



Buckinghamshire Council Licensing Sub-Committee

Agenda

Date: Thursday 28 April 2022

Time: 10.30 am

Venue: Via Video Conference

Membership: P Griffin, B Stanier Bt, D Town (Reserve) and A Wood (Chairman)

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.	
4 Hearing Procedure Rules To note the hearing procedure rules and virtual licensing sub-committee procedural rules.	3 - 10
5 Boot & Slipper, 2 Rickmansworth Road, Amersham, HP6 5JN To consider an application under s.34 of the Licensing Act 2003 to vary the premises licence in respect of Boot & Slipper, 2 Rickmansworth Road, Amersham, HP6 5JN (report attached).	11 - 56

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

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

SUBJECT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE at: Boot & Slipper, 2 Rickmansworth Road, Amersham, HP6 5JN
REPORT OF:	Application under section 34, Licensing Act 2003
Responsible Officer	Brian Whittall – Licensing Officer
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	W002 - Amersham and Chesham Bois

1. Purpose of Report

To provide Members with information to enable the determination of an application for a Variation of a Premises Licence, in respect of which relevant representations have been received.

The Application has been submitted by Spirit Pub Company (Services) Limited, Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT (“the applicant”) in respect of The Boot & Slipper, 2 Rickmansworth Road, Amersham, HP6 5JN (“the premises”).

2. Background

The premises were granted a premises licence during the transitional period in 2005.

The premises has a history as a licensed premises going back to the 1700’s and is just on the edge of the centre of Amersham. Today the premises is part of the Chef and Brewer brand, part of the national Greene King estate that offers a pub based dining experience. The premises is located within close proximity of residential housing.

The current authorisation issued can be found marked **Appendix 1**.

The current licensable activities are as follows:

Authorised activity	Current hours
Retail sale of alcohol (Both on & off the premises)	Sunday 11:00 - 23:00
	Monday - Saturday 11:00 - 00:00
	Christmas Day 12:00 - 15:00
	Christmas Day 19:00 - 22:30

Live Music (Indoors)	Monday - Saturday	11:00 - 00:00
Recorded music (Indoors)	Monday - Saturday	11:00 - 00:00
Late night refreshment	Monday - Saturday	23:00 - 00:30
	Sunday	23:00 - 23:30
Opening Hours	Sunday	10:00 - 23:30
	Monday - Saturday	10:00 - 00:30

* 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.

3. The Application

3.1 This application is made under section 34 of 'The Act' for a Variation of a Premises Licence. A copy of the application is attached to this report marked **Appendix 2**.

3.2 The application is to vary the licensing plan for refurbishment works. Internal changes to include alterations to the bar servery and minor changes to fixed seating, screens, and non-load bearing walls. Garden enhancement works to include new rear garden area with pergola structures and covered seating area. External drinking/seating areas to be included in the licensed area for sale and consumption of alcohol incorporating a mobile bar unit with storage area.

3.3 A plan of the proposed licensable area has been provided and is attached marked **Appendix 3**.

4. Relevant Representations

4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** No objection received from the police to the application

4.1.2 **The Fire and Rescue Authority:** No Response received: No comment

4.1.3 **The Local Planning Authority (Head of Sustainable Development):** No Response received: No comment

4.1.4 **The Local Environmental Health Authority (Head of Environmental Health):** Representation received on the grounds of preventing a public nuisance. **Appendix 4.**

4.1.5 **Weights and Measures Authority (Trading Standards Officer):** No response received. No comment

4.1.6 **The Safeguarding and Child Protection Unit:** No response received. No comment

4.1.6 **The Licensing Authority:**

No response received. No comment

4.1.7 **Any Other Person:** No response received. No comment

4.2 No letters in support of the application have been received.

4.3 The applicant has complied with the requirement to advertise the application in accordance with the regulations both at the premises and in the local newspaper.

5. Relevant Policy Considerations:

5.1 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), the Council's approach to licensing hours (page 23) and the Council's approach to preventing a public nuisance (page 35).

