



Licensing Sub-Committee agenda

Date: Tuesday 8 November 2022

Time: 2.30 pm

Venue: Via Video Conference

Membership:

P Griffin, B Stanier Bt and A Wood (Chairman)

Webcasting notice

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

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

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

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| 4 | Hearing Procedure Rules
To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | 3 - 10 |
| 5 | Hellfire Caves, Church Lane, West Wycombe, HP14 3AH
To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of Hellfire Caves, Church Lane, West Wycombe, HP14 3AH (report attached). | 11 - 60 |

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

For further information please contact: Liz Hornby on 01494 421261, email democracy@buckinghamshire.gov.uk

Licensing and Regulatory Sub-Committee Virtual Procedural Rules

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

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

Introduction

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

Administration in Relation to the Hearing

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

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

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

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

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

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

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

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

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

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

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

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

Access to Information

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

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

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

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

Time and Place of Meetings

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

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

During the Hearing

It is a requirement for such hearings that:

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

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

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

Quorum for Meetings

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

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

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

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

Attendance at meetings and webcasting

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

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

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

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

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

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

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

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

Conflicts of interest

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

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

Minutes of meetings

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

Questions

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

Order of business (as normal)

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

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

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

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

When can the Chairman be interrupted?

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

- Technology is not working effectively

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

or any other area where the Constitution or Chairman allows.

Disturbance during proceedings

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

Adjournments

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

The Council will try and achieve the best possible outcome.

Deliberations and Exclusion of the Press and the Public

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

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

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

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

NOTE

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

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

SUBJECT:	APPLICATION FOR A NEW PREMISES LICENCE at: Hellfire Caves, Church Lane, West Wycombe, HP14 3AH
REPORT OF:	Application under section 17, Licensing Act 2003
Responsible Officer	Brian Whittall – Licensing Officer
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	W047 - West Wycombe

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 West Wycombe Caves Ltd. (trading As The Hellfire Caves) (“the applicant”) in respect of Hellfire Caves, Church Lane, West Wycombe, HP14 3AH (“the premises”).

2. Background

2.1 The premises is known as The Hellfire Caves which are a network of man-made chalk and flint caverns which extend 260m underground above the village of West Wycombe. They were excavated between 1748 and 1752 for Francis Dashwood. The caves have been operating as a tourist attraction since 1863

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

3. The Application

3.1 This application is for a new Premises Licence to commence with immediate effect upon the decision to grant by this licensing authority. A copy of the application is attached to this Report marked **Appendix 2**. A plan of the “premises” is attached **Appendix 3**

3.2 The licensable activities sought are as follows:

<u>Proposed activity</u>	<u>Proposed hours</u>
Supply of alcohol (Both on & off the premises)	11:00 - 23:00 Daily
Exhibition of Films (Indoor)	11:00 – 23:00 Daily
Provision of Live Music (Indoor)	11:00 – 23:00 Daily
Playing of Recorded Music (Indoor)	11:00 – 23:00 Daily
Hours premises are open to the public	11:00 – 23:00 daily

4. Relevant Representations

4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** Response received – Objection. The police and applicant have agreed to amended conditions, **Appendix 4**

4.1.2 **The Licensing Authority:** No objection

4.1.3 **The Fire and Rescue Authority:** Response received – no objection

4.1.4 **The Local Planning Authority (Head of Sustainable Development):** No response received - no comment

4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** Response received - no objection, **Appendix 5**

4.1.6 **Weights and Measures Authority (Trading Standards Officer):** No response received - no comment

4.1.7 **The Safeguarding and Child Protection Unit:** No response received - no comment

4.1.8 **The Primary Care Trust:** No response received - no comment

4.1.9 No responses were received from any other Responsible Authority.

4.2 **Any other persons:** Five (5) objections were received during the 28 day consultation process which ended on 18 April 2021 a copy of which are attached marked **Appendix 6**

4.3 No letters of support were received.

5. Licensing Officer's Observations:

5.1 The Relevant Representations received raise the follows issues:

- The prevention of public nuisance

Representations mentioned concerns regarding noise occurring on the premises, particularly in the car park area.

Residents living nearby have expressed concerns that their right to enjoy the peaceful possession of their property is undermined, and that a statutory nuisance may occur as a result of the granting of the application.

The local Parish Council and residents are of the opinion that the current use of Temporary Event Notices (TEN) should continue. The applicant has the right under this section of the legislation to apply for a Premises Licence. There are no records of any nuisance having been reported to the Licensing Unit since 2018.

