



## Licensing Sub-Committee agenda

Date: Tuesday 8 March 2022

Time: 6.30 pm

Venue: Via Video Conference

### Membership:

D Barnes, N Southworth and H Wallace (Chairman)

### Webcasting notice

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### Agenda Item

### 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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|----------|---|----------------|
| <b>4</b> | <b>Hearing Procedure Rules</b><br>To note the hearing procedure rules and virtual licensing sub-committee procedural rules.   | <b>3 - 10</b>  |
| <b>5</b> | <b>74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN</b><br>To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of 74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN (report attached). | <b>11 - 94</b> |

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](mailto:democracy@buckinghamshire.gov.uk)

### **Licensing and Regulatory Sub-Committee Virtual Procedural Rules**

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

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

#### **Introduction**

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

#### **Administration in Relation to the Hearing**

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

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

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

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

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

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

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

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

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

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

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

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

### **Access to Information**

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

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

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

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

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

### 1. Purpose of Report

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

### 2. Background

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

2.2. The premises previously benefited from a premises licence issued under the Licensing Act 2003 which was revoked by the Licensing sub-committee on 10<sup>th</sup> November 2020 following a review application and hearing. The application to review the premises licence was submitted by the Buckinghamshire Council Environmental Health department following an

extensive multi-agency investigation of the premises pursuant of evidence of non-compliance and significant concerns raised by local residents in relation to all of the licensing objectives.

2.3. The Council have previously issued a Temporary Stop Notice in respect of the unauthorised mixed use at the premises when it was operating as a restaurant and a shisha lounge, requiring the immediate cessation of the element of the mixed use comprising the shisha lounge.

2.4. The current applicant made a previous application in respect of these premises for a new Premises Licence in August 2021, in respect of which representations were received from five of the Responsible Authorities and 45 local residents. This application was withdrawn at a hearing of the Licensing Sub-Committee which took place on the 29<sup>th</sup> September 2021.

### 3. The Application

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

3.2. The licensable activities sought are as follows:

<b>Proposed activity</b>	<b>Proposed hours</b>
<b>Supply of alcohol</b> (On the premises only)	Monday - Sunday 12:00 – 23:00 Christmas Eve & New Year’s Eve 12:00 – 00:00
<b>Live Music</b> (Indoors only)	Friday - Saturday 20:00 – 23:00 Christmas Eve & New Year’s Eve 20:00 – 01:00
<b>Recorded music</b> (Indoors only)	Monday – Sunday 12:00 – 23:00 Christmas Eve & New Year’s Eve 12:00 – 00:00
<b>Performance of dance</b> (Indoors only)	Friday – Sunday 20:00 – 22:00
<b>Late night refreshment</b> (Indoors & outdoors)	Monday - Sunday 23:00 – 23:30
<b>Opening Hours</b>	Monday – Thursday 12:00 – 23:00 Friday – Sunday 12:00 – 00:00 Christmas Eve, New Year’s Eve and Boxing Day 12:00 – 01:00

\* The Panel should note that the playing of recorded music and performance of live music are de-regulated between the hours 0800 and 2300 hours and therefore fall outside of the

jurisdiction of the Licensing Act 2003 unless subject to a Review application under section 51.

#### **4. Relevant Representations**

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

4.1.1. The Chief Officer of Police: Response received – the police have requested specific wording for a condition relating to an electronic entry recording system **Appendix 3**. The applicant has agreed to this condition.

4.1.2. The Licensing Authority: No response received

4.1.3. The Local Environmental Health Authority (Head of Environmental Health): Response received – representation in relation to public nuisance and crime and disorder. **Appendix 4**.

4.1.4. The relevant enforcing authority under the Health and Safety at Work etc Act 1974: Response received – representation in relation to public safety and crime and disorder, **Appendix 5**.

4.1.5. The Fire and Rescue Authority: No response received

4.1.6. The Local Planning Authority (Head of Sustainable Development): Response received but not within the 28 day consultation period.

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.

4.2. **Any other persons:** Fourteen objections were received during the 28 day consultation process, copies of which are attached at **Appendix 6**.

4.3. No letters of support were received.

#### **5. Licensing Officer's Observations:**

5.1. The Relevant Representations received raise the following issues:

##### 5.2. The prevention of public nuisance

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

##### 5.3. The prevention of crime and disorder

Objectors have outlined their concern and opposition to the granting of a licence for the proposed activities due to the anticipated anti-social behaviour and other related crime and disorder that has previously been experienced prior to the revocation of the previous premises licence. Residents provide details of incidents of alcohol and drug misuse as well as public order offences and violence being witnessed on a regular basis, all of which were attributed to the nature of the premises' use and lack of management control.

#### 5.4. Public Safety

Similar to the representations in relation to the prevention of crime and disorder objective, many residents have raised concerns relating to feeling unsafe with the premises being operated for the use suggested and the potential for anti-social behaviour affecting residents late into the evening.

### 6. Policy Considerations

- 6.1. Regard must be given to the Council's Statement of Licensing Policy (published 4th March 2022) when determining this application. Of particular relevance (but not limited to) are the sections relating to licence conditions (page 25) and the Council's approach to licensing hours (page 23).
- 6.2. In relation to licence conditions, the policy confirms that any conditions should be proportionate and appropriate to both the specific premises and the proposed activities. The applicant is responsible for demonstrating, through their operating schedule, how they intend to uphold the licensing objectives and prevent any harm, crime or disorder through the operation of their business.
- 6.3. In relation to nuisance, that Council's policy confirms at section 3.36 that much weight is placed on recommendations made by Environmental Health Officers. Particular issues referred to in this respect include the escape of noise from premises, the movement of patrons arriving at and departing from the premises and customer parking and its likely impact on local residents.
- 6.4. In making decisions in respect of permitted hours (section 3.11) the Licensing Authority will generally take a more stringent approach to licensing hours in areas of higher residential density where there is greater risk of public nuisance. Consideration will be given to representations made by residents in the vicinity of the premises as well as the applicant. It is also noted that premises with activities which attract younger customers are more likely to result in nuisance issues.
- 6.5. In relation to expected management standards, the policy specifies at section 3.14 that the Licensing Authority will take account, amongst other things, of the applicant's level of relevant knowledge and experience and their ability to follow expert advice and to run their business lawfully and in accordance with good business practice.
- 6.6. Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

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

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating

to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

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

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

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



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

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

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

- 8.1. **Resource:** The only resource implications to date has been officer time. If the applicant or persons making relevant representations appeals against the decision of the Licensing Sub – Committee, however, this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.

### **Human Rights**

- 8.2. The Panel should consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents. Any decision taken must be appropriate and proportionate to the objective being pursued. In particular, the following should be taken onto consideration: Article 6 - the right to a fair hearing Article 8 - respect for private and family life Article 1, First Protocol - peaceful enjoyment of possessions (which can include the possession of a licence).
- 8.3. Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and cannot be interfered with.
- 8.4. Therefore, if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.5. By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998. 8.6 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

## 9. Determination by the Licensing Sub-Committee

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

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

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

9.3. 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 proposed activities. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

9.4. 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 Premises Licence - subject to any conditions which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant mandatory conditions.

9.5.2. Exclude from the scope of the Premises Licence granted any of the requested licensable activities to which the application relates.

9.5.3. Refuse to specify a person in the Premises Licence as the premises supervisor.

9.5.4. Reject the whole of the Application.

9.5.5. Grant the Premises Licence subject to different conditions for different parts of the premises or for different /reduced licensable activities if it 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 it may not reject the whole or part of the application or attach conditions merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committee's decision.

## 10. Conditions

### THE SCHEDULE

#### For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

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

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

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

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

#### **Mandatory Condition - s19 of the Licensing Act 2003 - Supply of Alcohol**

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

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

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

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

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

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

#### **Mandatory Condition 1**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### **Mandatory Condition 2**

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

### **Mandatory Condition 3**

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or .
- (b) an ultraviolet feature.

### **Mandatory Condition 4**

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: " pint; .
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
- (iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

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

## **MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2013 (MANDATORY CONDITIONS) ORDER 2014:**

### **Mandatory Condition 5**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

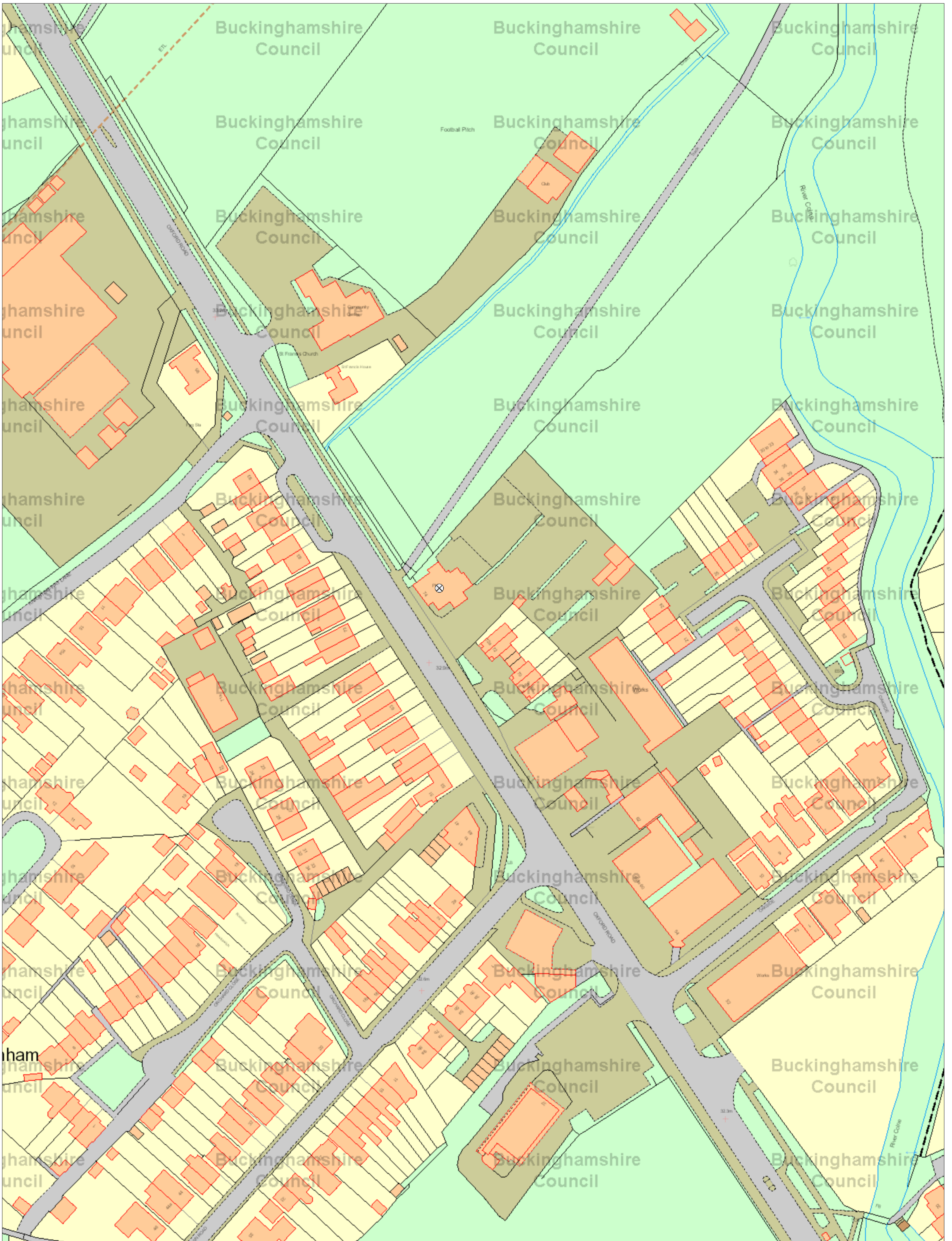
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

