



## Licensing Sub-Committee agenda

Date: Wednesday 3 August 2022

Time: 10.30 am

Venue: Via Video Conference

### Membership:

P Griffin, J Towns and A Wood (Chairman)

### Webcasting notice

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

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

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

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

- |          |   |                |
|----------|---|----------------|
| <b>4</b> | <b>Hearing Procedure Rules</b>  | <b>3 - 10</b>  |
|          | To note the hearing procedure rules and virtual licensing sub-committee procedural rules.   |                |
| <b>5</b> | <b>11 Hill Avenue, Amersham, HP6 5BD</b>  | <b>11 - 60</b> |
|          | To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of 11 Hill Avenue, Amersham, HP6 5BD (report attached). |                |

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

For further information please contact: Katherine Faroqi on 01895 837205, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)

## Licensing and Regulatory Sub-Committee Virtual Procedural Rules

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

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

### Introduction

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

### Administration in Relation to the Hearing

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

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

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

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

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

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

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

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

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

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

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

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

### **Access to Information**

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

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

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

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

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

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

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

### **During the Hearing**

It is a requirement for such hearings that:

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

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

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

### Quorum for Meetings

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

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

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

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

#### Attendance at meetings and webcasting

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

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

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

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

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

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

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

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

#### Conflicts of interest

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

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

### Minutes of meetings

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

### Questions

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

### Order of business (as normal)

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

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

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

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

#### When can the Chairman be interrupted?

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

- Technology is not working effectively

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

or any other area where the Constitution or Chairman allows.

#### Disturbance during proceedings

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

#### Adjournments

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

The Council will try and achieve the best possible outcome.

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

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

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

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

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

## **NOTE**

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

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

Buckinghamshire Council

**Licensing Sub-Committee Hearing Date:**  
**3 August 2022, 18:30 hours**

Agenda Item No: 5

<b>SUBJECT:</b>	<b>APPLICATION FOR A PREMISES LICENCE at:</b> <b>11 Hill Avenue, Amersham, Buckinghamshire, HP6 5BD</b>
<b>REPORT OF:</b>	<b>Application under section 17, Licensing Act 2003</b>
<b>Responsible Officer</b>	<b>Stacey Bella – Licensing Officer</b>
<b>Report Author</b>	<b>Stacey Bella – Licensing Officer</b>
<b>Ward/s Affected</b>	<b>Amersham and Chesham Bois</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 Luljeta Semanaj (“the applicant”) in respect of 11 Hill Avenue, Amersham, HP6 5BD (“the premises”).

### 2. Background

- 2.1 The site consists of the ground floor unit of a 3 story building, with proposed outside seating at the front and is located on Hill Avenue in the Town Centre of Amersham. The site is located to the south of Hill Avenue, close to the train station.
- 2.2 The buildings on Hill Avenue consist of mainly commercial premises at ground level with residential dwellings above. The site has previously been open as a retail premises.

A location plan is attached to this report marked **Appendix 1**.

The layout plans are attached as **Appendix 2**.

### 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 is attached to this report marked **Appendix 3**.

3.2 The licensable activities sought are as follows:

Proposed activity	Proposed hours	
<b>Sale of Alcohol</b> (Both on and off the premises)	Monday - Thursday	1200 – 2300
	Friday – Saturday	1200 – 2330
	Sunday	1200 – 2230
	<b>Non standard timings:</b> New Years Eve from the end of normal permitted hours to 01:00 New Years Day	
<b>Recorded Music*</b> (Indoors only)	Everyday	1000 - 2200
<b>Other entertainment of a similar description to live music, recorded music or performances of Dance</b> (Indoors only)	Everyday	1000 - 2200
<b>Late Night Refreshment</b> (Both indoors and outdoors)	Friday – Saturday	2300 – 2330
	<b>Non standard timings:</b> New Years Eve from the end of normal permitted hours to 01:00 New Years Day	
<b>Opening Hours</b>	Monday – Thursday	0700 – 2300
	Friday – Saturday	0700 – 2330
	Sunday	0900 – 2300
	<b>Non standard timings:</b> New Years Eve from the end of normal permitted hours to 01:00 New Years Day	

\* The Panel should note that the playing of recorded music is 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: No objections

- 4.1.2 **The Fire and Rescue Authority:** Response received: No objections
- 4.1.3 **The Local Planning Authority (Head of Sustainable Development):** No Response received
- 4.1.4 **The Local Environmental Health Authority (Head of Environmental Health):** Response received: No objections
- 4.1.5 **Weights and Measures Authority (Trading Standards Officer):** No response received.
- 4.1.6 **The Safeguarding and Child Protection Unit:** No response received
- 4.1.6 **The Licensing Authority:** No response received
- 4.2 Any other persons: objections were received from 4 other parties during the 28 day consultation period. Copies of the representations are attached to the report marked as **Appendix 4**.
- 4.3 No letters of support were received.
- 4.4 The Relevant Representations received mainly raise the following issues:
- The Prevention of Public Nuisance and Public Safety
- Residents living nearby have expressed concern in their representations about the opening and licensable activity hours and the likely noise from customers both whilst on the premises, including those in the outside area at the front of the premises, as well as when arriving or leaving. There are also concerns regarding the noise from music.
- Residents have expressed their concerns regarding the proposal to have outside seating on the pavement to the front of the premises. There are concerns that this could create difficulty accessing the entrance to the residential part of the building and lead to customers congregating at the front of the premises and blocking the pavement.
- 4.5 On reviewing the relevant representations, the applicant submitted further additions to the Operating Schedule for consideration by the Panel at this hearing. The additional conditions can be seen in section 9 of this report.
- 4.6 The agreement from the Applicant to the wording of these conditions can be viewed in **Appendix 5**
- 4.7 In addition to the Mandatory Conditions, the Licensing Sub-Committee should consider those conditions offered in the applicants operating schedule and decide whether they are appropriate for the promotion of the licensing objectives and address any valid representations made by Interested Parties.