Twenty four TEN's have been issued in the last 10 years

Government Guidance states the following: That any licence holder "cannot manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff" and "Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law"

The Council's own Statement of Licensing Policy states, "Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control the licensee of the premises concerned."

5.2 In addition to the Mandatory Conditions, the Licensing Sub-Committee should consider those conditions offered in the operating schedule and decide whether they are appropriate for the promotion of the licensing objectives and address any valid representations made by Interested Parties.

6. Policy Considerations

6.1 Regard must be had to the Council's adopted Licensing Policy published February 2022 when determining this application. Of particular relevance (but not limited to) the following:

3.35 Public nuisance relates to the negative effects of nuisances including noise, light, odour, dust and litter affecting, or likely to affect, at least a few separate households locally. The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time the Licensing Authority is aware that the licensed trade is important to the local economy and promoting the Council's culture and leisure aspirations. Consequently, the Licensing Authority will try and work together with statutory agencies, licensed businesses, residents and other businesses to reach a compromise in its decision making. 3.36 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. In preparing applications, applicants are strongly encouraged to

consider the measures set out below. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.

3.37 Particular measures include:

- a) **Noise escape.** The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices. In appropriate circumstances and where not included in the operating schedule, a condition may be imposed requiring the assessment by the applicant (either with or without the involvement of Environmental Health), of potential noise sources which could cause disturbance to those in the vicinity and to identify and implement appropriate control measures.
- b) **Customer arrival.** The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at the premises, particularly at night. This may include last entry conditions, minimisation and control of queuing and supervision of the exterior of the premises. If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.

6.2 Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

7. Links to Council Policy Objectives

7.1 The Authority regards existing and future environmental qualities and character of the District to be important when consideration is given to granting licences for any purpose. When considering licensing applications where relevant representations have been made, the Authority will consider its effect on the licensing objectives and in particular the effect the licence will have on the public nuisance objective. In order to consider these matters, it is necessary to consider the environment of the area in which the premises are or will be situated.

Guidance issued under s.182 (p.18)

Prevention of a public Nuisance

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

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated

measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.21 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.

8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeals 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.
- 8.2 **Human Rights:** The Licensing Sub-Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Sub-Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.
- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also needs to be considered. The persons making relevant representations have a right to respect for

their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.

- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination (which is an absolute right) also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group or other status.
- 8.5 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 can not be interfered with.
- 8.6 Therefore if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

9. Determination by the Licensing Sub-Committee

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives, which are:
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

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.

9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

9.3 The Sub-Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.

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

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

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

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

9.4.4 Reject the whole of the Application.

9.4.5 Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).

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

Conditions offered in the Operating Schedule

The prevention of crime and disorder

- A CCTV system has been installed in the Café (to include the staff areas), courtyard, and throughout the Caves to monitor all areas of the premises.
- For events such as parties, film nights, paranormal nights etc the number of guests are pre-booked and these are private events. They are all manned by our staff and security staff are employed as required.
- The gates to the Courtyard are covered by CCTV and easily manned to prevent unauthorised access. There is no other means of access.
- We have a regular collection of all litter with nearby Biffa bins to remove weekly.

- We will provide all the refreshments/alcohol in suitable containers/glasses etc. Customers are not allowed to bring in their own alcohol.

Public safety

- All fire safety checks are carried out regularly and staff are certified fire trained. The Café contains requisite fire extinguishers/blankets etc.
- Staff are first-aid trained to a certified level and first aid kit is located on premises.
- There are appropriate signs advising the public of the hazards contained within the Caves.
- The Caves are already a popular tourist attraction with thousands of visitors which we manage accordingly and we have had virtually no issues of any such nature in the last thirty years (someone twisted an ankle a few years ago!).
- There is CCTV throughout.

The prevention of public nuisance

- No noise can be heard outside from within the Caves themselves.
- There is a small car park directly outside the Caves courtyard (6 spaces plus disabled) which leads straight onto the Public Highway. Most visitors park either in the Public Car Park at the West Wycombe Walled Garden (300m), or in the Car park at the top of the Hill.
- For booked and private events we advise visitors and implement a suitable strategy depending on the event, timings etc. (ie attendees might arrive in a coach or minibus and we make sure they know where to pick up and drop off.)
- For light pollution the Caves courtyard is already floodlit with LED lights on a timed basis (which turn off automatically) and forms part of the visitor attraction.
- Suitable litter bins are located throughout the premises. Staff carry out daily litter picks