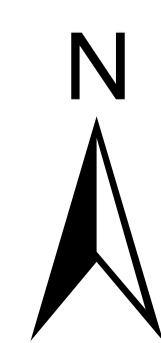
<b>Officer Contact:</b>	Caroline Steven <a href="mailto:caroline.steven@buckinghamshire.gov.uk">caroline.steven@buckinghamshire.gov.uk</a>
<b>Background Papers:</b>	Application reference (21/01377/LAPRE) Licensing Act 2003, as amended Licensing Policy published 04 March 2022. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

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### 74 Oxford Road



Date: 10/09/2021



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** ASHOK KUMAR SELVARAJ

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description <b>74 OXFORD ROAD DENHAM</b>			
<b>Post town</b>	BUCKS	<b>Postcode</b>	<b>UB9 4DN</b>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£18035.00</b>	

**Part 2 - Applicant details**

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

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

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

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

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

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

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> SELVARAJ			<b>First names</b> ASHOK KUMAR		
<b>Date of birth</b> 12/04/1974 or over		I am 18 years old		<input checked="" type="checkbox"/>	Please tick yes <input type="checkbox"/>
<b>Nationality</b> BRITISH					
Current residential address if different from premises address		4 ROSARY CLOSE HOUNSLOW MIDDLESEX			
Post town	MIDDLESEX			Postcode	TW3 4NS
<b>Daytime contact telephone number</b>			07813 797544		
<b>E-mail address (optional)</b>		Ashok_selvaraj@hotmail.co			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

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

E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  

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

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

DD MM YYYY  

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

Please give a general description of the premises (please read guidance note 1)  
 The premises are located on Oxford Road, Denham. The premises previously traded as public House and Shisha bar. The premises have been recently been taken over by new investors and we intend to re-open as a bar/shisha. The premises are located on a very busy main road with houses surrounding the area.  
 The premises also have a Mcdonalds which is open until late at night.

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

--

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

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

- | Provision of regulated entertainment (please read guidance note 2)  | Please tick all that apply |
|---|----------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)   | x                          |
| f) recorded music (if ticking yes, fill in box F)   | x                          |
| g) performances of dance (if ticking yes, fill in box G)  | x                          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |
| <b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)                           | x                          |

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

x

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Tue					
			<b><u>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</u></b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**B**

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

C

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



**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)  DJ INDOORS	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon			DJ INDOORS MAY BE REQUIRED FOR LIVE MUSIC. INDIAN NIGHTS, SOUL NIGHTS AND ALSO THE POSSIBILITY OF 90'S NIGHTS.		
Tue					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5) CHRISTMAS EVE 20.00 - 01.00 NEW YEARS EVE 20.00 – 01.00		
Thur					
Fri	20.00	23.00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6) N/A		
Sat	20.00	23.00			
Sun					

**F**

Recorded music Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)  RECORDED MUSIC TO BE PLAYED INDOORS.	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	23.00	<b><u>Please give further details here</u></b> (please read guidance note 4) RECORDED MUSIC BETWEEN THE FOLLOWING HOURS. WE WILL ENSURE WE HAVE SOUND PROOF DOOR TO ENSURE THAT NOISE IS KEPT TO AN ABSOLUTE MINIMUM.	Both	<input type="checkbox"/>
Tue	12.00	23.00			
Wed	12.00	23.00		<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5) CHRISTMAS EVE 12.00 – 24.00 NEW YEARS EVE 12.00 – 24.00	
Thur	12.00	23.00			
Fri	12.00	23.00		<b><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></b> (please read guidance note 6) SAME AS ABOVE	
Sat	12.00	23.00			
Sun	12.00	23.00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			BELLY DANCER	Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)  Possibility of a belly dancer.		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri	20.00	22.00	<b><u>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</u></b> (please read guidance note 6)		
Sat	20.00	22.00			
Sun	20.00	22.00			

**H**

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

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3) Both.	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	x
Mon	23.00	23.30	<b>Please give further details here</b> (please read guidance note 4) Late night refreshment licence to allow the sale of hot food/teas and coffee's.		
Tue	23.00	23.30			
Wed	23.00	23.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	23.00	23.30			
Fri	23.00	23.30	<b>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</b> (please read guidance note 6)		
Sat	23.00	23.30			
Sun	23.00	23.30			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	12.00	23.00	CHRISTMAS EVE 12.00 – 24.00 NEW YEARS EVE 12.00 – 24.00		
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00	<b>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</b> (please read guidance note 6)		
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	23.00			

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

Name ASHOK KUMAR SELVARAJ	
Date of birth 12/04/1974	
Address 4 ROSARY CLOSE HOUNSLOW MIDDLESEX	
Postcode	TW3 4NJ
Personal licence number (if known) H05607	
Issuing licensing authority (if known) HOUNSLOW	

K

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

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

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	CHRISTMAS EVE 12.00 – 01.00  NEW YEARS EVE 12.00 – 01.00  BOXING DAY 12.00- 01.00
Mon	12.00	23.00	
Tue	12.00	23.00	
Wed	12.00	23.00	
Thur	12.00	23.00	
Fri	12.00	00.00	
Sat	12.00	00.00	
Sun	12.00	00.00	
			<b>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</b> (please read guidance note 6)



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

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

Admission and Control of Entry. We confirm that we will provide an ID system operated at the premises at all times. All persons entering can be searched by a registered SIA Supervisor. No more than 60 customers will be allowed in the premises at any one time. The premises will be open to the public at 12.00 and close at 23.00 (Monday -Thursday) and 00.00( Friday-Sunday) Door Supervisors will be provided from opening until close. The door Supervisors will be registered with an SIA licence. CCTV will be operated within the premises and outside the premises. Staff will be trained in relevant age restrictions for the sale of alcohol, prevent underage sales, Maintain refusal logs. The premises will have clear signage that alcohol will not be sold to anyone that is drunk. The personal licence holder will be present at all times to supervise the sale of alcohol. At least two people should be present at all time in order to assist customers that may be vulnerable. Drinks will only be served in polycarbonate glasses. No customers will be allowed to remove any alcoholic drinks from the premises. The prevention of underage sales. The business will have the challenge 21 scheme in place. Proof of age will only consist of driving licence or passport. The premises will have signage with the challenge 21 scheme in place. Clear signage that it is illegal to sell alcohol to anyone under the age of 18. A refusal record to be kept at all times. All windows and doors to remain closed when regulated entertainment is being provided. No noise will emanate from the premises to give rise to a nuisance. A noise limiting device will be installed on the premises if regulated entertainment takes place. The premises licence holder at all times will ensure that someone is present on the premises that can administer first aid. All staff to be trained for emergency evacuation procedures.

**b) The prevention of crime and disorder**

The business will have ID checks at the premises where ID's will be checked and verified. All patrons will be searched by a Registered SIA security guard. The limit on 60 customers in the premises at anyone time will assist with the control of individuals coming in and out of the bar. The closing times at 23.00 and 00.00 will allow safeguarding of the premises and prevention of disorder. CCTV to be operated within the premises to cover all public areas including entrances and exits. The system will record clear images of individuals for ID purposes. The CCTV to operate throughout the day whilst the premises are open. All equipment will have accurate time and date generation. The prevention of illegal drug use on the premises. There will be a reporting book which will need to be completed. Police will be called and patrons arrested and notices will be visible preventing the use of drugs. The Glassware will be polycarbonate glasses. There will be 2 SIA registered licence holders on the premises at all times. No underage Sales of Alcohol. Promoting challenge 21 policy. Prevention of underage sales and that no alcohol can be sold to anyone under the age of 18. At all times Children under the age of 18 will not be allowed on the premises. All food sold after 23.00 will be sold on the premises. Dispersal of patrons will be managed as clear notices will be displayed at all exits requesting customers to respect local residents and leave the area quietly. Public announcements to request people to leave quietly. A member of staff or SIA door supervisor will be at the exit and be visible to the public to remind people to leave quietly and will not be allowed re-entry into the premises. All drinks will be removed from the patrons to ensure on glasses leave the premises. Prior to 1 Hour before closing a member of staff shall be dedicated to monitor the dispersal of patrons so they do not contribute to any anti-social behaviour in the vicinity.

**c) Public safety**

There will be Door Supervisors on the premises to ensure Public Safety. All SIA registered Supervisors will have to wear visibility jackets, display SIA badge, and be approved by the SIA Contractor Scheme. All personnel must be advised of their duties at the commencement of the shift. Door Supervisors must be provided with radios to contact each other. There will be CCTV recorded inside and outside the premises to ensure and maintain public safety. All SIA staff must ensure that a record is kept of the time and dates that they were on duty. All designated areas must be recorded at all times. Dispersal of individuals at the premises with clear notices displayed.

**d) The prevention of public nuisance**

All external doors and windows to remain closed regardless of entertainment being provided. No noise shall emanate from the premises that gives rise to a nuisance. A noise limiting device will be installed and must operate at all times. There shall be no noise or odours from the kitchen area that give rise to a nuisance. No deliveries will be made after 23.00 and all deliveries will be taken after 08.00. All delivery drivers will respect the residences and ensure that the delivery is taken in a manner that will not cause a noise disturbance to the occupiers of the residential area. The Smoking area/Shisha area will display notices that patrons must respect local residences and keep noise to a minimum.