## **5. Relevant Policy Considerations:**

- 5.1 Regard must be given to the Council's Statement of Licensing Policy (published 04 March 2022) when determining this application. Of particular relevance (but not limited to) are the sections relating to licence conditions, the Council's approach to licensing hours and outside areas.
- 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 objectives and prevent any harm, crime or disorder through the operation of their business.
- 5.3 In relation to nuisance, that Council's policy confirms at section 3.36 that in considering all licence applications, 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 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 the use of outside areas.
- 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.
- 5.5 In relation to the use of outside areas, the policy at section 3.37 supports the use of such areas as gardens and forecourts, providing robust management controls are in place to prevent public nuisance. Control measures include adequate supervision, regular glass collections and specified hours of use. Operators are encouraged to consider adopting the Council's standard conditions for pavement licences, shown in the Council's schedule of model conditions.
- 5.6 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. 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.

## **7. Resources, Risk and Other Implications**

**7.1 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:**

- 7.2. 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).
- 7.3. 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.
- 7.4. 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.
- 7.5. 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.
- 7.6 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.

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

- 8.1 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.

- 8.2 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.

- 8.3 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.
- 8.4 The following options are available to the Licensing Sub Committee in determining the application:
  - 8.4.1. 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.
  - 8.4.3. Reject the whole of the Application
  - 8.4.4. 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.
- 8.5 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 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

## **9. Conditions**

### **9.1 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 - 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 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

### **MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (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.

## **9.2 Proposed conditions**

1. The premises licence holder shall ensure that a digital CCTV system shall be installed at the premises and maintained in good working order.
2. A log of all refusals to sell alcohol shall be maintained at the premises. The register shall be retained for inspection at the premises whilst it is open for licensable activities for a period of no less than 6 months from the date of the last entry in the register being made.
3. An incident log shall be kept at the premises and made available on request to an authorised officer of Buckinghamshire Council or Thames Valley Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder<sup>10</sup>
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
4. Appropriate fire extinguishers will be installed at appropriate parts of the premises.
5. An integrated fire alarm system will be installed at the premises.
6. Notices, at least A4 in size, shall be prominently displayed at all exits requesting

- patrons to respect the needs of local residents and businesses and leave the area quietly
7. Soundproofing will be in place ensuring that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a noise nuisance, as determined by the local authority Env. Health Officers
  8. The premises will have air conditioning.
  9. A Challenge 25 scheme shall be maintained at all times requiring the staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to buy alcohol provides valid photographic identification such as driving licence, passport proving that the customer is at least 18 years old.
  10. All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons and the challenge 25 scheme in operation. A record of such training shall be kept/be accessible at the premises at all times and be made immediately available for inspection to council or police officers on request.
  11. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating that a Challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and acceptable forms of id. Such signages shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale
  12. The number of people using the outdoor area will be restricted to the number of seats available.
  13. There shall not be any outdoor seating at the rear of the premises
  14. The provision of any outside entertainment shall not cause a disturbance to nearby residents.
  15. The licence holder shall have a system in place to regularly monitor the use of outside areas by customers to ensure nearby residents are not disturbed by customer noise and the area is kept clear of litter.
  16. Outside lighting shall not cause a disturbance to nearby residents.
  17. Suitable waste receptacles shall be made available for use by staff and customers.
  18. The outside area shall be thoroughly cleaned at the end of each day that it is in use.

**Informative/s -**

<b>Officer Contact:</b>	<b>Stacey Bella (01296 585 336)</b>  <b>stacey.bella@bucksshire.gov.uk</b>
<b>Background Papers:</b>	<b>Application Ref 22/00477/LAPRE</b>  <b>Licensing Act 2003, as amended</b> <b>Licensing Policy – As adopted March 2022.</b> <b>Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.</b>

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The Gateway  
Gatehouse Road  
Aylesbury  
HP19 8FF