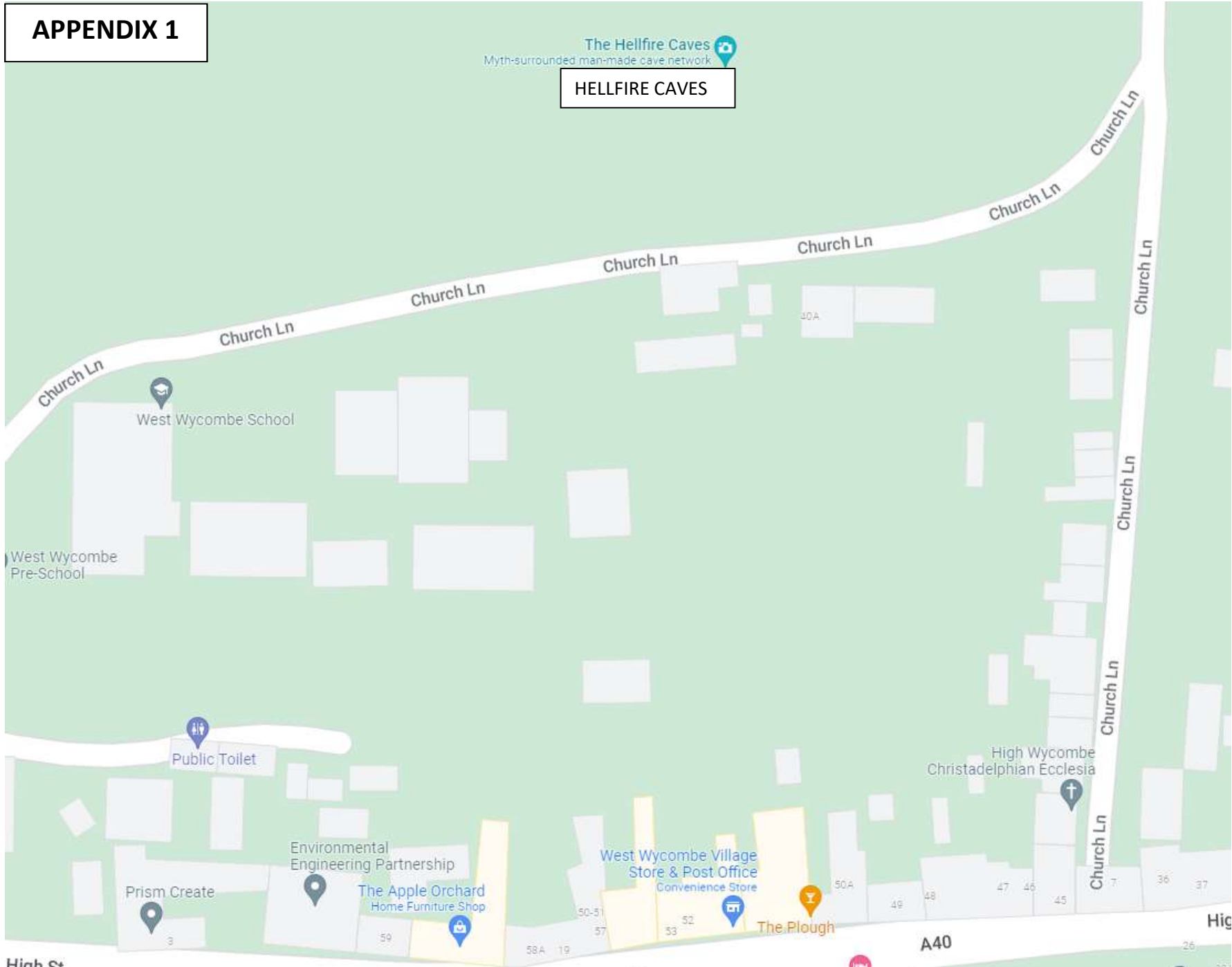
The protection of children from harm

- We have many children who come as regular tourists and also run events for them such as witches workshop, children’s parties etc. The Caves themselves are suitable for them and appropriate signs are displayed regarding the dangers.
- Our staff have the necessary safeguards and training. (CRB/DBS checked). We also have CCTV throughout.
- They are accompanied by adults (usually their parents, grandparents, whoever brings them).
- If showing movies nights then only the correct age categories will be admitted.
- Alcohol will only be available to those legally permitted to purchase/consume it.