**e) The protection of children from harm**

No Children under the age of 18 will be allowed on the premises at any time. All individuals will be required to provide Proof of age.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
-

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I  X have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

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

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	15/12/21
Capacity	SOLICITOR

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

Signature	
-----------	--

Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) MS R KHAN SOLOMONS SOLICITORS NORTH OFFICE 16 FINCHLEY ROAD ST JOHNS WOOD			
Post town	<b>LONDON</b>	Postcode	<b>NW8 6EB</b>
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@solomonssolicitors.co.uk			

**Notes for Guidance**

1. 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

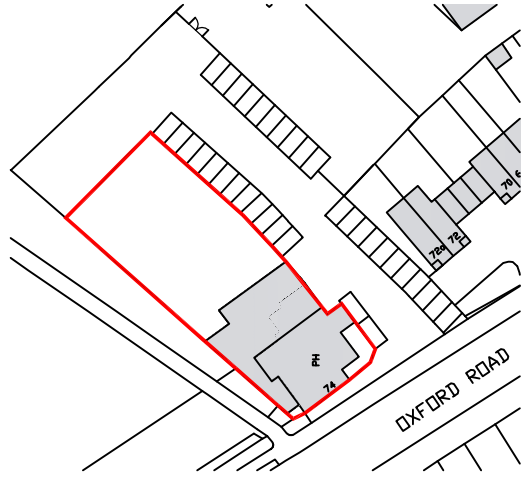
- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

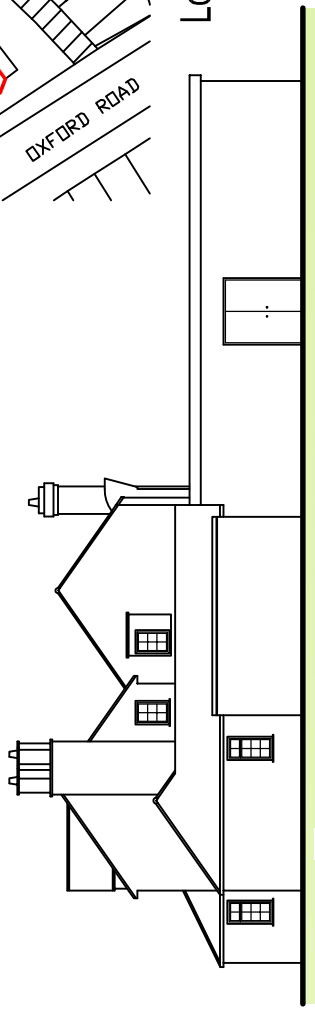
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



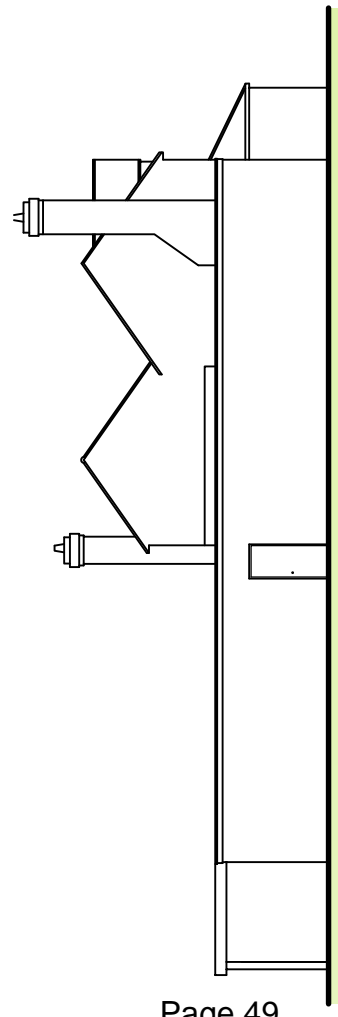
This document should not be relied on or used in circumstances other than those for which it was prepared and for which Westridge was commissioned. Westridge accepts no responsibility for this document to any other party other than the person by whom it was commissioned. All setting out dimensions on drawings are to be confirmed on site, if there are any discrepancies then please notify Westridge for clarification.



Location Plan  
(Scale 1 : 1250)

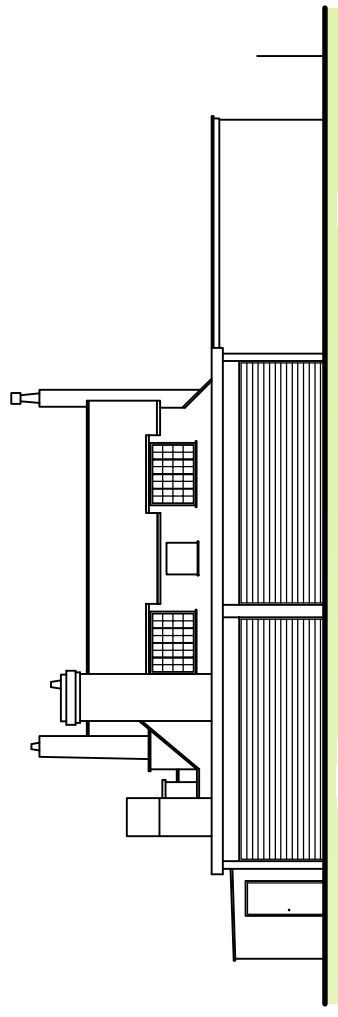


FRONT ELEVATION

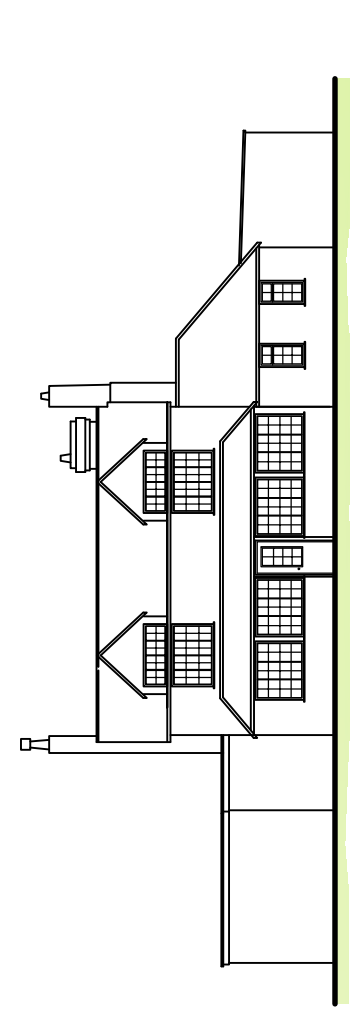


REAR ELEVATION

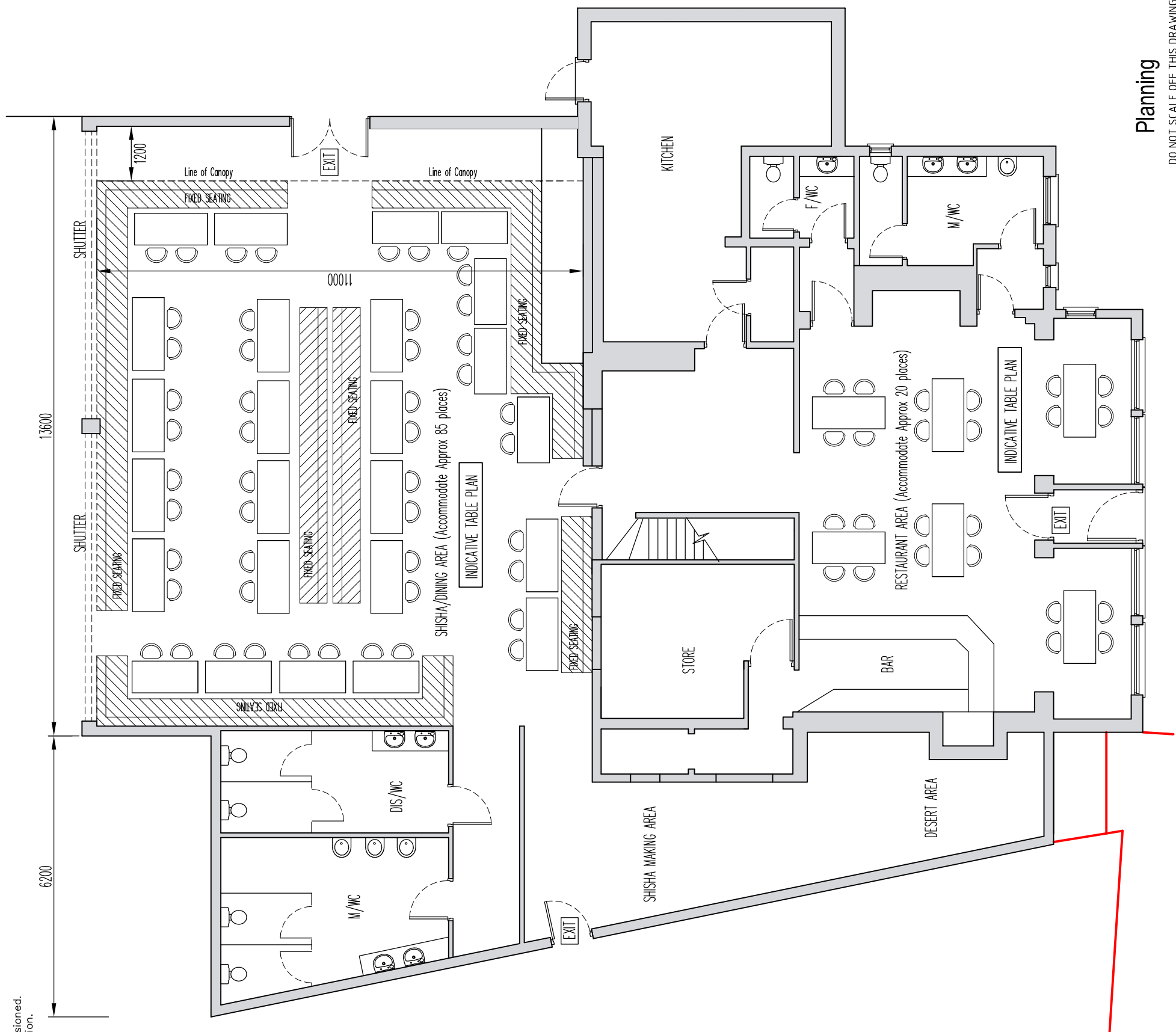
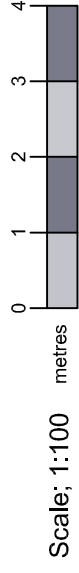
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



Planning

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

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<b>WESTRIDGE</b> Property Consultants Ltd Design - Development - Project Management	<b>CLIENT:</b> Mill House, Mill Court Great Shelford Cambridge CB22 5LD Tel: 01223 233 600 www.westridgeconsultants.co.uk	<b>DRAWING:</b> GROUND FLOOR LAYOUT & ELEVATIONS	<b>Job No:</b> WPCLO406	<b>Dwg No:</b> PL-01	<b>Rev:</b> 0
	<b>PROJECT:</b> 74 OXFORD ROAD, DENHAM, UXBRIDGE	<b>Date:</b> MAY 2021	<b>Scale:</b> A3 1: 100/200		

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**Trevor Hooper**  
Licensing Officer,  
Aylesbury, Chiltern & South Bucks.