Title : 11 Hill Avenue, Amersham, HP6 5BD

OS Ref : SU9698

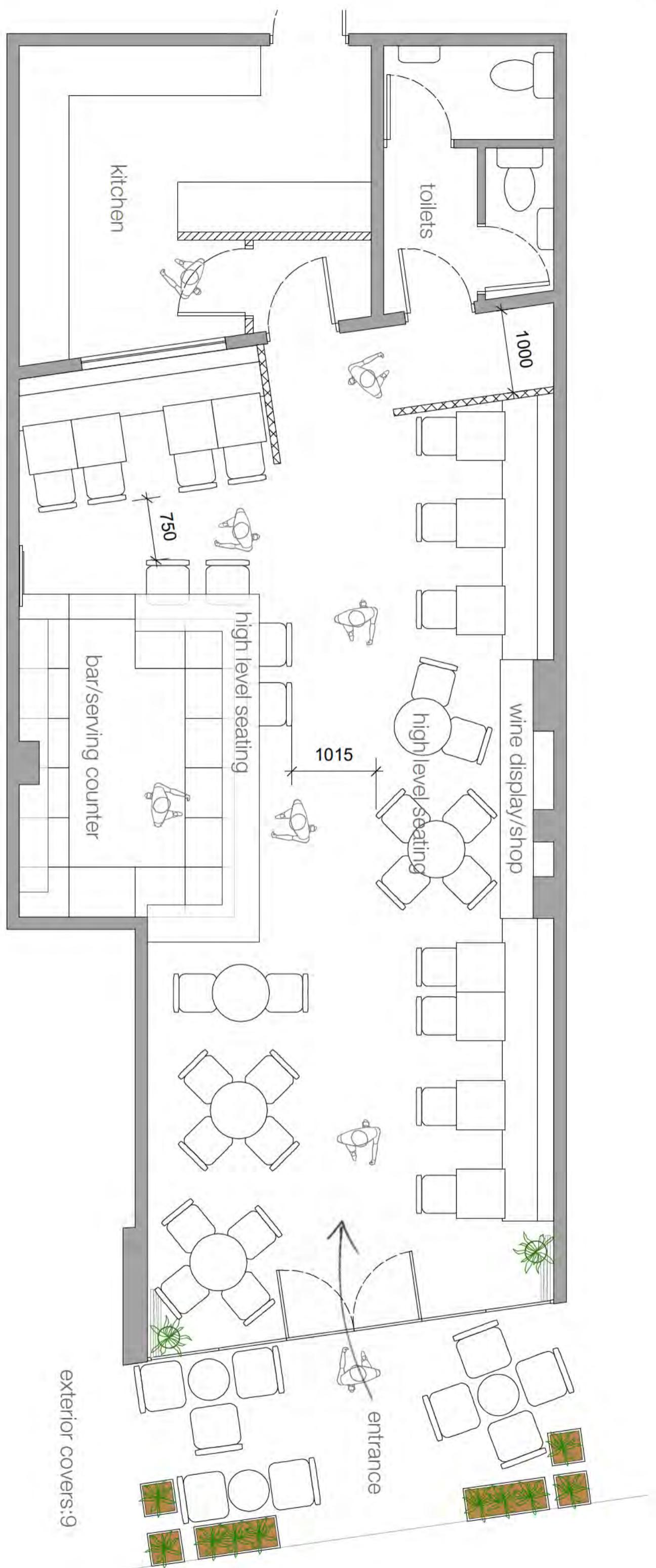
Scale : 1:1,000

Date : July 2022

Drawn by : TB

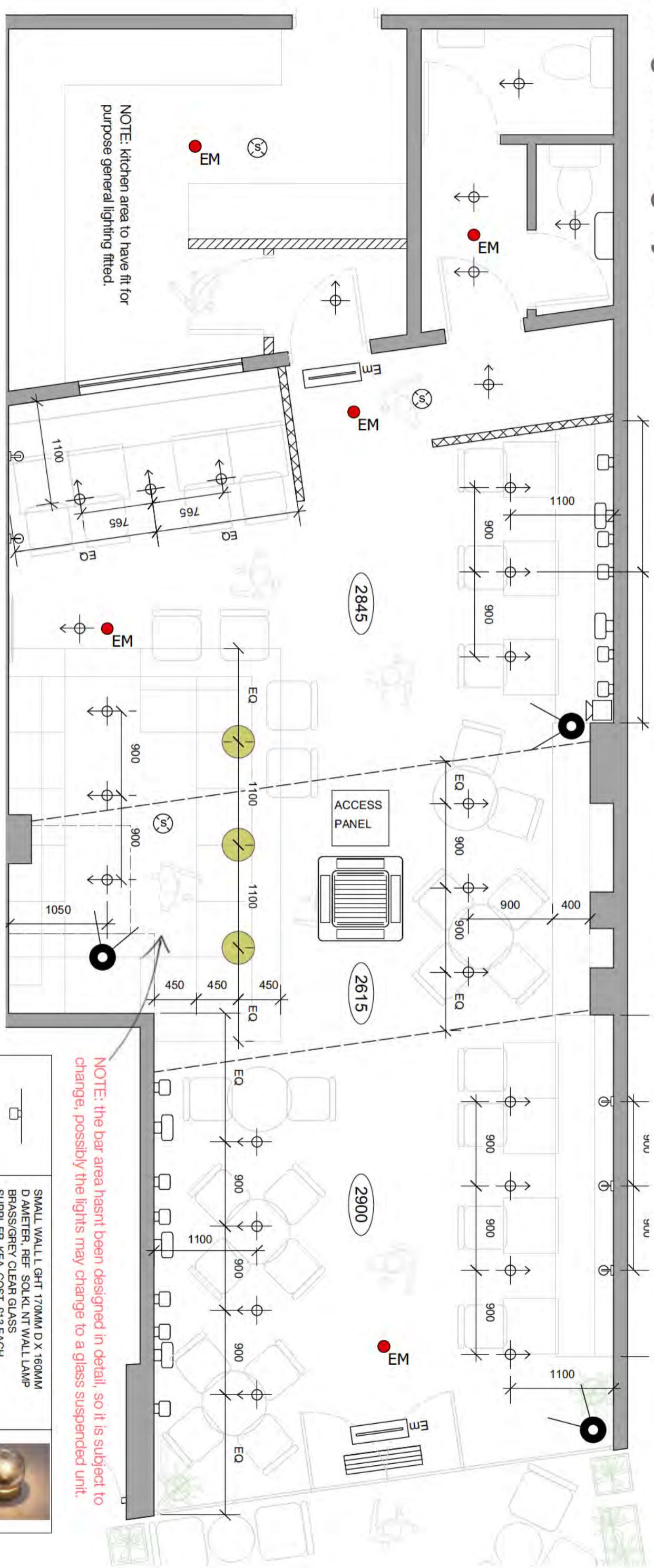


# interior proposed plan layout



NOTE: Do not scale this drawing, verify all dimensions and structural details on site prior to commencement of manufacture.