Informative/s -

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk
Background Papers:	Application Ref 22/00774/LAPREN Licensing Act 2003, as amended Licensing Policy – Wycombe Area Published December 2018. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

APPENDIX 1



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

Please read the following instructions first

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

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

We West Wycombe Caves Ltd (trading as The Hell Fire Caves)
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Hell Fire Caves Church Lane West Wycombe			
Post town	High Wycombe	Postcode	HP14 3AH

Telephone number at premises (if any)	01494 533739
Non-domestic rateable value of premises	£ 9,356.25

Part 2 - Applicant details

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i	as a limited company/limited liability partnership	X
	ii	as a partnership (other than limited liability)	
	iii	as an unincorporated association or	

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

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

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

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I m 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

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

Name: West Wycombe Caves Ltd. (trading as The Hellfire Caves)

Address Church Lane West Wycombe Bucks HP14 3AH
Registered number (where applicable) 00524517
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01494 533739 / Office 01494 524411
E-mail address (optional) office@westwycombeestate.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	1 0 2 0 2 2

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

DD	MM	YYYY

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

Trading as the Hellfire Caves, The West Wycombe Caves Ltd is a popular tourist attraction first opened in the 1950s. It consists of a Café and Souvenir Shop (and WC's) within an outside courtyard which also contains the entrance to the Caves themselves. These Caves are open to the public and visitors can explore the winding network of 18th Century man-made chalk and flint caverns which extend some 400m underground, aided by an audio commentary. These tunnels include waxwork figures in various chambers and there is a Banqueting Hall and other rooms within the Caves network.

Refreshments are available in the café and shop and there is seating in the courtyard which is surrounded by high flint walls. The Caves have an annual visitor total of around 30,000 people, with the majority coming in the summer months, although Halloween and Christmas are also popular. There are constant requests from the visitors for a glass of wine or a cold beer to go with the teas and drinks currently on offer.

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	Yes
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	Yes
f)	recorded music (if ticking yes, fill in box F)	Yes
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late-night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	Yes

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	Y
Day	Start	Finish		Outdoors	
				Both	
Mon	1100	2300	<p><u>Please give further details here</u> (please read guidance note 4)</p> <p>The Caves are normally open as a tourist attraction 1100 - 1700</p> <p>We have occasionally put on (most likely in the winter months) suitable film showings (ie fright night/horror movies etc) using a temporary projector and screen within the Banqueting Hall in the Caves which is some 300 feet underground. The capacity of the Banqueting Hall is max 100 pax.</p> <p>No sound whatsoever from the Banqueting Hall can be heard outside/above ground.</p> <p><u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)</p> <p>Usually held over winter months</p> <p><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>On occasion, themed films might be shown after normal opening hours. These would take place from 1700 – 2300. These would typically be on a Thurs – Saturday.</p>		
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300			
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	Y
Day	Start	Finish		Outdoors	
				Both	
Mon	1100	2300	<p><u>Please give further details here</u> (please read guidance note 4)</p> <p>For live musician(s) to play music within the Banqueting Hall to entertain the visitors. There are already speakers in the Banqueting Hall should amplification be required.</p> <p>No sound from the Banqueting Hall whatsoever can be heard outside, amplified or not. (it is 300 feet underground!).</p>		
Tue	1100	2300			
Wed	110	2300			
Thur	1100	2300	<p><u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)</p> <p>No seasonal variation</p>		
Fri	1100	2300			
Sat	1100	2300	<p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>On rare occasions, live music might be played after usual opening hours, but only for pre-booked private events such as birthdays /anniversary parties etc etc. Timings would range from 1700 – 2300 (but would obviously end earlier if younger attendees).</p> <p>This is not envisaged to take place more than 12 times per annum.</p> <p>No sound from the Banqueting Hall whatsoever can be heard outside, amplified or not. (it is 300 feet underground!).</p> <p>We have held these in the past on numerous occasions over the last ten years with no issue but each time have applied for an individual TEN.</p>		
Sun	1100	2300			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	Y
Mon	1100	2300	<p>Please give further details here (please read guidance note 4)</p> <p>Recorded music (mostly classical) is played within the Caves to accompany the audio commentary for the tourists</p> <p>This has taken place for the last thirty years</p>		
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300	<p>State any seasonal variations for the playing of recorded music (please read guidance note 5)</p> <p>Other recorded music may be played more frequently on seasonal occasions such as Halloween and Christmas.</p>		
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300	<p>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>During seasonal events such as Halloween week when recorded music is played in the Caves 1700 – 2300.</p> <p>On other occasions recorded music might be played after usual opening hours for pre-booked private events such as birthdays /anniversary parties etc etc. Timings would range from 1700 – 2300 (but would obviously end earlier if younger attendees).</p> <p>No sound from the Banqueting Hall whatsoever can be heard outside, amplified or not. (it is 300 feet underground!).</p> <p>We have held such events in the past on numerous occasions over the last ten years with no issue but each time have applied for an individual TEN.</p>		