Aylesbury Police Station  
Walton Grove  
Wendover Road, Aylesbury  
BUCKS, HP12 7LA

Tel: 07977028340

Fax:

trevor.hooper@thamesvalley.pnn.police.uk

[www.thamesvalley.police.uk](http://www.thamesvalley.police.uk)

20th January 2022

Dear Mr Selvaraj,

**Application for a New licence, Vici Lounge, 74 Oxford Road, Denham.**

Thank you for your application with regards to the above.

After careful consideration and consultation with the officers in the area in which this licence will sit we would ask that a further condition be added to the operating schedule. This condition will help to promote all four licensing objectives.

It is noted that this condition was offered in a previous application that was made, and in part is offered within this application. Thames Valley Police would like to see an electronic entry recording system which will record all customer details including type/style of identification used, customer name, address and be able to record identification document also photograph and record the image of the person entering.

**Below is the original condition offered?**

An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

If you are in agreement to the above becoming a condition then Thames Valley Police would have no objection to this application.

Could I ask that you reply to this letter to give confirmation that you are in agreement.

T I Hooper.  
Licensing Officer.

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**PREMISES LICENCE APPLICATION**

**74 OXFORD ROAD**

**NEW DENHAM**

**REPRESENTATION MADE**

**BY THE RESPONSIBLE**

**AUTHORITY FOR POLLUTION CONTROL**

**21/001377/LAPRE**

**28<sup>th</sup> February 2022**

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### Executive Summary

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- 1.1 Authorisation of author
- 1.2 Role as Responsible Authority
- 1.3 The author's relevant qualifications and experience
- 1.4 Description of 74 Oxford Road
- 1.5 The Premises Licences for 74 Oxford Road
- 1.6 Complaint history of Premises regarding noise
- 1.7 Application 21/01377/LAPRE

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

- 2.1 The physical location of the premises vis-à-vis dwellings and local noise climate
- 2.2 The structure of the building and its resistance to the passage of sound

#### 3. Analysis of Compliance Risk

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

APPENDIX A: Initial Representation concerning application 21/01377/LAPRE (26/1/2022)

APPENDIX B: Proposed modifications to the application 21/01377/LAPRE (31/1/2022)

## 1. Introduction and Background

1.1 The author of this Representation is Andrew Godman, an *Authorised Person* of the Council as defined by Section 69(2)(d) of the Licensing Act 2003: '*...an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purpose of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.*'

1.2 This Representation is made by the Council acting as a *Responsible authority* as defined by Section 69(4)(e) of the Licensing Act 2003: '*... the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.*'

1.3 I am a Chartered Environmental Health Practitioner and have performed pollution control regulatory duties for local authorities since 1992. I hold a BSc. (Hons) in Environmental Health and a Post Graduate Diploma in Acoustics and Noise Control. I am a corporate member of both the Chartered Institute of Environmental Health and the Institute of Acoustics. I also provide advice on risk management matters to the Chief Constables of Hertfordshire and Cambridgeshire and also the Police and Crime Commissioners for those counties.

I have extensive experience of dealing with Environmental Health matters associated with 74 Oxford Road and have visited the premises on over 12 occasions since 2020. My last visit was on the 18<sup>th</sup> of February this year.

1.4 The structure formerly, and most recently, known as the Soin Lounge is a detached building situated at 74 Oxford Road, New Denham and is listed under Town & Country Planning Act 1990. Immediately adjacent to it is a car park used by its staff and patrons.

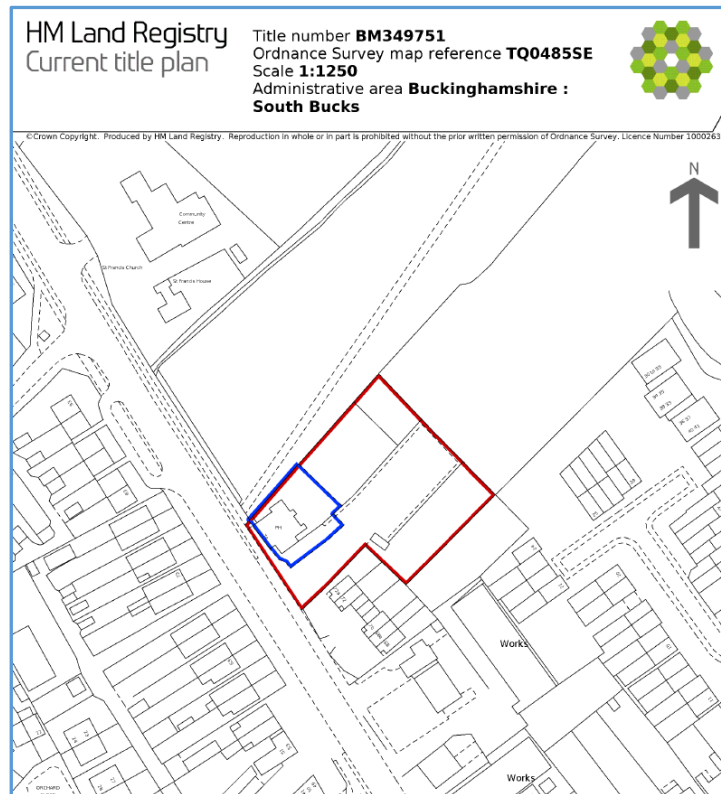
Map 1, over page, illustrates the location of 74 Oxford Road in the context of New Denham and Map 2 sets out the demise of 74 Oxford Road as recognised by the HM Land Registry.

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

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



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





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



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



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



Photograph 3: the side entrance the structure



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

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

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

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

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

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

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

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

1.6 The Council maintains records of all complaints made to it (or its predecessor for the area, South Buckinghamshire District Council) concerning environmental health matters since the late 1990s. Table 1, below, summarises the complaints received in connection with this premises up until February 2022:

Table 1: summary of complaints regarding 74 Oxford Road

Date	Reference	Description by complainant	Response summary
07/04/1998	98/00395/NPUB	Noise from Karaoke on Saturday evening	Not substantiated
27/07/1998	98/01506/NFOOD	Noise from Karaoke at the weekend	Substantiated and abatement notice served on premises
28/9/1998	98/02696/NPUB	Noise from karaoke and ladies night events	Not substantiated
29/06/1999	99/00936/NPUB	Noise nuisance Fridays and Saturdays until 1.30am	Not substantiated
30/06/1999	99/00949/NPUB	Noise on Thursday night	Not substantiated
20/12/1999	99/02240/NPUB	Loud music Fridays and Saturdays	Not substantiated
14/02/2000	00/00276/NPUB	General noise from premises	Not substantiated
07/08/2000	00/01868/NPUB	Noise from loud amplified music	Resolved by discussion with Mr Uddin
14/08/2000	00/02105/NPUB	Amplified music	Substantiated and abatement notice served on premises
05/04/2001	01/00646/NPUB	Noise from smashing bottles	Resolved by informal discussion with Mr Uddin
18/12/2001	01/02402/NPUB	Amplified music from marquee	Not substantiated
22/07/2002	02/01737/NPUB	Out of hours noise complaint (no details recorded)	Resolved by provision of advice
16/08/2004	02/02339/NDPART	Out of hours noise complaint (loud music from noisy party)	Substantiated and abatement notice served on premises (trading as Tiger Cubs)
05/09/2005	05/01515/NPUB	Loud music reported to out of hours by Thames Valley Police	Resolved by informal dialogue
27/06/2016	16/01666/NSMUS	Amplified music on Sundays	Resolved by informal dialogue
8/08/2020	20/01712/NSMUS	Entertainment noise from the premises Noise associated with patrons	Noise abatement notices served Noise making equipment seized Premises Licence revoked
18/2/2021	21/00346/ACCUM	Accumulation of refuse in car park	Resolved by informal dialogue
1/6/2021	21/01174/NSMUS	Playing of music in car park	Not substantiated

The shaded cells in Table 1 illustrate that this premises has been subject to four separate sets of enforcement notices as regarding noise nuisance.

- 1.7 In the course of 2021 the Council received a number of applications for a Premises Licence in connection with 74 Oxford Road most of which were deemed by the Licencing Authority to be technically invalid. However, application 21/01377/LAPRE was deemed to meet the requirements of the Licensing Act 2003 and there it was forwarded to Responsible Authorities for review.

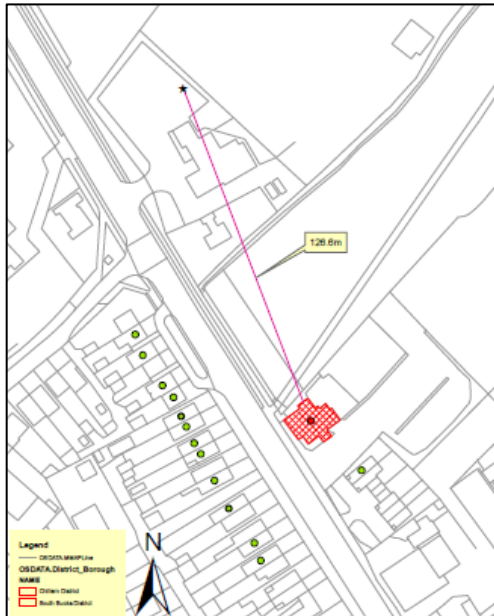
Following a review of the contents of this application and an external inspection of the premises (as permitted by a warrant granted to me in connection with the Environmental Protection Act 1990) I made a Representation on 26th January 2022 to the Licensing Authority recommending that a Premises Licence is not granted on the terms sought – see Appendix A.

Notwithstanding the above, I did state my willingness to enter into a constructive dialogue with the applicant with view to securing changes to the application so that licensing objectives were likely to be promoted in practice. In response to this, the Applicant’s legal presentative did contact me to arrange a site meeting with his client and made amendments to the application in light of my concerns set out in my Representation. These were emailed to be on 31<sup>st</sup> January 2022 – see Appendix B – and were forwarded to the Licensing Authority.

I visited 74 Oxford Road on 22<sup>nd</sup> of February 2022, as requested, and met the Applicant’s legal adviser, Mr Khan. Unfortunately, the applicant himself, Mr Selvaraj, was not in attendance. I explained my concerns regarding the premises in general, and the application in particular, over the course of the 90 minute meeting and suggested that Mr Selvaraj may wish to revisit the application with view to moderating further the scope of the licensable activity applied for and to reinforce the Operating Schedule conditions so that they are meaningful, practical, and clear. Mr Khan indicated that Mr Selvaraj would be in contact with me (and/or the Licensing Authority) shortly but no such communication has been received at the time of writing (28<sup>th</sup> February 2022).