# lighting & ceiling layout



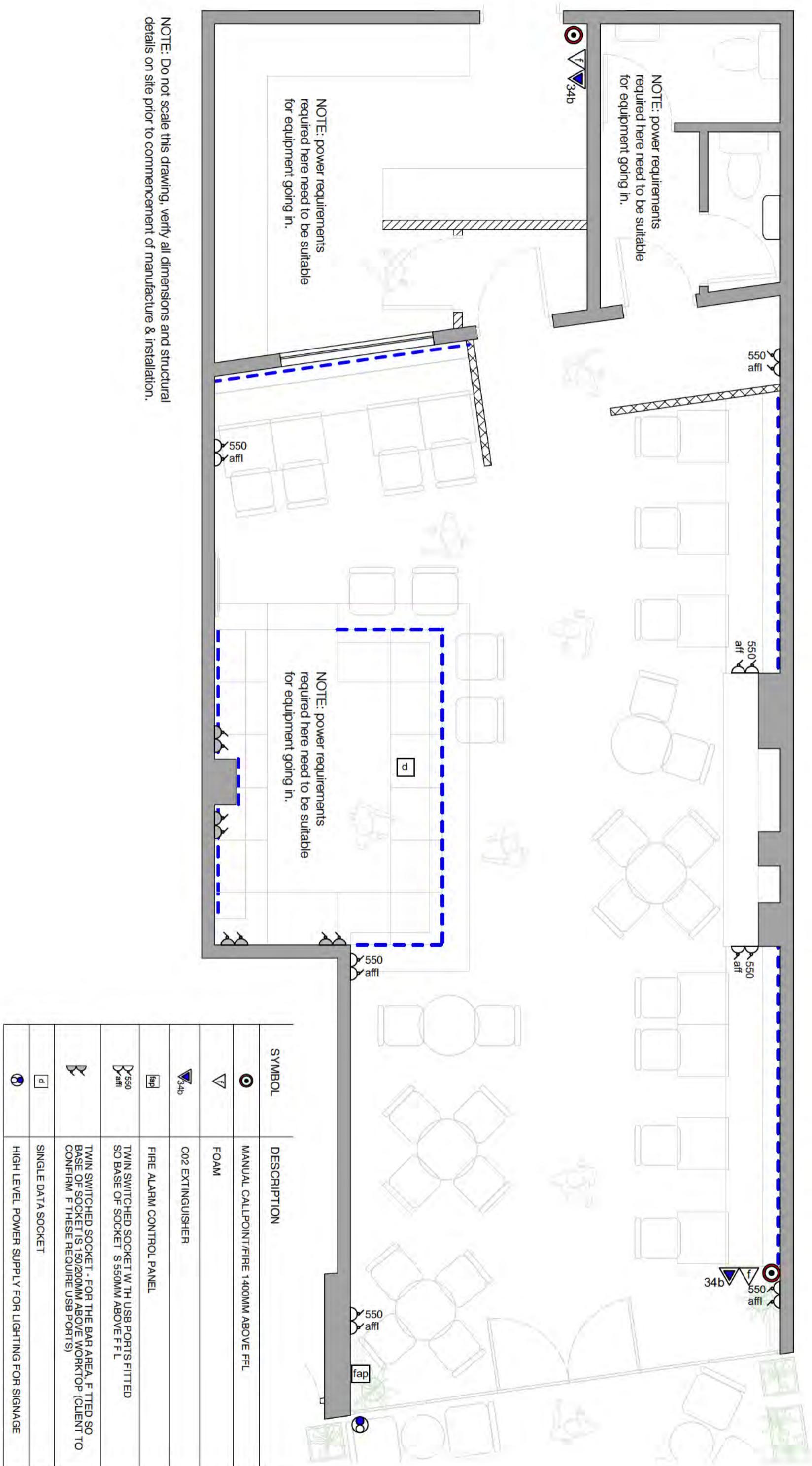
SYMBOL	DESCRIPTION	IMAGE
↑	RECESSED ADJUSTABLE DOWNLIGHT FITTING WHITE FINISH (THIMLESS OR WITH TRIM FITTINGS ARE AVAILABLE, CLIENT TO DECIDE WHICH STYLE)	
● EM	LED EMERGENCY DOWNLIGHT WHITE FINISH	
● S	SMOKE DETECTOR WHITE FINISH FITTING SPECIALIST TO ADVISE ON EXACT REQUIREMENTS FOR SPACE	
— Em	LLUMINATED EMERGENCY EXT S GN LOCATED AT CEILING LEVEL	
□	ALARM SOUNDER	

SYMBOL	DESCRIPTION	IMAGE
●	CCTV CAMERA, WH TEFN SH F AVA LABLE	
■	MF CEILING ACCESS PANEL TO BE PAINTED WITH SUITABLE PAINT TO MATCH CEILING COLOUR	
—	A R COND T ON NG UNT RECESSED INTO CEILING UNT TO BE PAINTED WITH SUITABLE PAINT TO MATCH CEILING COLOUR	

SYMBOL	DESCRIPTION	IMAGE
—	SMALL WALL L GHT 170MM D X 160MM D AMETER, REF SOLKLNT WALL LAMP BRASS/GREY CLEAR GLASS SUPPLIER KEA, COST £13 EACH	
—	BAR PENDANT L GHTS, BASE OF L GHT TO BE LOCATED 2000mm AFFL REF GRANT FROSTED GLASS GLOBE PENDANT L GHT COST 350MM D A = £109.85 (ALTERNATIVE 250MM D A = £59.95)	
—	WALL L GHTS, L INTERNA AMBER GLASS WALL L GHT & GUNMETAL STRUCTURE SIZE 100MM L X 370MM H X 157MM D COST £150 EACH	

NOTE: Do not scale this drawing, verify all dimensions and structural details on site prior to commencement of manufacture & installation.

# small powers layout



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**Buckinghamshire  
Application for a premises licence  
Licensing Act 2003**

For help contact  
[Licensing@buckinghamshire.gov.uk](mailto:Licensing@buckinghamshire.gov.uk)  
 Telephone: 01296 585605

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Luljeta

\* Family name

Semanaj

\* E-mail

lljtsm@aol.com

Main telephone number

07787259210

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Continued from previous page...**

**Your Address**

Address official correspondence should be sent to.

* Building number or name	Sweet Sunrise
* Street	Chiltern Road
District	Bucks
* City or town	Amersham
County or administrative area	
* Postcode	HP6 5PH
* Country	United Kingdom

**Section 2 of 21**

**Premises Details**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	11
Street	HILL AVENUE
District	BUCKS
City or town	AMERSHAM
County or administrative area	
Postcode	HP6 5PH
Country	United Kingdom

**Further Details**

Telephone number	07787259210
Non-domestic rateable value of premises (£)	18,000

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

#### Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

Yes       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Luljeta

Family name

Semanaj

Is the applicant 18 years of age or older?