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	Y
				Off the premises	
Day	Start	Finish		Both	
Mon	1100	2300	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)</p> <p>Coincides with café opening times which is currently 1100 – 1700 daily between the 1st of April to the 30th of October</p> <p>and</p> <p>weekends and bank holidays only between the 1st of November to the 31st of March.</p> <p>We would like the option to sell alcohol whenever we are open.</p> <p><u>Nonstandard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>Events listed in sections above such as weddings, birthdays, paranormal evenings, film nights, Halloween week etc.</p> <p>These events will all have different end times depending on the event, but 1700 - 2300.</p>		
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300			
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			

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

Name	James Dashwood Chase
Date of birth	██████████
Address	West Wycombe Park Office West Wycombe Park High Wycombe Bucks
Postcode	HP14 3AJ
Personal licence number (if known)	PL3348
Issuing licencing authority (if known)	Hereford Licencing Council

K

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

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p> <p>During Halloween week the Caves are open from 1700 – 0000.</p>
Day	Start	Finish	<p>We might experiment with some later opening times during the main summer months and Christmas week depending on demand (ie extend our opening from 1700 to 2000)</p> <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>For the seasonal variations listed above as well as pre-booked events such as pre-booked birthday celebrations and parties, film nights, paranormal evenings etc etc.</p>
Mon	1100	1700	
Tue	1100	1700	
Wed	1100	1700	
Thur	1100	1700	
Fri	1100	1700	
Sat	1100	1700	
Sun	11 00	17 00	

M

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

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

b) The prevention of crime and disorder

A CCTV system has been installed in the Café (to include the staff areas), courtyard, and throughout the Caves to monitor all areas of the premises.

For events such as parties, film nights, paranormal nights etc the number of guests are pre-booked and these are private events. They are all manned by our staff and security staff are employed as required.

The gates to the Courtyard are covered by CCTV and easily manned to prevent unauthorised access. There is no other means of access.

We have a regular collection of all litter with nearby Biffa bins to remove weekly.

We will provide all the refreshments/alcohol in suitable containers/glasses etc. Customers are not allowed to bring in their own alcohol.

c) Public safety

All fire safety checks are carried out regularly and staff are certified fire trained. The Café contains requisite fire extinguishers/blankets etc.

Staff are first-aid trained to a certified level and first aid kit is located on premises.

There are appropriate signs advising the public of the hazards contained within the Caves.

The Caves are already a popular tourist attraction with thousands of visitors which we manage accordingly and we have had virtually no issues of any such nature in the last thirty years (someone twisted an ankle a few years ago!).

There is CCTV throughout.

d) The prevention of public nuisance

No noise can be heard outside from within the Caves themselves.

There is a small car park directly outside the Caves courtyard (6 spaces plus disabled) which leads straight onto the Public Highway. Most visitors park either in the Public Car Park at the West Wycombe Walled Garden (300m), or in the Car park at the top of the Hill.

For booked and private events we advise visitors and implement a suitable strategy depending on the event, timings etc. (ie attendees might arrive in a coach or minibus and we make sure they know where to pick up and drop off.)

For light pollution the Caves courtyard is already floodlit with LED lights on a timed basis (which turn off automatically) and forms part of the visitor attraction.

Suitable litter bins are located throughout the premises. Staff carry out daily litter picks.

e) The protection of children from harm

We have many children who come as regular tourists and also run events for them such as witches workshop, children’s parties etc. The Caves themselves are suitable for them and appropriate signs are displayed regarding the dangers.

Our staff have the necessary safeguards and training. (CRB/DBS checked). We also have CCTV throughout.

They are accompanied by adults (usually their parents, grandparents, whoever brings them).

If showing movies nights then only the correct age categories will be admitted.

Alcohol will only be available to those legally permitted to purchase/consume it.

Checklist:

Please tick to indicate agreement

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	

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

Signature	
Date	
Capacity	

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

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, will allow the licensing authority to carry out the check.