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



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

Accordingly, the location of 74 Oxford Road, not only in terms of the building in which regulated entertainment is proposed to take place but also the car park from which patrons will leave, is far from ideal.

Whilst background noise levels in the area during the day (07:00 to 23:00) are relatively high due to road traffic, these levels fall significantly after 23:00 and therefore very limited masking of entertainment or patron noise arising from the premises.

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

The main structure of 74 Oxford Road was constructed over 80 years ago and is a Grade II listed building (date of listing: 1985, reference 1124494). It is reasonable to assume that it was not designed or built with noise control in mind as amplified entertainment, such as music, was not a common existence at the time of its construction. At the Review hearing in November 2020 I did ask Mr Moyn Uddin, the Designed Premises Supervisor (DPS) and co-licence holder at that time who had a familiarity with the building spanning a period of over 20 years, about any noise control features of the building and he was unable to furnish the Panel with any such information. Again, it is reasonable to assume that the fabric of the building was not modified, post its original construction, to accommodate noise control measures linked to electronically amplified entertainment.

In 2020 an annex was added to the rear elevation of the main structure which was not in conformity with the Local Planning Authority's approved plan arising from application PL/19/1728/FA (*'Single storey covered canopy at rear and associated alterations to the rear façade of the listed building'*). The approved plans show that the rear elevation of the

extension was to have a solid continuous façade with windows rather than full span shutters that were *actually* installed – see Photograph 2A and 2B. This particular aspect of this unauthorised development materially degrades the performance of the lounge area from a noise control point of view. When open (even to a limited degree), this substantial structural opening would permit the unfettered emission of acoustic energy into the local environment.

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



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

During my visit to the premises on 18<sup>th</sup> February 2022 I noted that the roof of the extension was part missing – see photograph 6. This, again, degrades the performance of the structure, from a noise control point view.



Photograph 6: view of ceiling/roof of extension as seen from within 74 Oxford Road (February 2022)

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



### 3. Analysis of Compliance Risk

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

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

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

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

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

I now turn to the control measures set out in Section M of the proposed Operating Schedule (together with amendments supplied by the applicant’s legal adviser on 31<sup>st</sup> January 2022). A number of these controls are simply a broad reiteration of the *prevention of public nuisance licencing objective* and therefore lack precision as to how they will be employed in practice. The majority of the remaining proposed measures are vague and do not permit their direct translation into clear and enforceable licence conditions that reflect the *Crawley Borough Council v Attenborough 2006* judgement and consequently, in my view, amount to a set of unreliable control measures in their current form.


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

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

I believe that the evidence provided within this Representation demonstrates that the current construction of the building at 74 Oxford Road, its orientation, and the spatial proximity (including associated car park) to residential properties makes the practical achievement of the *prevention of public nuisance* licensing objective very challenging. In particular, the practical control of noise associated with patrons when they leave 74 Oxford Road is an additional difficulty given that it will, according to the proposed Operating Schedule, occur a) after 23:00, b) in the open air, and c) when background noise levels are typically low.

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

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

Signature of Officer	
Capacity	Environmental Health Officer
Date	28 <sup>th</sup> February 2022

## APPENDIX A: INITIAL REPRESENTATION AGAINST GRANT OF PREMISES LICENCE



### Directorate for Planning, Growth and Sustainability

King George V House, King George V Road, Amersham, Bucks HP6 5AW

[envhealth.csb@buckinghamshire.gov.uk](mailto:envhealth.csb@buckinghamshire.gov.uk)

01494 732058

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

Licensing Authority CSB Area  
Buckinghamshire Council  
Amersham  
Buckinghamshire  
HP6 5AW

Dealt with by: Andrew Godman  
Direct Line: 01494 732934  
Your Ref: 21/01377/LAPRE  
Date: 26<sup>th</sup> January 2022  
Our Ref: 22/00066/LIAPPL

Email: [Andrew.Godman@Buckinghamshire.gov.uk](mailto:Andrew.Godman@Buckinghamshire.gov.uk)

----- BY EMAIL -----

Dear sir/madam

#### Licensing Act 2003

**Re: Premises Licence application – 74 Oxford Road, Denham, Buckinghamshire**

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

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

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

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

#### **Inadequacy of the mitigation cited in the proposed Operating Schedule**

Many of the steps cited in Section M of the application (the proposed Operating Schedule) are necessary and, in principle, go *some way* to securing the prevention of public nuisance licensing objective as stated in the Act. However, the current wording of these control measures falls some significant way short of amounting to clear and enforceable licence conditions that reflect the *Crawley Borough Council v Attenborough 2006* judgement. Whilst some limited rewording might

be within the powers of officers of the Licensing Authority having regard to Section 18(2)(a) of the Licensing Act 2003, they are likely to remain a set of incomplete and, in some instances, *unreliable* control measures.

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

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

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

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

- Closure of the premises to the public no later than 23:00
- The exclusion of all regulated entertainment
- The exclusion of late night refreshment
- The clearance of the adjacent car park of all patrons by no later than 23:30
- Regular perimeter noise monitoring and associated record keeping
- The effective management of noise from persons queuing to enter the premises
- The effective management of noise from patrons leaving the premises
- The effective management of noise associated with commercial waste
- The effective management of litter in the vicinity of the premises
- The effective management of patron car parking in the vicinity of the premises

**The way forward**

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

Yours faithfully,



Andrew Godman  
Environmental Health Officer

cc Mr A K Selvaraj (Applicant)

## APPENDIX B: PROPOSED MODIFICATIONS TO THE APPLICATION -

From: information <[info@solomonssolicitors.co.uk](mailto:info@solomonssolicitors.co.uk)>  
Sent: 31 January 2022 08:04  
To: Andrew Godman <[Andrew.Godman@buckinghamshire.gov.uk](mailto:Andrew.Godman@buckinghamshire.gov.uk)>  
Subject: [EXTERNAL] 74 Oxford Road

Dear Mr Godman

Further to conversations today we can confirm the following.

Our client is content with the closure of the premises to the public no later than 23:00 Sunday to Thursday with the closing hours on Friday and Saturday being 00.00.

Regulated entertainment being light background music and no DJ.

The late night refreshment licence being until 23.30 only on Fridays and Saturdays.

The clearance of the adjacent car park of all patrons by no later than 23:30.

Regular perimeter noise monitoring and associated record keeping.

The effective management of noise from persons queueing there will be no individuals queueing at all.

The effective management of noise from patrons leaving the premises.

The effective management of noise associated with commercial waste.

The effective management of litter in the vicinity of the premises.


The effective management of patron car parking in the vicinity of the premises

We are content with the above conditions to be added to the licence.

We are grateful for your concerns and look forward to meeting you and your colleagues on site on Friday 18th February 2022 at 2.30pm.

Kind Regards  
Solomon's Solicitors

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 <p>BUCKINGHAMSHIRE COUNCIL est. 2020</p>	<p><b>ENVIRONMENTAL HEALTH</b> Housing and Regulatory Services</p> <p><b>Directorate for Planning, Growth and Sustainability</b></p>
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REPRESENTATION ON PREMISES LICENCE APPLICATION

YOUR REF: 21/01377/LAPRE	DATE: 31/01/2022
ADDRESS: 74 Oxford Road New Denham Denham Buckinghamshire UB9 4DN	To: <a href="mailto:licensing.csb@buckinghamshire.gov.uk">licensing.csb@buckinghamshire.gov.uk</a>  From: <a href="mailto:nick.phillips@buckinghamshire.gov.uk">nick.phillips@buckinghamshire.gov.uk</a>

To The Licensing Authority

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

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

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

I made a similar representation against the previously withdrawn application in September 2021 so the applicant is aware of this issue but has chosen not to address it in this new application.

**Nick Phillips**

Environmental Health Practitioner  
For Housing and Regulatory Services

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1. Hi,

Please take this email as an objection to the licencing of Vici Lounge (previously known as Soin Lounge, 74 Oxford Road, New Denham)

In response to the recent application 21/01377/LAPRE, please see below my reasons:

New Denham is a highly residential area, the premises sit opposite and to the side of several properties, all of which were severely adversely effected by the previous occupant's business practices and its clientele for the entire several months of its opening.

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

Worth noting that this is a resubmission, the previous submission was withdrawn by the applicant before a decision was made by the council.

This revised submission was submitted on December 24<sup>th</sup> (Christmas Eve), the applicants must have been aware that council services tend not to operate at full capacity over the Christmas period. Hence, the application was not released to the public domain until week commencing 17<sup>th</sup> January. Giving the local residents just a few weeks to read, digest and make representations to the licencing team. Once again, the applicant has exhibited little or no consideration for the local community.

With reference to the proposed licensing schedule:

**Performance of live music** - The application states: "They have a sound proofed door" - Since, the last submission no building works have been apparent. Whilst the door may be sound proof, the rest of the building is not. Music can be heard easily (due to the age and breach of building regulations –which have recently been legally documented and the previous owner fined for non-compliance) I am not sure the building has been fully sound proofed or is even allowed to be altered due to its age. Therefore, the issue regarding playing loud music and the noise pollution generated remains the same.

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

### **Environmental Concerns**

#### Shisha Area/Smoking Area

The application once again refers to the doors and windows being closed – (please see concerns as listed above). They have stated that a notice will be displayed reminding the patrons to be quiet in the Shisha Area – which I am presuming will be outside. This in itself creates a concern with shisha smoke being omitted and polluting the local area.

Although, having seen the plans/layout of the premises the Shisha Area looks to be based inside – which I believe breaches current regulations:

"The Smokefree (Premises & Enforcement) Regulations 2007 **prohibit the use of shisha pipes** in all enclosed public places and workplaces. The law prohibits the smoking of tobacco and anything that contains tobacco and any other substance."

Therefore, the application should be rejected based on this alone.

### **Breach of Building Regulations**

During the review where the previous licence was revoked, the building regulations were deemed to have been breached, as in, the plans that were agreed upon by the council were completely ignored and therefore the building as it stands at the moment is not legally viable. And to the best of my knowledge no building renovations have taken place and therefore the issue remains the same. Therefore, they should not be able to trade within these premises - please see the lengthy notes from this review.

### **The Prevention of Public Nuisance**

Patrons/Admissions –

Application states that no more than 60 people will be allowed into the premises at any one time. The car parking available is well below the capacity for cars required to service this amount of people. That's, if the space in front of the venue is indeed part of their licence application? Therefore, the concern here is that patrons will once again park their cars in front of the houses and along the roads adjacent to the venue.