Yes       No

**Continued from previous page...**

### **Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	Sweet Sunrise
Street	Chiltern Road
District	Bucks
City or town	Amersham
County or administrative area	
Postcode	HP6 5PH
Country	United Kingdom

### **Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	lljtsm@aol.com
Telephone number	07787259210
Other telephone number	
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	BRITISH
Right to work share code	

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

**Add another applicant**

### **Section 5 of 21**

#### **OPERATING SCHEDULE**

When do you want the premises licence to start?

01 /  07 /  2022  
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

Provide a general description of the premises

**Continued from previous page...**

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.

we are planning to open a cafe by day serving hot and cold drinks hot and cold sandwiches, snacks and bar during evening hours, serving alcohol, mostly selection of wines to be consumed in the premises and to sell Light meals would be served as well.

The cafe/bar has an open plan seating area and a small separate kitchen at the rear.

It is situated on the ground floor of a 3 story building located in the town center Amersham on a street with a mix of retail, restaurants and bars.

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

## **Section 6 of 21**

### **PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes       No

## **Section 7 of 21**

### **PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes       No

## **Section 8 of 21**

### **PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

Yes       No

## **Section 9 of 21**

### **PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes       No

## **Section 10 of 21**

### **PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes       No

## **Section 11 of 21**

**Continued from previous page...**

## PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes       No

### Standard Days And Timings

MONDAY

Start   
Start

End   
End

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.

TUESDAY

Start   
Start

End   
End

WEDNESDAY

Start   
Start

End   
End

THURSDAY

Start   
Start

End   
End

FRIDAY

Start   
Start

End   
End

SATURDAY

Start   
Start

End   
End

SUNDAY

Start   
Start

End   
End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

A sound system will be used for background music

**Continued from previous page...**

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

### **Section 12 of 21**

#### **PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes

No

### **Section 13 of 21**

#### **PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

#### **Standard Days And Timings**

##### **MONDAY**

Start

End

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.

Start

End

##### **TUESDAY**

Start

End

Start

End

##### **WEDNESDAY**

Start

End

Start

End

**Continued from previous page...**

**THURSDAY**

Start	10:00	End	22:00
Start	[ ]	End	[ ]

**FRIDAY**

Start	10:00	End	22:00
Start	[ ]	End	[ ]

**SATURDAY**

Start	10:00	End	22:00
Start	[ ]	End	[ ]

**SUNDAY**

Start	10:00	End	22:00
Start	[ ]	End	[ ]

Give a description of the type of entertainment that will be provided

recorded music

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sound system will be used

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

## Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes       No

### Standard Days And Timings

#### MONDAY

Start

End

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.

Start

End

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start  23:00

End  23:30

Start

End

#### SATURDAY

Start  23:00

End  23:30

Start

End

#### SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors

- Outdoors

- Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

*Continued from previous page...*

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve open till 01:00

## **Section 15 of 21**

### **SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

#### **Standard Days And Timings**

##### **MONDAY**

Start

End

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.

Start

End

##### **TUESDAY**

Start

End

Start

End

##### **WEDNESDAY**

Start

End

Start

End

##### **THURSDAY**

Start

End

Start

End

**Continued from previous page...**

**FRIDAY**

Start	12:00	End	23:30
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	12:00	End	23:30
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	12:00	End	22:30
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years eve till 01:00

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Continued from previous page...**

**Enter the contact's address**

Building number or name	SWEET SUNRISE
Street	CHILTERN ROAD
District	
City or town	AMERSHAM
County or administrative area	
Postcode	HP6 5PH
Country	United Kingdom
Personal Licence number (if known)	
Issuing licensing authority (if known)	

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

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.

Start

End

**Continued from previous page...**

**TUESDAY**

Start	07:00	End	23:00
Start		End	

**WEDNESDAY**

Start	07:00	End	23:00
Start		End	

**THURSDAY**

Start	07:00	End	23:00
Start		End	

**FRIDAY**

Start	07:00	End	23:30
Start		End	

**SATURDAY**

Start	07:00	End	23:30
Start		End	

**SUNDAY**

Start	09:00	End	23:00
Start		End	

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Large empty box for seasonal variations]

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NEW YEARS EVE OPEN TILL 01:00

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

**Continued from previous page...**

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

The premises licence holder shall ensure that a digital CCTV system shall be installed at the premises and maintained in good working order.

An incident/refusal book will be maintained and used at the premises. Upon request, it will be readily available for inspection by a police or local authority officer

c) Public safety

We understand our obligation under existing legislation and take our responsibility seriously.

Appropriate fire extinguishers will be installed at appropriate parts of the premises.

An integrated fire alarm system will be installed at the premises.

d) The prevention of public nuisance

The premises shall prominently display signage informing customers to leave quietly and respect our neighbours.

Soundproofing will be installed and air conditioning.

e) The protection of children from harm

A Challenge 25 scheme shall be maintained at all times requiring the staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to buy alcohol provides valid photographic identification such as driving licence, passport proving that the customer is at least 18 years old.

All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons and the challenge 25 scheme in operation. A record of such training shall be kept/be accessible at the premises at all times and be made immediately available for inspection to council or police officers on request.

Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating that a Challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and acceptable forms of id. Such signages shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

## **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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **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 birth or adoption certificate issued 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 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.

**Continued from previous page...**

- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

***Continued from previous page...***

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.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

***Continued from previous page...***

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.