5.2 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

5.3 In relation to the prevention of a public nuisance licensing objective, section 3.36, the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance having regard to all circumstances of the application, are adequate. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.

5.4 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.

5.5 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. 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.
- 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. 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.

6. Resources, Risk and Other Implications

6.1 Resource:

The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeal against the decision of the Licensing Sub-Committee 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:

- 6.2. 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 into 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).

- 6.3. 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.
- 6.4. 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.
- 6.5. 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.
- 6.6 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.

7. Determination by the Licensing Sub-Committee

- 7.1 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

Regard must also be had to the Council's 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.

- 7.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised

conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

- 7.3 The Sub-Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.
- 7.4 The following options are available to the Licensing Sub Committee in determining the application:
 - 7.4.1. Grant the Premises Licence -subject to any conditions which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant mandatory conditions.
 - 7.4.3. Reject the whole of the Application
 - 7.4.4. 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.
- 7.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

8. Conditions

The application does not seek to change or amend the conditions currently attached to the Premises Licence. The mandatory conditions that apply are as follows:

Mandatory Condition – s19 of the Licensing Act 2003

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

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

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

THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 (SI2010/860)
AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER
2014 (SI2014/2440)

Mandatory Condition 1

- (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

THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) (AMENDMENT)
ORDER 2014 (SI2014/1252)

Mandatory Condition 2

- 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

Mandatory Condition – s20 of the Licensing Act 2003 – Exhibition of Film

The admittance of persons to an exhibition of a film (including the exhibition of adverts) is to be restricted in accordance with recommendations given either by the body designated under section 4 of the Video Recordings Act 1984 specified on this licence, or by the Licensing Authority itself where the Licensing Authority provides notice to the holder that section 20(3)(b) applies to the film in question. In this case the admission of persons must be restricted in accordance with any recommendation made by the Licensing Authority.

For the purposes of this licence the body designated under section 4 of the Video Recordings Act 1984 is the British Board of Films Classification (BBFC).

Informative/s -

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk
Background Papers:	Application Ref 22/00154/LAPVA Licensing Act 2003, as amended Licensing Policy – As adopted March 2022. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

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PREMISES LICENCE PART A

LICENSING ACT 2003

Licence No. 21/00650/LADPS

Premises Licence Number

21/00650/LADPS

Part 1 – Premises Details

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

Boot And Slipper
2 Rickmansworth Road
Amersham
Buckinghamshire
HP6 5JN

Telephone number 01283 498400

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

Times the licence authorises the carrying out of licensable activities

Performance of Live Music	Sunday	11:00 - 23:00
Performance of Live Music	Monday to Saturday	11:00 - 00:00
Performance of Live Music	Christmas Day	12:00 - 15:00
Performance of Live Music	Christmas Day	19:00 - 22:30
Playing of Recorded Music	Sunday	11:00 - 23:00
Playing of Recorded Music	Monday to Saturday	11:00 - 00:00
Playing of Recorded Music	Christmas Day	12:00 - 15:00
Playing of Recorded Music	Christmas Day	19:00 - 22:30
Entertainment of a Similar Description	Sunday	11:00 - 23:00
Entertainment of a Similar Description	Monday to Saturday	11:00 - 00:00
Entertainment of a Similar Description	Christmas Day	12:00 - 15:00
Entertainment of a Similar Description	Christmas Day	19:00 - 22:30

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

NON STANDARD TIMINGS:

Live Music, Recorded Music, Other Entertainment, Karaoke, Provision of Facilities for Dancing:

On the following days the activities may take place for a further additional hour:

- i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
- ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
- iii) St. David's Day, St. Patrick's Day, St. George's Day and St. Andrew's Day; and Christmas Eve. and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i) when New Year's Eve falls on a Sunday, when the activities may take place from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and

(ii) when New Year's Day falls on a Sunday, the activities may take place from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

Live Music, Recorded Music, Other Entertainment, Karaoke, Provision of Facilities for Dancing:

On the following days the activities may take place for a further additional hour:

- i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
- ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
- iii) St. David's Day, St. Patrick's Day, St. George's Day and St. Andrew's Day; and Christmas Eve. and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i) when New Year's Eve falls on a Sunday, when the activities may take place from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and

(ii) when New Year's Day falls on a Sunday, the activities may take place from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

Live Music, Recorded Music, Other Entertainment, Karaoke, Provision of Facilities for Dancing:

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(i) when New Year's Eve falls on a Sunday, when the activities may take place from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and

(ii) when New Year's Day falls on a Sunday, the activities may take place from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

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On the following days the activities may take place for a further additional hour:

i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
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iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve.
and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i)when New Year's Eve falls on a Sunday, when the activities may take place from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and

(ii)when New Year's Day falls on a Sunday, the activities may take place from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

Sale or Supply of Alcohol On and Off the Premises:

On the following days alcohol may be sold or supplied for consumption on or off the premises for a further additional hour:

i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve.
and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i)when New Year's Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and

(ii)when New Year's Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

Sale or Supply of Alcohol On and Off the Premises:

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ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve.
and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i)when New Year's Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and

(ii)when New Year's Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

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ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve.
and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i)when New Year's Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and
(ii)when New Year's Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.
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- i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
- ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
- iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve.
and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-

(i)when New Year's Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and
(ii)when New Year's Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

The opening hours of the premises

Sunday	10:00 - 23:30
Monday to Saturday	10:00 - 00:30

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

Alcohol is supplied for consumption both on and off the premises

Part 2

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

Spirit Pub Company (Services) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

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

05266811

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

Benjamin Horn
The Boot and Slipper Public House
2 Rickmansworth Road
Amersham
Buckinghamshire
HP6 5JN

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

Personal Licence Number 00CMPER02332 **Issued by** Sunderland City Council

Date of Issue 02.07.2021



Signed:

Authorised Officer

Annex 1 – Mandatory conditions

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

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

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

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

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

Mandatory Condition – s19 of the Licensing Act 2003

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

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

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

Mandatory Condition 1

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

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

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

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

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

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

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

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

Mandatory Condition 2

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

Mandatory Condition 3

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

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

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

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

Mandatory Condition 4

The responsible person must ensure that—

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

- (i) beer or cider: ½ 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.”

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

Annex 2 – Conditions consistent with the Operating Schedule

Embedded Conditions Under Licensing Act 1964 - On-Licence

Alcohol shall not be sold or supplied except during permitted hours.

The above restrictions do not prohibit:

(a) during the first twenty minutes after the permitted hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

(c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(d) the sale of alcohol to a trader or club for the purposes of the trade or club;

(e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an

authorised mess of members of Her Majesty's naval, military or air forces;
(f)the taking of alcohol from the premises by a person residing there; or
(g)the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
(h)the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Private Entertainment

With regard to private entertainment, these premises enjoy licence enabling them to carry out private entertainment for gain (regulated entertainment) by virtue of paragraph 1 (2) (c), Schedule 1 of the Licensing Act 2003 (the 2003 Act).

Unless otherwise stated on this licence, no performance of live music, dance or other entertainment of a like kind or the making of such, shall take place unless it is as private entertainment for private gain.

Recorded Music

Subject to the above notice, this decision allows for the provision of recorded music by virtue of the exemption under section 182 of the Licensing Act 1964. This decision permits this aspect of regulated entertainment to be converted under the 2003 Act.

Conditions consistent with the Operating Schedule submitted by the Applicant:

1. All regulated entertainment authorised by this premises licence shall be suitable for viewing by persons under the age of 18 Year's during such times as such persons may lawfully be on the premises.
2. Soft drinks and non-alcoholic refreshments shall be made available for consumption on the premises by persons under the age of 18 Year's during the hours that such persons may lawfully be on the premises.
3. Soft drinks and non alcoholic refreshments shall be made available for consumption by members of the public from the time that alcohol may no longer be sold or supplied to members of the public to such time as the premises cease to be open to members of the public.
4. There will be a designated glass collector on Fri & Sat evenings 21.00 hours until the close of the premise.
5. A recognised Proof of Age Policy will be enforced at the premises at all times by management in relation to all potential purchasers of alcohol who appear to be under the age of 21 Year's and will be in the form of photographic ID ie passport & driving licence. A copy of the Proof of Age Policy will be displayed in a prominent position in the licensed premises
6. The DPS, or their authorised representative, shall inform the Police when live music is to take place and provide details of the nature of the event, number of door staff employed and numbers of persons expected.
7. Staff will undertake regular toilet checks to detect signs of drug usage, at least every hour between 21.00 hours & the close of each day of the week. A record of checks, including dates & times, will be made in a logbook kept for that purpose. The logbook

should be made available to an authorised officer of Chiltern District Council (CDC) & the Police upon request.

8. A zero tolerance towards illegal drugs will be enforced at all times at the premise. A policy shall be drawn up by management outlining how they intend to promote this zero tolerance approach. This policy should be made available to an authorised officer of CDC & the Police upon request.
9. No glasses are to be allowed in the car park area or the streets surrounding the licensed premises. A sign shall be placed at the points of exit reminding customers of this condition.
10. All incidents of crime and disorder that take place at the premise that come to the attention of staff will be noted in an incident book designed for that purpose. The incident book will contain dates & times of assessments, the person making them, the results & action taken and will be made available for inspection to an authorised officer of CDC & the Police upon request.

NON STANDARD TIMINGS:

Live Music, Recorded Music, Other Entertainment, Karaoke, Provision of Facilities for Dancing:

On the following days the activities may take place for an additional hour:

- i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
- ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
- iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve. and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-
 - (i) when New Year's Eve falls on a Sunday, when the activities may take place from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and
 - (ii) when New Year's Day falls on a Sunday, the activities may take place from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

Sale or Supply of Alcohol On and Off the Premises:

On the following days alcohol may be sold or supplied for consumption on or off the premises for an additional hour:

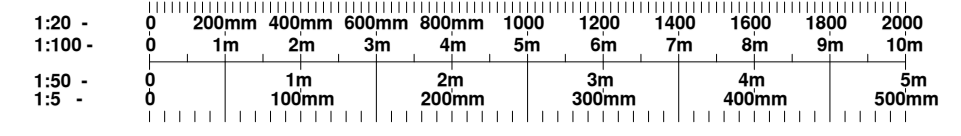
- i) the Thursday, Friday, Saturday and Sunday and Monday of the Easter Bank Holiday weekend;
- ii) the Friday, Saturday, Sunday and Monday of the May, Spring / Whitsun and August Bank Holiday weekends;
- iii) St. David's Day, St Patricks Day, St, Georges Day and St Andrews Day; and Christmas Eve. and from 11.00 a.m. on New Year's Eve to 11.00 p.m. on New Year's Day save:-
 - (j) when New Year's Eve falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 12.00 noon on New Year's Eve to 11.00 pm on New Year's Day; and
 - (ii) when New Year's Day falls on a Sunday, when alcohol may be sold or supplied for consumption on or off the premises from 11.00 a.m. on New Year's Eve to 10.30 p.m. on New Year's Day.