Furthermore, how is the licensee going to highlight to patrons that the club is full – this was one of the concerns previously raised, patrons unable to gain access to the club often created noise whilst arriving and departing, were rowdy when waiting in a queue to get in or simply were unhappy to not gain entry and therefore loudly voiced their disapproval.

Plus, sixty plus patrons spilling out into a residential area after 23.00 and onto a main road, is not ideal. Creating noise and disrupting the local community. It is just not acceptable and reasonable to expect local residents to put up with any noise pollution and anti-social activity, in what is a very quiet residential area.

### **Opening Hours/Sale of Alcohol**

Since the previous application the opening times have been reduced to 23.00. This will not prevent anti-social behaviour from continuing on the local residential streets into the early hours. Given the amount of anti-social behaviour previously witnessed. As the newly named Vici Lounge will attract the same type of clientele (still a Shisha Bar) I fail to see how the issues regarding anti-social behaviour will be any different - once again the licencing committee should not grant them a licence where alcohol is involved at all.

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

It took a huge community effort to get the previous licence reviewed and eventually withdrawn, several months of police phone calls, logging and recording every anti-social, criminal event via the correct channels, emails to local council officials, emails to planning teams, the local MP was also actively involved. Once again the local community, have to appeal to try and prevent a very similar institution taking root. This particular applicant and his unnamed team seem determined to try and get a nightclub into these premises – ignoring any impact it might have on the local community.

Perhaps the committee would like to investigate why the applicant Ashok Kumar Selvaraj is interested in obtaining a licence for a premises in South Bucks? Given that he himself lives and has

his businesses registered in Hounslow. He has no previous history in hospitality (that I have been able to ascertain) his current business portfolio involves wireless communications and telecommunications'. A very different scenario than licencing, running and managing a night club. I suggest trying to establish who will be in fact running the establishment – perhaps the Soin Family?

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

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

Kind regards

Selena Evans

[REDACTED]

New Denham

Buckinghamshire UB9 [REDACTED]

---

## 2. Customer Details

**Name:** Mrs Barbara Comben

**Email:** [REDACTED]

**Address:** [REDACTED], New Denham, Buckinghamshire UB9 [REDACTED]

### Comments Details

**Commenter Type:** Neighbour

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

**Reasons for comment:**

- Crime Objections
- Noise Disturbance
- Public Nuisance
- Public Safety
- Spoil the amenity of the village

**Comments:** 9:31 PM on 31 Jan 2022 I strongly object to the licensing of this premises.

When operating previously in a similar capacity, we were personally affected at night by the cars revving and playing music until the early hours of the morning, laughing gas canisters left strewn around and serious antisocial behaviour. I have two small children and the thought of this place opening once again at the end of our road terrifies me. The clientele that this type of establishment attracts is far from desirable.

We are a quiet residential neighbourhood is not in keeping with our neighbourhood plan, which has just been passed.

The fact that this has once again been resubmitted has actually caused an enormous amount of anxiety for me.

Main concerns are noise, antisocial and illegal behaviour in a very quiet residential area.

Please do not let this re-open!

---

### 3. Customer Details

**Name:** Mrs Julia Soukal

**Email:** [REDACTED]

**Address:** [REDACTED], New Denham, Buckinghamshire UB9 [REDACTED]

### Comments Details

**Commenter Type:** Member of Public

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

**Reasons for comment:**

- Noise Disturbance
- Opening Hours
- Parking
- Public Nuisance
- Traffic

**Comments:** 3:03 PM on 04 Feb 2022 Me and my husband are strongly objecting the opening of the new Lounge at 74 Oxford Road. Previous owners used it for same purposes and it took us (people living in this area) long time to fight against the Lounge.

They caused a lot of problems to include:

Noisy behaviour

Suppling drugs

Open in the eve till early in the morning

Parking in front of the houses opposite the Lounge

Having sex in the cars

Loads of empty containers from laughing gas

We don't want in our area places like this, we want a safe place for all residents, younger and oldest, but specially for young children to be exposed to situation like this.

We also don't want the value of our houses to go down because of what might be going on in our area.

We just wonder why they cannot open the pub or nice restaurant for all of our community to enjoy. Why it needs to be something as horrible as previous Lounge?

Why are you thinking of giving people another opportunity to open very similar type of place knowing that a lot of people objected before.

Let's try to use this place for something that will benefit whole our community.

We strongly object to giving permission to the new Lounge to be opened and we are looking forward to hearing from you.

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4. Date: 24th January 2022

Dear Sir/Madam and The Licensing Board,

Reference:

- Application: Grant Of A Premised Licence, Licensing Act 2003
- Applicant: ASHOK KUMAR SELVARAL
- For Premises: 74 OXFORD ROAD, DENHAM. UB9 4DN
- Opening Hours: 12:00 - 23:00 and 00:00, Seasonal: 12:00 - 01:00
- Premise Activity: Bar/Shisha

I am writing to submit my representation of objection, after reading the above application notice.

I reside at [REDACTED] Oxford Road, Denham UB9 [REDACTED] and from my home, the said property is adjacent to my 2 o'clock and is approximately 40 meters away. This particular part of Oxford Road is a quiet neighbourhood that comprises families with vulnerable young children, teenagers and the elderly, as well as hard-working members of the community. This application from what I understand would conduct such activities as a Bar/Shisha, in other words - Night Club practises and thus would create the following disturbances, nuisance and safety incidences.

Historically, this kind of licenced activity has proven to cause a huge disturbance and had impacted and harmed our community of not living a peaceful and enjoyable life.

#### 1. Noise Nuisance

At present, after the rush hour traffic has quietened down around most evenings, at 6.30 pm and then the following morning traffic road noise starts at 6 am. I am able to relax and enjoy family time at home and then retire to bed by 9.30 pm, including weekends, starting at 6 am for a full working day.

Additional car traffic and patrons visiting and leaving, playing music/live music at said application late times of the evenings and night hours would cause extra noise, as well as, additional noise pollution. As this is a grade listed building, the building has not been designed for music sound waves to be contained within the building and there would be a constant thud of the bass from my front bedroom, 40 meters away. I would be able to hear all the noise nuisance and patrons voices, especially at night. Being in the past, this premise has had a licence to grant for activities such as

Alcohol sales, Bar/Shisha and Music entertainment and this has proven to attract such visitors for late-night entertainment, which has been harmful and disruptive, especially in regards to my mental health at work and personal relationships, due to destructive sleep throughout the night.

## 2. Any Social Behaviour

I have witnessed patrons partake in activities on the road directly in front of my home, of smoking drugs, consuming alcohol, miniature gas high canister, and then littered in front of my property, as well patrons urinate outside beside on the waste bins with utter disregard to the community neighbourhood safety - Again, all of which I and my family have personally witnessed from our home.

## 3. Public Safety

This is a quiet residential family area and granting such a licence would again, encourage unlawful criminal behaviours and activities, as mentioned above, which has harmed my and my family's safety in our home.

To Summaries

Should this establishment be a Michelin Star Restaurant and with the kind of clientele we would expect to see. I would not be writing to oppose.

However, this particular Bar/Shisha business model is not suited in our quiet family neighbourhood community, thus all the above-said points will impact my family's human rights to peacefully enjoy family life.

Equality and Human Rights - Article 8 protects the right to respect for private and family life.

I trust you will take great care in making the right decision for our respectful law-abiding community.

Should you have any questions, please do not hesitate to ask.

Finally, please would you kindly acknowledge this email for my records?

Thank you for your time and consideration.

Yours Sincerely,

Kiran Chaeger.  
[REDACTED] Oxford Road,  
Denham,  
Bucks.  
UB9 [REDACTED]

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## 5. Dear Licensing Team

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

Our concerns are:

1. The prevention of crime and disorder - this is a densely populated residential area and there are houses less than 10 metres from the premises. When people are leaving (at the late hours on the application) there is the potential for fights and damage to our cars parked outside our houses. There is the potential for illegal and dangerous parking along the pavement and grass verges, as the car park is not big enough.
2. The prevention of public safety - the hours in the application are too late in a residential area. There is the potential for dangerous driving as people are leaving in the dark. The car

park is not large enough causing people to park on the grass verges and pavement, causing people to walk on the A4020 main road into Uxbridge. The venue is going to be an inside shisha bar with no ventilation that I can see, which is against smoking regulations. In the application it says all external windows and doors will remain closed when regulated entertainment is being provided, will the shisha bar not run in that time?

3. The prevention of public nuisance - there is the potential for noise with people queuing to get in and leaving at the late hours. Also, the potential of noise nuisance due to the late timings of live and recorded music that will be harmful to us. The building is not sound proofed due to age. A sound proofed door is inadequate to prevent the noise leakage, as no other measures have been carried out since the last occupants. How am I supposed to sleep (with the late noise) and then go to work the next day caring for women and their babies, as I am a midwife.
4. The protection of children from harm - I don't want my children to witness intoxicated people leaving the venue with a potential for acts of public indecency, as there were with the previous premises with the same modus operandi.

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

In the application by Mr Selvaraj the address & postcode don't match. If you google TW3 4NS the postcode was terminated by Royal Mail in May 1994.

Kind regards

Mr Simon & Mrs Susan Bettesworth

█ Oxford Road

Denham

UB9 █

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6. To whom it may concern

I write to object to the license application made by Mr Ashok Selvaraj on the property 74 Oxford Road.

My reasons for objecting are as follows:

- The proposed bar/shisha application is not dissimilar to how it was operated by the previous proprietor, something that proved to be wholly unsuitable given the fact the immediate area around the property is a family-oriented residential area.
- The make-up of the building, given its Listed status, is wholly inadequate at suppressing loud noise, something demonstrated when operated previously as a late entertainment venue.
- The car park capacity has previously caused parking issues for clients, resulting in parking overspill onto the adjacent roads and pavement area causing a health & safety concern on numerous occasions.
- The type of clientele attracted to this type of establishment has previously been young patrons who regularly demonstrated a total lack of consideration to local residents when entering and exiting the venue during the latter part of the evening - police having been called on numerous occasions in the past in an attempt to get the operator to manage noise and rowdy behaviour, particularly when leaving the premises clients, but to little effect.
- I am not aware the original building work to the Listed premise ever received formal planning consent and has been built to meet the exacting needs of a shisha operation. More importantly, as with many local authorities, Councils have looked to do everything within their remit to halt the damaging effects of smoke inhalation on their residents, and, given an hour shisha session equates to a similar nicotine intake of approx 100 cigarettes, I would

have thought license approval to sell shisha is something the Council would not be looking to promote.