**Continued from previous page...**

- 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.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm) Band A - No RV to £4300 £100.00 Band B - £4301 to £33000 £190.00 Band C - £33001 to £8700 £315.00 Band D - £87001 to £12500 £450.00\* Band E - £125001 and over £635.00\* \*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee Band D - £87001 to £12500 £900.00 Band E - £125001 and over £1,905.00 There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required. Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college. If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time Capacity 5000-9999 £1,000.00 Capacity 10000 -14999 £2,000.00 Capacity 15000-19999 £4,000.00 Capacity 20000-29999 £8,000.00 Capacity 30000-39000 £16,000.00 Capacity 40000-49999 £24,000.00 Capacity 50000-59999 £32,000.00 Capacity 60000-69999 £40,000.00 Capacity 70000-79999 £48,000.00 Capacity 80000-89999 £56,000.00 Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

 United Kingdom

**Continued from previous page...**

**DECLARATION**

[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).

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).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

**Add another signatory**

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/buckinghamshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

**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**

**From:** [Rachel Otterson](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] 11 Hill Ave Amersham  
**Date:** 03 July 2022 17:46:00

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You don't often get email from rachelotterson0295@gmail.com. [Learn why this is important](#)

Dear Sir/madam

I am emailing about the licensing for the property at 11 Hill Ave Amersham. It seems to me that this proposal is completely unreasonable. I live directly above and the late hrs will mean that the move will be unbearable. With opening times that will completely ruin my standard of life and sleep due to been on the front of the property and hearing everything.

I look forward to hearing from you in regards to this matter and very much hope that permission will be denied due to a inconvenience to residents.

Many thanks  
Rachel

**From:** [Joanne Robinson](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] Grant of license 11 hill avenue, hp6 5ph  
**Date:** 03 July 2022 16:59:58

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You don't often get email from mollee@hotmail.co.uk. [Learn why this is important](#)

Dear Sirs,

I live above the proposed address and wish to vocalise some potential issues with the application.

In regards to the application I am more concerned with the use of outdoor space than indoor. I do not have the details of the full application so am not clear what use could be made of any outdoor space if the license is agreed? Noise is my main concern. I feel the application could have the ability to jeopardise the quiet enjoyment of my property.

In regards to the building I note the current building work includes the addition of a rear patio. I would like to know if the application was successful could this area be used by customers and/or staff to congregate? The patio was not part of the planning application for the extension (as far as I am aware?) And no other property on Hill avenue has this usage to the rear. When the property was occupied by the Liberal Democrats for a number of weeks staff during the summer members of staff would congregate to the rear and even the noise of people chatting traveled rather extensively, particularly in the evenings when i was in bed. The noise was particularly worse upon closing and people leaving in cars etc. If there were to be people drinking, smoking and eating in these areas it could seriously affect the enjoyment of my property and likely mean I would be unable to open my windows. There are several other properties that face this area also (the conservation listed housing area facing the rear of Hill avenue) and also other residential flats along the row. If the application were successful I would hope that measures could be put in place to restrict the use of this area. I am generally perplexed as to what this large area is intended to be used for? The material used is reasonably aesthetic so perhaps suggests customer use ? If it is not for customers what is it for ? If this is for storage of goods and/or refuse what measures will also be put in place to limit potential fire hazards, smells and pest control.

Refuse is generally an issue for the front and rear in regards to the application for additional outdoor seating. The owner of the commercial property will be aware that the position for refuse collection for the flats is the front of the shop in question. To the left of our door as you are facing the road. There is no room to leave refuse by our own access door. The building is used as a "whole" and this was the intended method of refuse and part of the original planning application when the flats were developed. If too many tables are allowed I am concerned refuse will be an issue. If outdoor seating can not be refused I would at a least request that a refuse point is considered in terms of how many tables are allowed. The refuse position was considered at the time of passing the residential development planning application so surely that can not now be removed/changed/revoked?

If too many tables are placed to the front, and given we would be unable to block our door (which would only then leave us with the option of leaving the rubbish on the general footpath, thus affecting the general public and causing a potential hazard ) I am concerned how this will impact everyone.

I note the property has floor to ceiling sliding doors. In terms of a music/ alcohol license this needs to be considered as a separate item as this has the ability to additionally affect the level of noise travelling in to the residential flats and beyond. The doors themselves are already a breach of the current planning application. A breach the owner was fully aware of and continued regardless. Given the owners general lack of regard for the law I am concerned that legal noise levels, hours of operation and other matters that may affect quite enjoyment will also be breached going forward. What assurances can be given that whatever is granted will be fully adhered to and how will any breaches be dealt with?

The hours of operation are a concern. Nowhere in amersham has a license beyond 11pm. Given the residential considerations the requested hours of operation seem excessive and cause concern that this could become an “over subscribed” congregation area once everywhere else in amersham is closed. In relation to general customer numbers allowed outside how will this be monitored measured/monitored? I would hope that large congregations could be limited, not only for other property owners, but for the general public alike. This part of the footpath is used for people travelling to and from the train station, there is also a bus stop in close proximity. One would hope that people will be able to continue to use this public footpath without disruption. I note the property next to this one closes around 10-10:30 PM which seems more reasonable. Given noise will likely endure beyond this time while the premises close and staff and customers leave this feels more appropriate than the current request for 11:30 ( which would likely mean there would be noise until at least 12:30 )

In regards to the playing of music would this be limited to pre recorded music or does this extend to live music also? With pre recorded music I would be keen to know that the relevant legal sound proofing has been installed and legal noise limits are adhered to moving forward. Would live music also be permitted under the music license? Given live music is prohibited within my own lease this would seem unbalanced if agreed? Dealing with noise complaints is a general cause of anxiety as when we have approached the owners and their employees about the same issues in the past when building laws have been breached , parking issues and so on we have been met with aggression. I am concerned how I would assert my rights when such breaches occur without the anxiety this causes? I do not want to constantly be having to involve the local police ( as that would be the only way to safely assert a breach “in the moment”) Unruly behaviour of customers is also a concern. Given the current issue of safety around women I feel anxious that I may need to closely navigate gentlemen under the influence of alcohol in very close proximity to my door. This poses a safety concern for me. Accessing my property in privacy will simply be unavoidable if there are people sat outside drinking. Again, I would hope that some space could be left between the residential and commercial elements of the building/ outdoor space to allow everyone to live in harmony and use each property as they wish without interference or annoyance from one another.