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

1. In relation to the consumption of alcohol, drinking up time shall be extended to thirty minutes and shall be used to promote a managed dispersal of members of the public by the designated premises supervisor or other persons duly authorised by him.
2. The licensee shall participate in the Pubwatch Scheme and shall cause the designated premises supervisor to do likewise
3. CCTV cameras with time and date recording facilities shall be installed and maintained within the public house and externally and shall remain in operation during such times as the premises are open to members of the public. Recorded media should be retained for at least 30 days and be available in that time for inspection by the police or authorised person. A sign advising members of the public that CCTV cameras are in operation on the premises shall be displayed in the premises in a prominent position.
4. To keep the premises under regular operational review and to provide door supervisors registered under the Security Industry Act 2001 should any such review indicate this to be an operational necessity.
5. Unless otherwise permitted, only background recorded music ancillary to the supply of alcohol shall be permitted to be played, indoors only, during the hours that the premises are open to members of the public. The volume level of such music shall be set to ensure that it is not audible at the nearest noise sensitive boundary.
6. Live music (whether amplified or acoustic) consisting of not more than two performers or amplified recorded music which is not ancillary to the supply of alcohol may be performed or played indoors only at the premises during the hours that alcohol may be sold or supplied to the public
7. Noise from live music or amplified recorded music which is not ancillary to the supply of alcohol, shall not be audible at the nearest noise sensitive boundary after 11.00 p.m.
8. At any time when live music is being performed, or amplified recorded music which is not ancillary to the supply of alcohol is being played, all external doors shall be kept closed when not in use and all windows shall be closed and kept closed.
9. Without prejudice to the requirements of Condition 17, all external doors shall be kept closed when not in use and all windows shall be closed and kept closed from 11.00 p.m. to the time that the premises cease to be open to members of the public.
10. Other than for the purposes of entering or leaving the premises, members of the public shall not be permitted to enter or remain in the external seating area from 11.00 p.m. (10.30 p.m. on Sundays) to the time that the premises cease to be open to the public
11. Sufficient signs shall be provided and prominently displayed within the premises requesting members of the public to enter and leave quietly and where reasonably practicable and appropriate, such a message shall be verbally reinforced by the designated premises supervisor or other persons duly authorised by him.