I am more than happy to see 74 Oxford Road open as a traditional pub/restaurant operation, something it has successfully been able to operate as for many years, something that's adding real value to our small community here in New Denham, however, the very thought of it re-opening as a bar/shisha lounge fills me once again with absolute dread knowing that, regardless of who actually holds the license, the clientele type will bring nothing but disruption to our lives.

I hope you will consider the above, and similar objections from my neighbours, and reject this license application.

Yours sincerely

PAUL SMITH  
[REDACTED] Oxford Road  
UB9 [REDACTED]

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7. Good morning,

I am writing as a resident of Oxford Road in objection to this premises being granted the license set out in their application. I live at number 79, directly opposite the premises in question. In the past with previous occupants operating under very similar circumstances, with much of the same services in place. My two young children were kept awake night after night, from the incessant noise from within as well as the antisocial behaviours of the patrons hanging around outside the premises into all hours of the morning, revving engines, blaring music out of their cars, fighting, urinating, shouting, swearing. My children were afraid, and neighbours felt threatened and even had been directly threatened on several occasions.

The current application suggests that noise inside the establishment will be kept to a minimum. Giving the structure of the building, it is plainly obvious that this won't be possible and therefore should not be committed to. Furthermore, the applicant suggests that there will be a maximum occupancy within the establishment, which will increase the likelihood of patrons hanging around outside of the premises which would increase the chance of noise and anti-social behaviour, now observed from our bedroom windows.

The unacceptable level of noise and dangerous driving that will inevitably ensue from such a premises operating as a bar/shisha lounge with a car park, is a huge health and safety risk for the communities' families. Many of us have children, and many of the children are of primary school age and below and have previously had their sleep and ability to be optimally educated impaired or disrupted by the previous occupants and their patrons blind disregard for the community in which they conducted their business/leisure. It is obvious that with this new licence being granted will come the exact same type of clientele as Soin Lounge had before and therefore once again the families of this community will be forced to feel unsafe, unrested, threatened and uncomfortable in their own homes.

To summarise, my objections are to promote the below:

- Prevention of harm to young children, pets, elderly and vulnerable from dangers that will ensue



- Prevention of crime
- Prevention of public nuisance and noise
- Prevention of potential destruction of property
- Prevention of public indecency

Kind regards,

Daniel Howard

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#### 8. Customer Details

**Name:** Mr Alan Jordan

**Email:** [REDACTED]

**Address:** [REDACTED] Knighton Way Lane, New Denham, Buckinghamshire  
UB9 [REDACTED]

#### Comments Details

**Commenter Type:** Neighbour

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

**Reasons for comment:**

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Planning Enforcement Notice Issued
- Public Nuisance
- Public Safety
- Safety of Premises
- Spoil the amenity of the village
- Traffic

**Comments:** 2:19 PM on 08 Feb 2022 I strongly object to the application on the following grounds;

1. This type of business is not appropriate in this area. We are in Buckinghamshire, not Central London.
2. This is a residential area. Past experience of this Lounge has resulted in parking on the main road, speeding traffic, youths urinating in public, and unacceptable noise and disturbances for neighbours.
3. The change of applicant is irrelevant as the basic business proposal is the same as the previous application, which resulted in numerous well documented problems including involving police action on many occasions.

4. There is no additional parking and therefore, once again, cars will park on verges and, most dangerously, on the pavements as they previously did. This forces pedestrians, including children, to walk on the busy A4020.

This is a residential area in South Bucks - PLEASE reject this unsuitable application.

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9.

I am appealing against the application for a late night music and smoking venue to reopen at 74 Oxford road.

I live directly opposite the premises and have experienced nothing but absolute unacceptable and antisocial behaviour and a total blight on my house. The last time it was opened as Soin Lounge I was a victim of noise and light pollution. Numerous fights taking place in my front garden, public urination on a regular basis and disregarded drugs thrown onto my premises and various amounts of vomit in my garden. This resulted in having to make three 999 calls.

I was intimidated by the security staff who stood outside the premises and looked directly into my house and every time I left my house even to put the rubbish out they would point and stare in an aggressive manner.

This new application to reopen the lounge is totally unacceptable. There is inadequate sound proofing, inadequate parking and in the middle of a residential area. This is totally unacceptable.

I object to the opening hours and the use of recorded music. Cars pulling in and out of the lounge do so onto a main road. My concerns also will be how at closing time the clientele will leave the building and how much extra noise, antisocial behaviour and traffic it will generate.

I am always amazed that they were allowed to display their application to reopen by printing it up on purple paper that made it almost impossible to read in their window. Again in the timing as I believe it was submitted on Christmas Eve leaving less time for people to be made aware and appeal against it.

I fear for my own mental health as having so much extra strain and from having my sleep being so disturbed again, it is like living with constant jet lag and I should not have to live in fear in my own home.

I trust you take and consider all I have said and turn down this application.

Marion Welsh

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10.

Rajvinder Singh  
[REDACTED] Oxford Road  
New Denham

Buckinghamshire  
UB9 [REDACTED]

Date 08/02/2022

Ref: 21/01377/LAPRE 74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN

Dear Sir/Madam

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

I myself and my wife are parents of a 14-month-old baby girl and setting up a late-night venue like this would seriously impact her health and development.

#### Public safety

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

#### Crime and public disorder

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

#### Noise Pollution

- The venue failed to control the noise levels it generated, a concern addressed by police on multiple occasions but to no avail, this was another reason the licence was withdrawn with the owner & licence holder failing to acknowledge and address.

- Anti-social behaviour, patrons would often drink to excess and upon leaving would shout, swear, sing loudly, talk loudly and fighting loudly; this would cause a detriment to myself as well as my family.
- Music coming from the venue was never willingly addressed by the owner & licence holder, despite warnings from the council and the police as well as continuous complaints from residents their cavalier attitude to this significant issue is another reason why this venue shouldn't have a licence. This issue was another reason why the licence was withdrawn

#### Protection of children from harm

- The venue will have a serious impact on my 8-month-old daughter's health, mental and emotional wellbeing, with constant disruptions being caused by the above representative factors, the licence must be withdrawn.
- The careless attitudes of the venues visitors parking and driving is also a clear and present danger not only for my child but also for the children of the residents and the general public who would be walking nearby or crossing the road around the venue.
- Drug use, violence as well as the public indecency this venue brings with it would seriously impact my daughter's emotional growth as these types of activities would harm a child's development which should not be put at risk.
- I base these representations on the fact that the previous licence holders of the venue were granted a late licence to operate up to 23:30 which would mean that this venue will operate as a nightclub which in itself brings its own set of concerns and issues, especially being located in a residential area, despite the changes to the operating hours this will still be an issue that wouldn't change
- I live with my wife and my 14-month-old daughter; a late-night venue would cause significant harm to our health, mental & emotional well-being, which is a serious breach of our human rights to a private & family life and quality of life. My wife and I are in full time employment and this type of venue would prevent us being able to sleep and will impact our job performances and my ability to drive to and from work.

My property is next to the venue in question and the front and back of the property is separated by a fence and brick wall respectively, this barrier would be ineffective against the probable harm this venue would cause as mentioned above, the owner & licence holder previously ignored all warnings from the council and police to address the issue raised above and feel that if I tried to convey my grievances to the owner & licence holder, this would put myself my family and my home at risk to intimidation and reprisals as the security staff have been used by the licence holder & owner keep residents silent.

The venue plans to only allow 60 patrons at a time, this would result a large gathering outside the premises of those wanting to go, further causing issues of noise pollution which would go into the night, causing distress to the residents, especially children.

The licence application was submitted on the 24/12/21, this I believe was deliberately done in order to try and get the permission pushed through as quickly as possible without the residents knowledge, showing a contempt to the neighbours of the property and the surrounding areas, which shows that attitude the owners and proposed licence holder will have to running this operation.

The noise levels from the venue will still be in breach of nuisance laws as the venue hasn't taken sufficient steps to rectify this problem.

It has been established that smoking shisha worse than smoking cigarettes, the health and wellbeing of the population should take precedence as evidenced on the NHS website cited below, the venue will allow smoking of shisha indoors which is a breach of the Smokefree (Premises & Enforcement) Regulations 2007.

<https://www.nhs.uk/live-well/quit-smoking/paan-bidi-and-shisha-risks/>

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

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

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

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

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

Kindest Regards

Mr Rajvinder Singh  
[REDACTED] Oxford Road  
New Denham  
Buckinghamshire  
UB9 [REDACTED]

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11. To Whom it may concern,

I would like to raise concerns over the application for a Licence by the Soin Lounge, Denham - 21/01377/LAPRE. Once again the venue is applying for a license to operate a venue that is not suited to the community in which it is situated. The location is a residential area, made up of working families with young children. I do not object to the concept of a Shisha Lounge so long as it is not situated in a residential area where the activities will suggest to children and teens that smoking is an acceptable social activity. Previously at this location, when it was being run as a Shisha Lounge,

not only was it poorly managed but the clientele that it attracted had no consideration or respect for the local community. My concerns are that the same clientele will return resulting in increased anti-social behaviour, dangerous driving and parking, increased noise and disturbance when leaving the venue, damage to local properties, unsanitary behaviour spitting and urinating as previously witnessed, the hours of operation will result in increased noise levels at closing between 23:00 and 00:30, threatening behaviour towards local residents. Even if the venue is extremely well managed they cannot and won't be able to control the noise and behaviour of the clientele once they have been ejected or when they leave the venue, this will result in increased requests for local authority to manage the fall out, and the community will have to suffer the consequences.

**Reasons for comment:**

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

I trust the licensing committee will take these factors into consideration when processing the application, and grant accordingly. We the local community cannot be expected to be submitted to the disruption, intimidation and disrespect of this type of venue again.

Kind Regards,  
Hamish Barker

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12. Dear Sir / Madam

I have heard that there is an application been applied for Soin lounge and I am really upset, concerned and worried about this matter. I am a resident at [REDACTED] Oxford Road-which is right opposite the premises and with their application where they wish to operate as a shisha/nightclub-etc. this will really cause a lot of problems for all us residents in this area.

This neighbourhood is a family orientated place and this type of venue will just not be suitable for this area.

I wish to object to this application for the following reasons:

Crime and disorder  
Public safety  
Public nuisance / Noise /loud music  
Protection for children from harm  
Dangerous driving

Kindly see my email below where I gave more details to why I am so opposed to this venue. As a mother living at 69 Oxford Road with two teenage daughters and I am very worried about this and I really hope and wish you will understand and support my objection.

Many thanks for your help.

I am a resident at [REDACTED] Oxford Road, right opposite the Soin Lounge. I have a family of two teenage daughters.