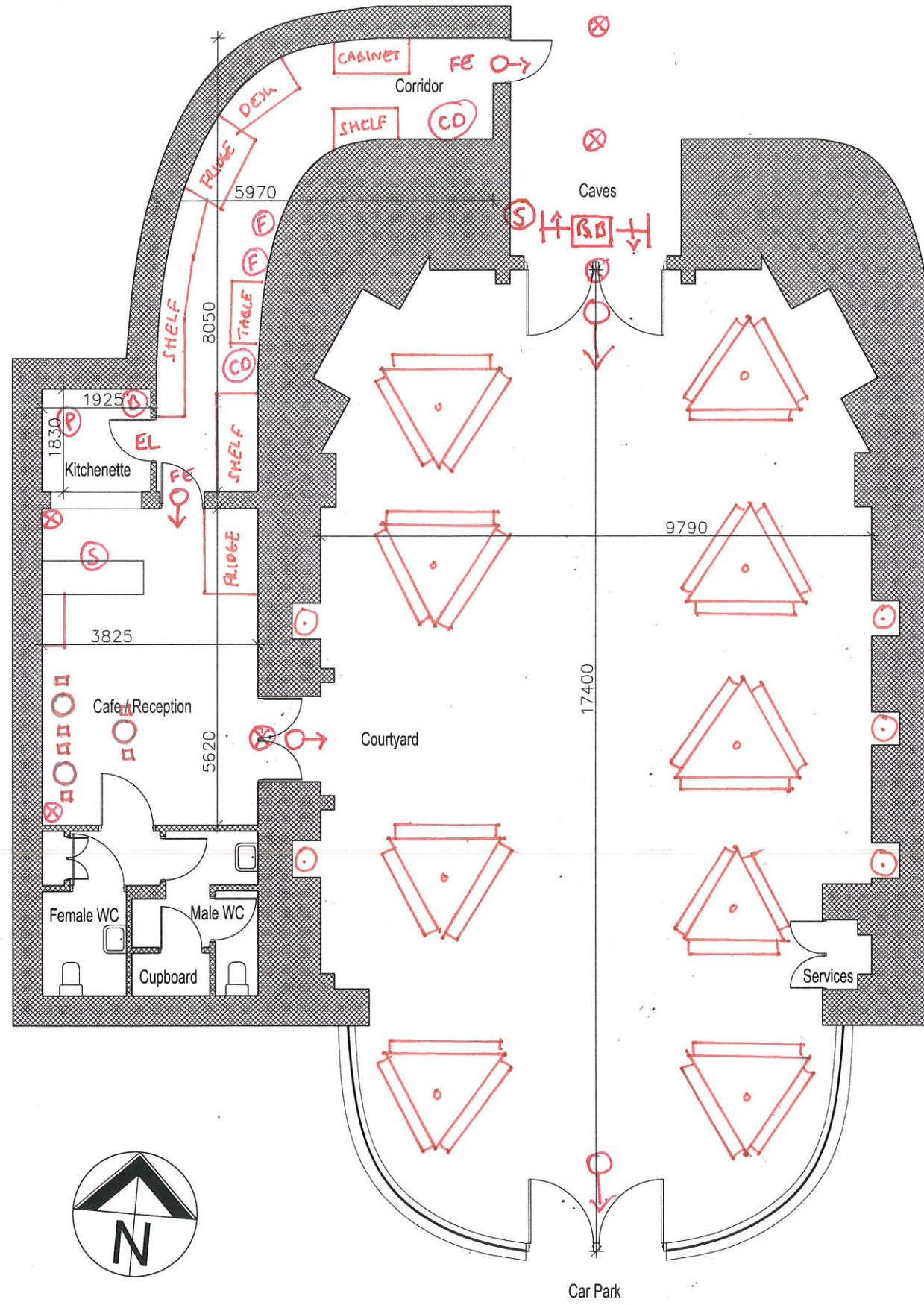
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. 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 copies of documents as set out above.

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.

KEY

- ⊗ CCTV
- FIRE EXIT
- Ⓢ FIRE ALARM SOUNDER
- Ⓟ POWDER FIRE EXTINGUISHER
- Ⓢ CO CARBON DIOXIDE FIRE EXTINGUISHER
- Ⓢ F FOAM FIRE EXTINGUISHER
- Ⓢ B FIRE BLANKET
- [FMP] FIRE MEETING POINT
- EL EMERGENCY LIGHT
- FE FIRE EXIT SIGN - ILLUMINOUS + DIRECTIONAL
- ↕ TURNSTILE IN ONE DIRECTIONAL
- ↕ TURNSTILE OUT ONE DIRECTIONAL
- [RB] REMOVABLE BARRIER
- OUTSIDE BIN
- Ⓢ SMALL TABLE AND CHAIRS
- △ LARGE OUTDOOR TABLE



[FMP]