Smoke is a concern. We are all fully aware of the devastating affects of excessive smoke inhalation. Given it is my personal human right to choose not to smoke how is this also to be monitored/limited? How will cigarette buds be disposed of? How will fire hazards be dealt with ? My flat does not have a fire escape so if a fire were to occur I have no means of escape.

I note when I have spoken to counsellor Roberts on the subject he noted the use of seating etc at the Beech house. The beeched house was a development in which the commercial interest

and the residential interest were the same, in the control of the builder, hence, no objection was made. I am personally aware that mortgage funding for these properties has been challenging and was not something the original builder had even envisaged himself. I believe had the two projects not been commercially connected they may not have gone ahead on the grounds of some form of objection so again feel this should be considered when comparing both projects.

To conclude. I have no issue with private enterprise and If I felt the building would be used in a respectful and fair way that did not affect the quiet enjoyment of my property I would be happy to compromise, but I do have concerns given the general behaviour of the owners to date. I want to live in harmony with my neighbours but this has already proved difficult with the current premises owner, thus, I am having to submit this objection.

On the day I write this the owners have again breached the law and carried out very noisy building work (including the use of power tools ) with no regard for anyone.

Kind regards  
Joanne Robinson

[REDACTED]  
Sent from my iPad

**From:** [Kate Walsh](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] licence application 22/00477/LAPRE - Objection  
**Date:** 03 July 2022 12:55:07

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You don't often get email from katemwalsh85@gmail.com. [Learn why this is important](#)

Hi,

I live at 11A and I strongly Object to this licence application 22/00477/LAPRE for many reasons.

First of all, the Monday to Thursday 23:00 and Friday-Saturday 23:30 closing times. To my knowledge nowhere else in Amersham is open that late and don't believe it is necessary in this location. Village Mangal next door stop serving at 22:30 and that is a reasonable time. I worry that if they are closing at 23:30 that by the time customers and staff have left it will be closer to midnight. This application doesn't allow for any day of peace and quiet, so if the closing times could be reduced that would be a bit more bearable.

I can currently clearly hear conversations, moving of objects and music, and this is just a few people in the shop, let alone when it is full. Are there any extra measures that can be taken to help reduce that noise travelling up into my flat? This is when the windows are closed, the noise is much worse when I open my windows.

I appreciate the decision on the planning permission is a done deal, and understand that they can open as a cafe/wine bar without any further planning permission, which was not the case when I bought the property. However, this is my greatest concern, as, so far, the owners/builders have outrightly ignored rules and regulations. It has been months since the work on the property started, and it is STILL going on. I work from home and have had to deal with the drilling, dust and smells constantly. They play music loudly while working, which adds insult, as it's extra noise that is not necessary.

They continually start work before 8am, and they have worked consistently on Sundays and Bank holidays. I have several videos, photos and email threads that show me politely asking them to work in line with the legal hours, although in writing they agree, they continue to do what they want. When I knocked on the shop at 10:30 am one Sunday to ask them to stop the drilling, I was met with abuse from the builder. Today they are again working on a Sunday and I am unable to open my windows because of the noise and dust. They have proven to have absolutely no consideration for neighbours and complete disregard for us.

I have concerns about the outside patio they have built at the back of the property, which I don't believe was in their original plans. I also understood from the planning permission that the render had to match the existing doors and windows, however, they now have full floor-to-ceiling bi-folding doors at the front. This will not help any issues with noise.

There is already an issue with rubbish building up on the streets, although I understand our collection point to be the lamppost it is constantly being moved from there to the front of 11 Hill Avenue, if there is seating at the front too I don't know where these bags will go, other than in the middle of the pavement.

Unfortunately, my first year of owning and living in my flat hasn't been a pleasant experience, and I worry about what the future holds as they seem, unwilling to be considerate to the neighbours, and I

have no trust that they will be reasonable if, or when any future issues arrises.

I felt it is important to keep you updated with the day-to-day issues we have already been experiencing, as it gives me little hope that rules and regulations will be followed.

Anything you can do to make our living situation a bit more bearable would be much appreciated.

Kind regards,

Kate Walsh

[REDACTED]

**From:** [Miranda Weston](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] Licence application for 11 Hill Avenue, Amersham  
**Date:** 04 July 2022 00:04:58

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You don't often get email from miranda.w@hotmail.co.uk. [Learn why this is important](#)

## **Licence application for 11 Hill Avenue, Amersham**

I own flat B at 11 Hill Avenue, Amersham HP6 5BD and wish to comment on the licence application for the commercial premises which are directly below my flat, and three others.

Firstly:

I note the application refers to 11 Hill Avenue HP6 5PH. This is an entirely incorrect post code and does not relate to 11 Hill Avenue.

Secondly:

Given I own a property directly above the premises I am concerned that no details of the application have been sent to me – and nor do they appear to be available on any website for me to view.

I would however comment on the proposed hours as follows:

### **Hours of opening**

The proposed licencing hours are from 12 noon to 11pm (Monday to Thursday) and to 11.30 pm on Friday and Saturday, but to 10.30 on Sunday.

Friday and Saturday should be no later than rest of week. No one else in Amersham has I believe licensing hours to 11.30pm at weekends.

I also feel that open until 11pm is too late during the week when there are 4 residential premises directly above. It effectively prevents going to bed before then.

No concessions have been made to having residential premises directly above – there are 4 flats above.

Given they are intending to have 9 covers on the pavement outside this also means that with alcohol served until late there will be noise until late outside. This will make opening the windows of my flat problematic. I am also concerned that the rear patio may be used for customers – as we have no information on the use of the patio that has just been built – and the proposed licencing hours will be bound to add to the noise and disturbance for the flats above.