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

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

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

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

I can be contacted on mobile 07979 748911 should you need to further discuss this matter. Thank you for your help.

Kind Regards,  
Nish Kermalli

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13. Date 28/01/22

Ref: **21/01377/LAPRE 74** Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN  
Premises licence application

Dear Sirs

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

I am a resident of Oxford Road, Denham, South Bucks having lived here for over 22 years. I live here with my wife and three children. During recent times the venue above was taken over and operating as a Shisha lounge.

With the current application requesting live music to be allowed till 2300 on Friday and Saturday and recorded music to be played till 2300 all days indoor and for alcohol to be served till 2330 it is inevitable that the venue will be a continued source of problems if granted. The reason is that the council will effectively be allowing the licence holder to operate a near identical business model as was being operated previously. The previous licence had very similar licence terms as those that have been applied for and the conduct, behaviour, problems and unlawful acts that took place whilst the Shisha business was operating caused a huge public nuisance, a significant drain on local authority resources, created a hellish environment which local residents were forced to tolerate and resulted in unsavoury characters visiting and loitering for extended periods in the near vicinity.

The extent of the problems were so extreme that various regulatory units including licencing, building planning, fire, police were involved and the business received numerous notices and a fine due to continued breaches of regulations and licence conditions. The business continued to operate as most Shisha business appear to, without regard for authority involvement, the noise nuisance was unbearable, all problems continued for some time and it was only resolved once the decision from the licensing review was given and officially served. This affected residents' lives negatively in a number of ways causing many months of misery, distress, impacting mental health and creating high levels of anxiety. The impact on children due to lack of sleep suffered because of ongoing noise, disturbances, cars revving and patrons unable to curtail their boisterous behaviour was significant and cannot be underestimated.

It is crucial to highlight that the venue which is seeking these licence conditions is set in the midst of a residential area, it has approximately 45 residential homes surrounding it, alongside and directly opposite in the immediate vicinity. These homes are mainly comprised of 3 bedroom semi-detached properties indicating that demographic makeup is predominantly families. Many of these families have young children. Council members please consider, would you approve such a business to operate if they were running a Shisha bar neighbouring your residence?

Please consider, how can this application be considered given the area is totally unsuitable for a such a business to operate due to the immediate residential surroundings, aside from the obvious concerns it raises due to the criminality i.e. violence, indecent sexual conduct of its patrons, dangerous driving, noise pollution, air pollution, antisocial behaviour, drugtaking and related behaviour that is commonly associated with these type of establishments. The behaviour seen previously blighted the local community.

It must be factored in that this area is further unsuitable for any nightclub / shisha lounge / bar as it is a residential area occupied by members of the public and children using the footpath. The location is not served well by public transport links meaning 99% of patrons would drive to it in order to partake in its entertainment and refreshments. This clearly means that upon leaving there is a significantly increased risk of drink drivers that will be leaving this venue upon closing. This happened previously as you will see from records if you have access.

I raise the following representations based upon previous issues resulting from the Shisha lounge:



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

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

### **Public Safety**

- DRIVING - Driving dangerously at excessive speeds, well above the speed limit. Dangerous manoeuvres of cars attempting to do 'U' turns having missed the venue, cars clogging up the entrance area of the car park causing backing up of patron vehicles on the road causing obstructions and people to brake suddenly or swerve to avoid collisions due to the obstruction.
- PARKING - Cars parked on the surrounding streets around the venue taking up any available spaces in front of neighbouring properties and properties opposite
- PHOTOGRAPHY – people stopping vehicles in the middle of the road outside venue causing an obstruction whilst taking 'selfie' shots or 'posed' shots with complete ignorance and disregard to the traffic and safety of other road users

### **Prevention of public nuisance**

- NOISE POLLUTION – patrons singing in the venue heard 40 metres away indoors, cars heard revving engines to excess levels sporadically in the early hours, typically around closing time, cars being driven at high speeds away from the venue creating excessive noise
- ASB – noise, cheering, swearing, shouting, loud verbal discussions and singing heard, caused by patrons and staff leaving the venue from early hours until around 0500
- MUSIC – recorded music and live music being played to excessive levels that can be heard outside for up to around 80 metres away. Music pollution going on till early hours of the morning upon occasion till 0330. Bass beats heard continuously thumping into the early hours.

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

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

Whilst this application originates from an unknown applicant, the problems that typically occur whenever these Shisha businesses operate cannot be ignored. It is a very real and persistent problem and there are numerous reports in the media which show that typical behaviour of owners of these businesses will operate on the basis of knowing that they will breach the regulations and rules, get fined or closed, and simply re-apply for licences using other licence applicants as “front men”. Changing the name of the business is a similar tactic used by former owners, where once granted the business is operated by the same original teams. Frequently the operators have no regard for lawful authorities or enforcement actions: and fines are simply too low in value to be able to offer enough of a deterrent to prevent the operators continuing the business despite orders being imposed upon them and fines issued. We have seen this exact scenario with the former operators of this Shisha lounge.

- [Councils call for powers to tackle 'lawless' shisha bars | Smoking | The Guardian](#)
- [Manager of Soin Lounge, Denham, fined over illegal activity | Bucks Free Press](#)
- [Redbridge - Rogue Ilford shisha lounge hit with over £12k fines for operating illegally](#)
- [Shisha Lounge fined £20k for illegal operation | London Borough of Hounslow](#)

In the application made it states

**All doors and windows will remain closed whilst regulated entertainment is provided.** If shisha is being smoked how will this be possible. Surely this will force smoking shisha in an enclosed space. Does this meet fire regulations? There is no mention of shutters.

**A noise limiting device will be installed on the premises if regulated entertainment takes place** What is this, who will manage, control, enforce this, if it is something that can be turned off how will this make any difference, will there be records kept of this device activity viewable by the council and how will the integrity of those records be maintained

**There will be no noise emanating from the premises.**

Based on my understanding this is impossible due to the shutters they have at the rear of the property which I imagine must be open for air circulation otherwise they will be smoking in an enclosed space.

**Staff to be dedicated to leaving customers 1 hour before leaving.**

Where staff were outside previously when it was run as a Shisha bar they did not/could not control the leaving customers, cars revving, racing on the road between 0000 – 0300 (estimated times). They had SIA licenced security there before, again there was lack of control of leaving customers

**All external doors and windows to remain closed regardless of entertainment being provided. No noise shall emanate from the premises that gives rise to a nuisance**

Repeat....Based on my understanding this is impossible due to the shutters they have at the rear of the property which I imagine must be open for air circulation otherwise they will be smoking in an enclosed space. Does this meet fire regulations? There is no mention of shutters.

NOTE The first highlighted point states that this will happen when its regulated entertainment. The application is inconsistent and unclear which suggests that there is no clear direction as to when the doors and windows will remain closed.

**No more than 60 customers will be allowed in the premises at any one time** The venue does not have adequate parking for 60 cars.

### Impact

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

### Summary

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

This licence must be refused so as to prevent crime and disorder, reduce risk to public safety, to protect children from harm and prevent the public nuisance it has caused previously when operating as an identical business to that which is proposed. Approval of this application will prevent all local residents enjoyment of their homes and represents an infringement on our human right to a private and family life.

Vince Bangay  
[REDACTED] Oxford Road  
Denham,  
UB9 [REDACTED]

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14. Date 08/02/22

Reference Ref: 2101377 LAPRE

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

Premises licence application – OBJECTION

To whom it will concern,

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

I have been a resident of Oxford Road, South Bucks, UB9 [REDACTED] for over 7 years. I live on my own and during August 2020 the venue to which this premises license application above is referred to is now called SOIN Lounge.

The previous license was very similar, if not exactly the same which was revoked in November 2020 due to the business breaching various licensing acts with regards to conduct, behaviour, public nuisance, noise nuisance and many more.

This time round it looks like the opening times have changed slightly, however for this residential area, having live/recorded music for anything past 10pm, is definitely and should be a no. Let alone the opening times for Christmas Eve and New Years Eve, having this facility open until 1am should be rejected. With regards to the music, sound proof doors will have no effect on the music and noise, as the whole building is not suitable to handle any type of music. This is a grade 2 listed building, how will this prevent the noise of the loud music travel down the street. The answer, it won't! And we will suffer again.

The business model is exactly the same as the one that had its license revoked, that gives me great worry. This type of business as a "shisha lounge" inside an internal structure, where the building is clearly not suitable, should also be of great concern for the licensing board, local council and police, as this will eat up their resources should this license be granted. Stating only 60 patrons will be admitted to the building at one time is quite probably worse, as all the overspill from rejected patrons will flow onto the local street, I see no online booking system mentioned, no booking system at all in fact, this seems to have once again been not thought out.

As a resident who lives directly opposite the venue, this new application causes me great concern and wanted to share with you my personal experience as to why I oppose this premises licence for SOIN Lounge.

This license should be rejected based upon the following:

1) The prevention of crime and disorder

During the time that SOIN lounge was open, from 2 August 2020 through to when its licence was revoked in November 2020, there was numerous accounts of crime and disorder both within the premise and around the surrounding area including outside residential properties mostly late at night or early hours of the morning. Examples of this include drug use, public sexual acts, violence, with some taking place on the boundary of my property as well as dangerous driving, with potential that the drivers were under the influence. The issue being, the new license applicant is only taking care of what goes on inside the venue and nothing has been mentioned about what happens outside the venue. Most of the crime happens outside the venue from these patrons. The only way to prevent crime is by not having this business in our area.

2) Public safety

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

3) The prevention of public nuisance

As stated above, we experienced noise nuisance until 2.30 / 3 a.m. some mornings, we recorded individuals smoking cannabis and we could smell this within my residence. Closing your venue at 11am and midnight won't prevent this once again. There were acts of violence with many fights breaking out both within the car park and falling out onto the main street and even within the boundary of my property. We witnessed vomiting and urination within the bushes opposite my property and beside the venue. We often heard people shouting and screaming at each other as patrons left the premise within the early hours of the morning.

4) The protection of children from harm

The license applicant states no children will be allowed inside the venue. That doesn't protect the local children from the speeding cars that go to this venue where a child may be walking on the pavement, or the loud music when the children are unable to sleep. Or the patrons smoking drugs outside a child's bedroom window at 10:30pm.

Although I do not have children, I know that many of the residents around the venue have families including the house directly next door. They were forced to move out of the property after having to move their children from the bedrooms into other rooms so they could sleep. I also heard that when the resident complained to the venue, they were treated with disdain and ignored. I'm sure that other properties around the venue will have children and they could be impacted by these incidents.

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

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

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

I have also enclosed my previous representation as reference.

Thank you,

Satvinder Dohil

■ Oxford Road,  
Denham,  
Bucks,  
UB9 ■

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