, University Avenue, Egham, Surrey, which is due to commence in January 2022.

21/01179/LAPVA Licence Variation Eagle Amersham

We are writing with regard to the above application to extend the hours and music at the Eagle. We live immediately next door, sharing a party wall and garden boundary, with the establishment.

We very strongly oppose such an extension on the grounds of the major public nuisance caused by the pub over the last two years.

Virtually any music played inside the pub is always a nuisance to us, as the party wall is in places made only of cob. The pub building is part of the same eighteenth century facade, sharing timbers and roof from an earlier cottage construction. Music played, at anything but very low volumes, is directly audible in our bedroom. It is unthinkable the pub should be allowed to play any music after 11pm on any day – to permit it all night on New Year's Eve is beyond a nuisance.

Moreover, we believe, noise and litter from people waiting for taxis in the street after 11.00pm should be kept to a minimum. This proposal will make this kind of nuisance considerably worse.

A succession of landlords at the pub have behaved poorly, created an enormous amount of nuisance, and led us to many disturbed evenings and sleepless nights. This is all seemingly overseen by Punch Partnerships, the applicants. We have been promised improvements, focusing on a pub driven by good food and local community. Neither of these two objectives will be served by the above proposal, that seems merely designed to fuel alcohol into outsiders after midnight in what is a closely populated residential area.

We have lived next to the pub for the last eleven years, but all the worst problems we have faced have occurred in the last two years with a succession of here-today gone-tomorrow managements of the pub.

Below are summarised some examples from the three recent regimes. Multiple detailed noise recordings and complaints of the nuisance have been made to the Environmental Health Department:

- 1) In January 2020, a first new landlord left the pub after nine months. Throughout the last three weeks of this tenancy, they played loud music regularly till two even four o'clock in

the morning.

- 2) A new landlord arrived in March 2020 – they started to have a Karaoke Pub. Fortunately this was curtailed by Covid. But then they seem to have turned the closed pub into some kind of squat during lockdown.
- 3) In September 2020 a third new landlord arrived and cleaned up the place. These are the current licensees. Within two months, facing a new lockdown in November 2020, they attempted to run a 'Pub in the street' – playing loud music and serving large quantities of beer through the front windows. They seemed to show no respect that the street is under a PSPO. Their actions resulted in large numbers of afternoon drinkers trespassing and drinking on neighbouring properties, including public day-time urination.

Given the obvious parlous viability of such a small pub, it seems incomprehensible that they, and especially any unknown future tenants, should be given more scope to create public nuisance in similar ways to which we have experienced. The pub has plenty of opportunity to compete with its rivals during the day and evening trade. They currently have few daytime clients and need to take on that challenge, rather than ask for this extension when their competitors are closed.

We look to the council to curtail (not extend) the pub's activities, particularly in the playing of music. The succession of new landlords are evidently not able to control this. Bad behaviour should not be seen to be rewarded.

We are particularly worried that this proposal is driven by the brewery's desire to relaunch the pub, probably under yet more new management. They will then again exert extreme financial pressure on these new tenants to exploit any newly won extensions. We look to the council to protect us from such a practice and the resultant threat to the peaceful enjoyment of our home.

Yours faithfully

[REDACTED]
John and Lena Morgan

Supporting evidence to be considered by the licensing committee

- Recordings and evidence of 'Public Nuisance' held by Buckinghamshire Environmental Health 2019-2021
- Residents' representations submitted on the minor variation in March 2020 (granted)
- Residents' representations submitted on the major variation in 2014 (withdrawn)

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