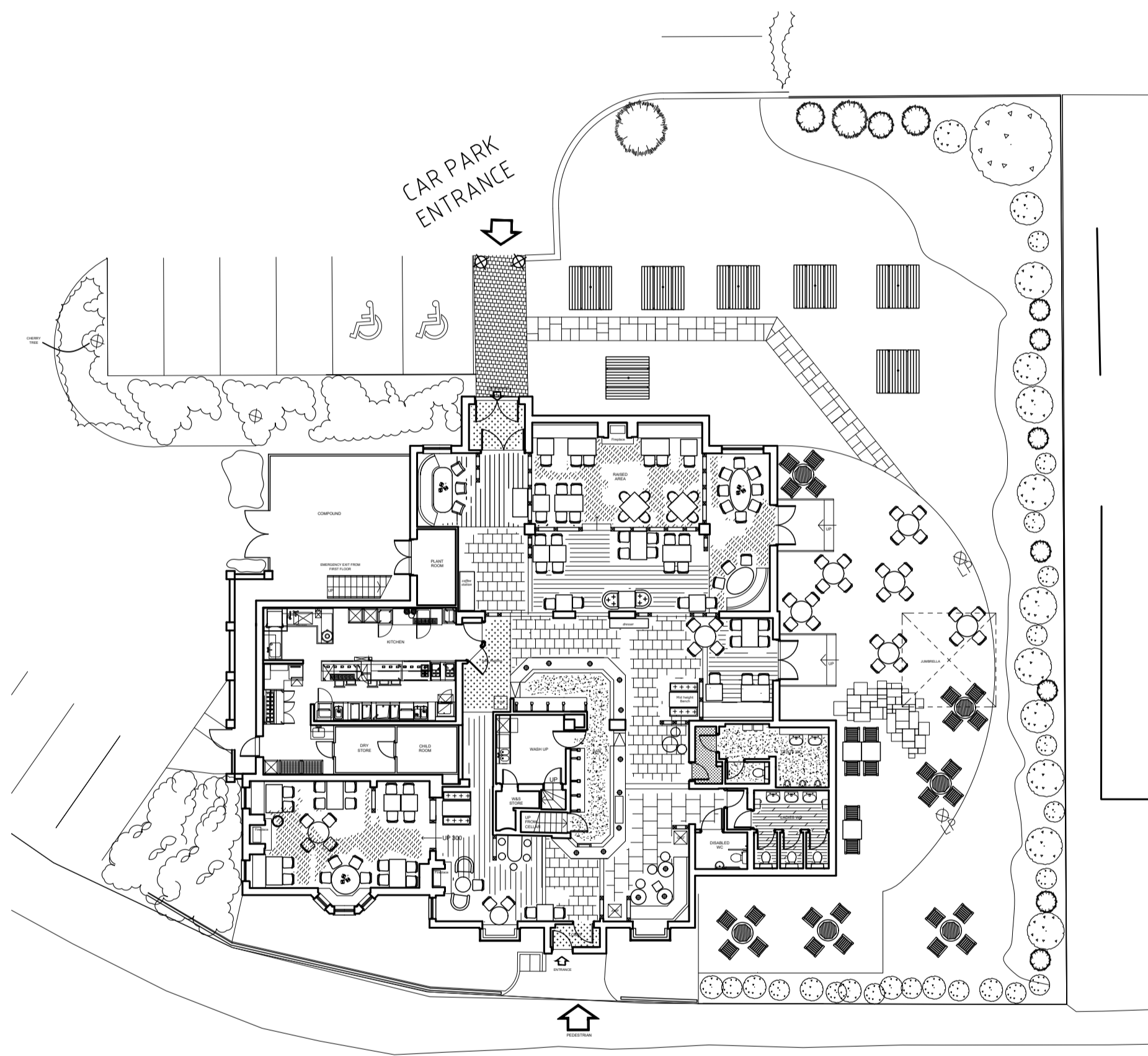
Annex 4 – Plans

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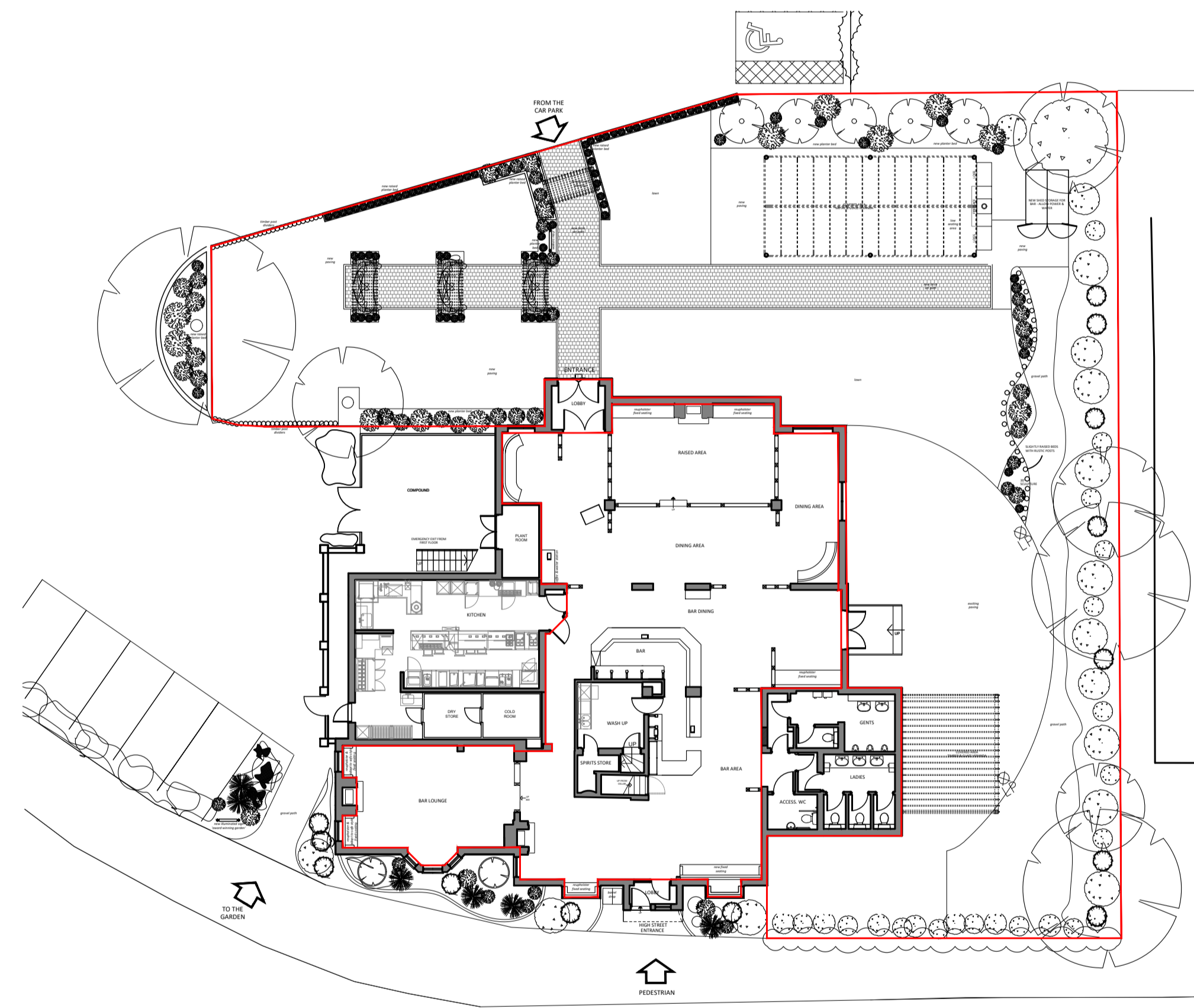