Rev Date Amendment
 <revision details>

CLIENT
 West Wycombe Estate

PROJECT
 Survey of West Wycombe
 Caves' Café

DRAWING
 Plan

CHECKED
 MM

DRAWN
 KL

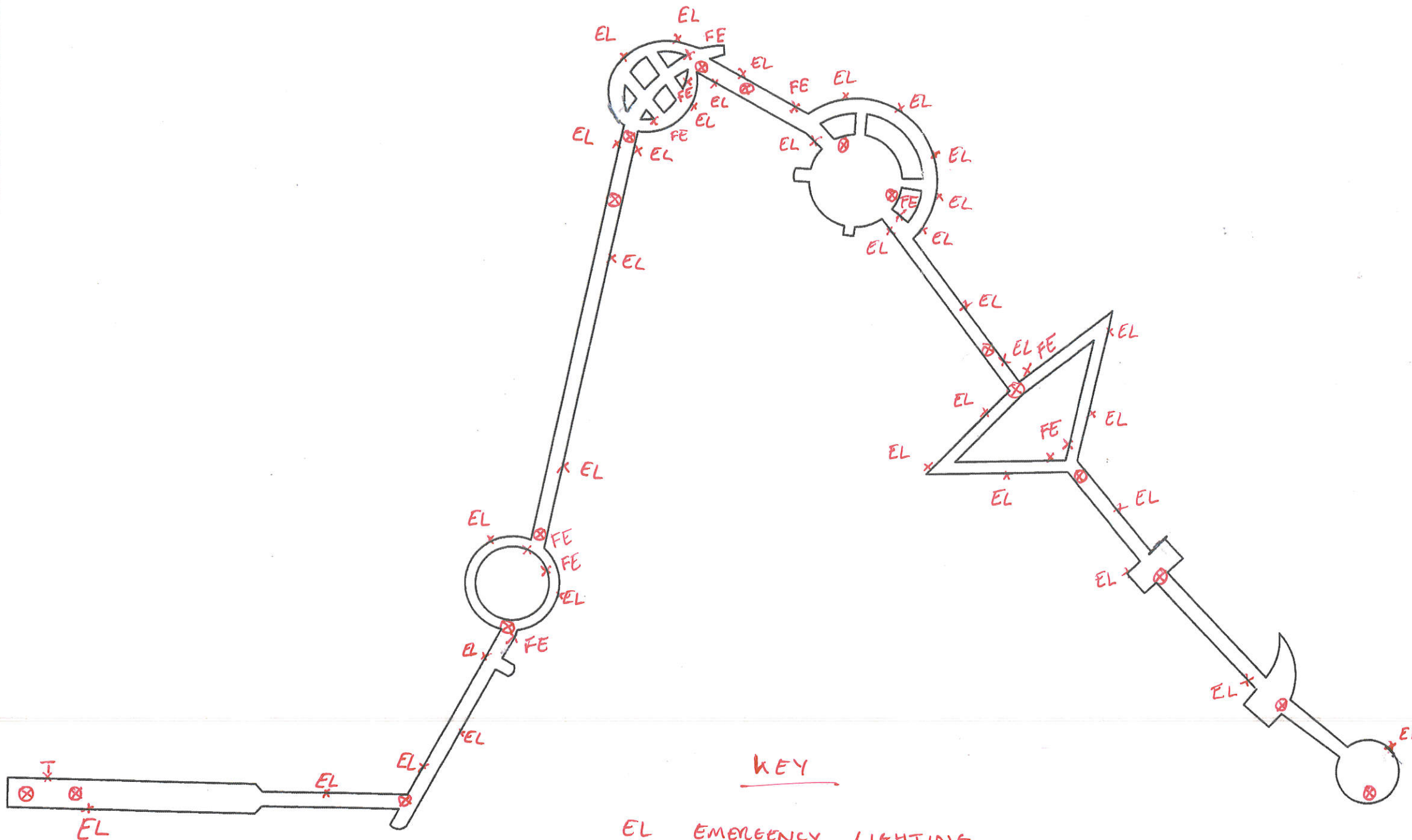
X-REF(S)
 4971-xref

DATE
 September 2017

SCALE
 <-> @ A1

DRAWING NUMBER
 4972-01

BROCKLEHURST ARCHITECTS LIMITED
 15 High Street West Wycombe
 Buckinghamshire HP14 3AE
 01494 521621
 www.brocklehurst.com