### **Off licence too**

The proposal is that the premises will also be an off licence – as well as a café/bar. This inevitably means much more comings and goings. I do not believe it should be an off licence as well as a café given the proximity of the flats above

Under the Human Rights Act I am entitled to the quiet enjoyment of my property and I can

forsee that the proposed hours for licencing will prevent this.

Regards,

Miranda Weston

[REDACTED]

**From:** [Miranda Weston](#)  
**To:** [Licensing Mailbox](#)  
**Subject:** [EXTERNAL] 22/00477/LAPRE - for 11 Hill avenue  
**Date:** 04 July 2022 00:42:21

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You don't often get email from miranda.w@hotmail.co.uk. [Learn why this is important](#)

Further to my email of earlier tonight I note that

Music is proposed from 10 am to 10pm, and also entertainment between these hours. This is wholly unacceptable when flats are directly above, as the noise will prevent the quiet enjoyment of my property.

I note the application provides very limited details e.g. of capacity. This is not reasonable in the circumstances.

I am concerned about the enforcement of any notices displayed e.g. customers to leave quietly and mandatory conditions related to sale of alcohol.

This is because while the premises have been converted over the last year there have been numerous occasions when works have been done at times they should not have been, and little notice taken of complaints by the residents. The owners have not acted responsibly thus far so I have no confidence that this would be any different in the future.

Regards,  
Miranda Weston  
Flat B  
11 Hill Avenue

**From:** [Luljeta Semanaj](#)  
**To:** [Stacey Bella](#)  
**Subject:** Re: Application for a New Premises Licence - Sweet Sunrise  
**Date:** 25 July 2022 13:15:51

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Hi Stacey,

Thank you for the phone call and the attached re-drafted schedule of conditions. I am happy with the wording.

A large rectangular area of the document has been completely blacked out, indicating redacted content.

Regards,

Luljeta

-----Original Message-----

From: Stacey Bella <Stacey.Bella@buckinghamshire.gov.uk>  
To: Luljeta Semanaj <lljtsm@aol.com>  
Sent: Mon, 25 Jul 2022 12:47  
Subject: RE: Application for a New Premises Licence - Sweet Sunrise

Hi Luljeta

Further to our telephone conversation.

I have attached a re-drafted schedule of conditions with clear and enforceable wording, based on the conditions you submitted with your application and the response below particularly where you have indicated that you will follow the pavement licence conditions.

Please could you advise if you are happy with the wording of the conditions? Please let me know if you have any questions.

Kind Regards

**Stacey Bella**

Licensing Officer  
Commercial Licensing  
Directorate for Communities  
Buckinghamshire Council

01296 585336 / 01296 585605

[Stacey.bella@buckinghamshire.gov.uk](mailto:Stacey.bella@buckinghamshire.gov.uk)

The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF

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**From:** Luljeta Semanaj <lljtsm@aol.com>  
**Sent:** 14 July 2022 22:27  
**To:** Stacey Bella <Stacey.Bella@buckinghamshire.gov.uk>

**Subject:** Re: Application for a New Premises Licence - Sweet Sunrise

Hi Stacey,

Thank you for sending me notice of hearing and a copy of representations.

Just to confirm that I will attend the hearing myself and if I have anyone else representing me I will forward the necessary details.

I did read the residents representations and I fully understand their concerns.

Before making the application for premises licence I have taken into consideration and thought carefully about the points they are raising.

Some of their concerns are:

**- Closing hours**

Sunday - Thursday 23:00

Friday - Saturday 23:30

The application for these hours was based on local Restaurants/bars on the same street that have closing hours at 23:00 and Midnight eg The Beach House Amersham and Metro Lounge Amersham both on Hill Avenue.

I am ready to discuss with the councillors if the hours seem unreasonable or in breach with the local area/street.

**- Outdoor seating Front**

Most restaurants/bars on the street have outdoor seating with alcohol being served. Examples of similar premises on the street with outdoor seating are The Beach House and Metro Lounge.

The proposed seating area is surrounded by planters and plants making it more private and somehow detached from the pedestrians.

Rubber feet will be put in outdoor furniture.

The number of people using the outdoor area will be restricted to the seats available.

Signs will be put up on exit asking users to be considerate of local residents

We will follow rules and regulations set by The Pavement licencing for outdoor seating with earlier closing hours and our premises as a whole will uphold the main objectives of the Licencing Act.

**- Outdoor seating at the rear**

There will not be any outdoor seating at the rear of the premises

**- Noise**

Our premises is not different to other premises on the street with restaurants, cafes, bars on the ground floor and residential housing above.

Our premises will uphold the main objectives of the Licencing Act which includes prevention of crime and disorder, public safety and the prevention of public nuisance.

Application is only for recorded music which will be used in lower levels.

The ceiling has been upgraded with specific sound insulation to stop the transmission of noise.

A fire assessment will be carried out.

We are more than happy to work with our neighbours and address their concerns and if there are any other suggestions from the licensing team please let me know.

Kind Regards,

Luljeta Semanaj

-----Original Message-----

From: Stacey Bella <[Stacey.Bella@buckinghamshire.gov.uk](mailto:Stacey.Bella@buckinghamshire.gov.uk)>  
To: LULJETA SEMANAJ <[litsm@aol.com](mailto:litsm@aol.com)>  
Sent: Thu, 14 Jul 2022 14:29  
Subject: RE: Application for a New Premises Licence - Sweet Sunrise

Hi Luljeta

Apologies for the slight delay in getting back to you.

Please see attached notice of hearing letter and a copy of the representations.

If you would like to address any of the points within the representations I am happy to pass any comments onto the interested parties.

Please do not hesitate to contact me if you have any questions.

Kind Regards

**Stacey Bella**  
Licensing Officer  
Commercial Licensing  
Directorate for Communities  
Buckinghamshire Council

01296 585336 / 01296 585605  
[Stacey.bella@buckinghamshire.gov.uk](mailto:Stacey.bella@buckinghamshire.gov.uk)

The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF

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