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Rev.	Description:	Date:



1 Existing Licensing Plan
 Scale: 1:200



1 Proposed Licensing Plan
 Scale: 1:200

COVERS

	Existing	Proposed
Bar	30	52
Dining	100	78
TOTAL	130	130
External	96	278

INTERNAL AREA TO BE USED FOR THE SALE & CONSUMPTION OF ALCOHOL & ANY OTHER PERMITTED ENTERTAINMENT.
 777sqm EXTERNAL AREA TO BE USED FOR THE SALE & CONSUMPTION OF ALCOHOL & ANY OTHER PERMITTED ENTERTAINMENT.

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



T: 01274 53022
 E: info@jsdesignpartnership.co.uk
 Unit 5, Peel House, 2 Taurton Street, Shipley Bradford, BD18 3NA.
The partnership is a limited liability partnership registered no. OC 382211

Client:
GREENE KING

Project:
**THE BOOT AND SLIPPER
 2 RICKMANSWORTH RD,
 AMERSHAM,
 HP6 5JN**

Title:
LICENSING PLAN

Drawing No:	Rev:	Date:	Drawn By:	Checked:	Scale @ A1:
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Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Spirit Pub Company (Services) Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 21/00650/LADPS
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Boot and Slipper 2 Rickmansworth Road Amersham Buckinghamshire			
Post town	Amersham	Postcode	HP6 5JN

Telephone number at premises (if any)	01283 498400
Non-domestic rateable value of premises	£92,700

Part 2 – Applicant details

Daytime contact telephone number	01284 843285		
E-mail address (optional)	licensing@greeneking.co.uk		
Current postal address if different from premises address	Spirit Pub Company (Services) Ltd Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To vary the licensing plan for refurbishment works.
Internal changes to include alterations to the bar servery and minor changes to fixed seating, screens, and non-load bearing walls.
Garden enhancement works to include new rear garden area with pergola structures and covered seating area.
External drinking/seating areas to be included in the licensed area for sale and consumption of alcohol incorporating a mobile bar unit with storage area.

For full and further details please view the licensing plan.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | 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) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			<u>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</u> (please read guidance note 7)		
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>Not applicable.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

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

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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

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

As per existing premises licence granted

b) The prevention of crime and disorder

As per existing premises licence granted

c) Public safety

As per existing premises licence granted

d) The prevention of public nuisance

As per existing premises licence granted

e) The protection of children from harm

As per existing premises licence granted

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)


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

Signature	
Date	28 th February 2022
Capacity	Licensing Assistant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Mellissa Shelley Greene King Licensing Team Westgate Brewery			
Post town	Bury St Edmunds	Post code	IP33 1QT
Telephone number (if any)	01284 843285		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) licensing@greeneking.co.uk			

 <p>BUCKINGHAMSHIRE COUNCIL est. 2020</p>	<p style="text-align: center;">ENVIRONMENTAL HEALTH Housing and Regulatory Services</p> <p style="text-align: center;">Directorate for Planning, Growth and Sustainability</p>
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COMMENTS ON AN APPLICATION TO VARY A PREMISES LICENCE

OUR REF: 22/00419/LIAPPL	DATE: 24 th March 2022
ADDRESS: The Boot and Slipper 2 Rickmansworth Road Amersham Buckinghamshire HP6 5JN	To: licensing.csb@buckinghamshire.gov.uk From: alison.king@buckinghamshire.gov.uk

Re: Licensing Act 2003 Premises Licence Variation The Boot and Slipper.

I acknowledge receipt of the application to vary the Premises Licence on 8th March 2022 as regards to 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 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 undertaken a visit to the premises and have reviewed the proposed variation to the Premises Licence 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 on the terms set out in the application.**

The proposed variation identifies a significant addition to the current premises licence by the extension and use of the outside space/existing car park that is to include; covered seating areas, metal/timber and glass verandas, a fireplace, mobile bar and associated storage.

Details provided within the licensing plan undertaken by JS Design Partnership LLP 8056-LIC submitted with the application, reveals the proposal to extend the current

external covers from 96 to 278, which, if unmitigated, would not in my opinion promote the prevention of public nuisance licensing objective.

The application in consideration of the existing Premises Licence requests the provision of performance of live music, playing of recorded music, entertainment of a similar description and the sale by retail of alcohol within the licensable areas as proposed.

In addition to this Licensing application, Environmental Health have also been consulted by the Councils Planning Authority as planning permission is required for this redevelopment, Ref: PL/22/0333/FA. Documentation submitted with the planning application requested the allowance of a sound system to be installed outside, which has not been mentioned within this premises licence variation.

I am concerned about the use of the outside area and the request to provide such entertainment in the outside areas due to the close proximity to residential properties in relation to the prevention of public nuisance objective.

Omission of additional steps in the proposed variation

The proposed application does not provide any further details in relation to the four licensing objectives, only stating in Section M that additional steps to be taken to promote the four licensing objectives will be *'as per existing premises licence granted'*.

The steps that are currently identified in the existing premises licence are necessary and in principle, go some way to securing the overall licensing objectives as stated in the Act; however, they would appear to conflict with the proposed variation requests, specifically with control measures for live and recorded music and the proposed use of the outside of the premises.

Additional steps and control measures necessary to promote the Licensing Objectives

Notwithstanding my comments, above, the application 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 on the terms set out in the application, which gives me cause for concern due to the proximity of dwellings to the premises. I would suggest that the following additional measures as being necessary:

- No recorded or live music to be played outside after 22:00
- No serving of alcohol or beverages outside after 22:00

- All outdoor areas should be cleared of patrons after 22:00
- An appropriate Noise Management Plan that promotes the prevention of public nuisance must be implemented on the premises at all times when licensable activities are taking place and when amplified and live music is being played. A copy of the Noise Management Plan shall be provided upon request by an officer of a responsible authority.
- Prominent, clear and legible notices must be displayed around the outside areas requesting customers to respect nearby residents whilst using the outside areas. (There is already a measure on the existing Premises Licence that addresses the public entering and leaving the premises).
- Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a nuisance to nearby residents.
- Bottles and glass shall not be emptied into glass /recycling bins after 21:00hrs.

The way forward

I welcome contact from the applicant to discuss my specific concerns with view to arriving at a mutually agreeable revised Operating Schedule; if such agreement is reached I understand that a Licensing Sub-committee will hold an expedited hearing to ratify this and grant a Premises Licence (subject to other Representations).

If, however, no such agreement is reached within the prescribed consultation period then I am mindful that this matter will be subject to formal determination by a full Licensing Sub-committee.

If you would like to discuss this case, please do not hesitate to contact me.

With regards

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

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