KEY

- EL EMERGENCY LIGHTING
- FE DIRECTIONAL ILLUMINOUS FIRE EXIT SIGN
- ⊗ CCTV
- T WATER TAP

DO NOT SCALE FROM THIS DRAWING

REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D

CLIENT
WEST WYCOMBE ESTATE

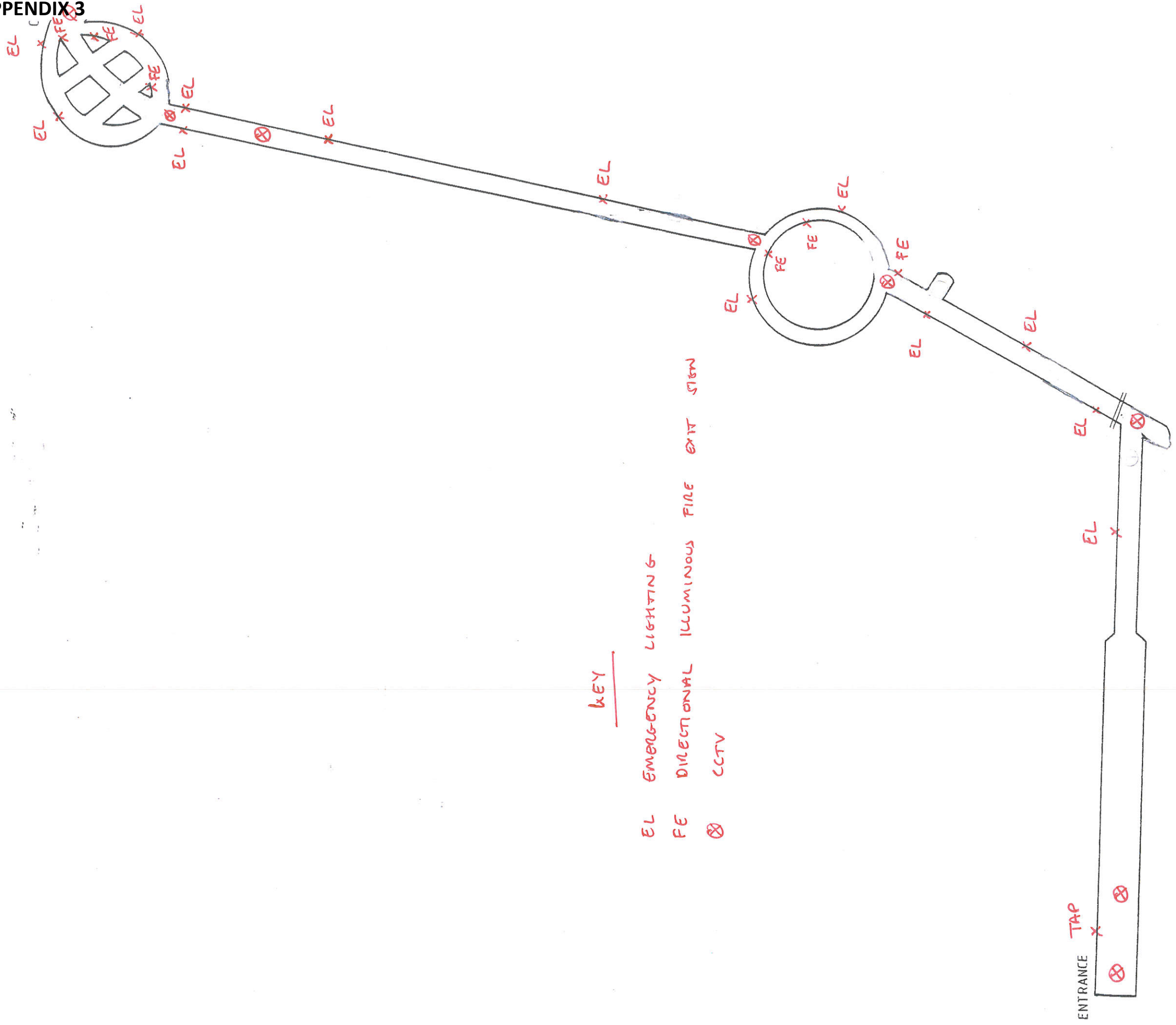
PROJECT
HELLFIRE CAVES

DRAWING TITLE

DRG No. NL04872/03	SCALE NTS	DATE MAR 2010
DRAWN BY JD	CHECKED BY	APPROVED BY

<input checked="" type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE)	TEL 0845 111 7777	<input type="checkbox"/> CARDIFF	TEL 029 2072 9191
<input type="checkbox"/> NEWCASTLE UPON TYNE	TEL 0191 232 0943	<input type="checkbox"/> LEIGH	TEL 01942 260101
<input type="checkbox"/> WEST BROMWICH	TEL 0121 590 0909	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 6244
<input type="checkbox"/> LONDON	TEL #20 7287 2872	<input type="checkbox"/> EDINBURGH	TEL 0131 555 3311
		<input type="checkbox"/> LIVERPOOL	TEL 0151 494 5431





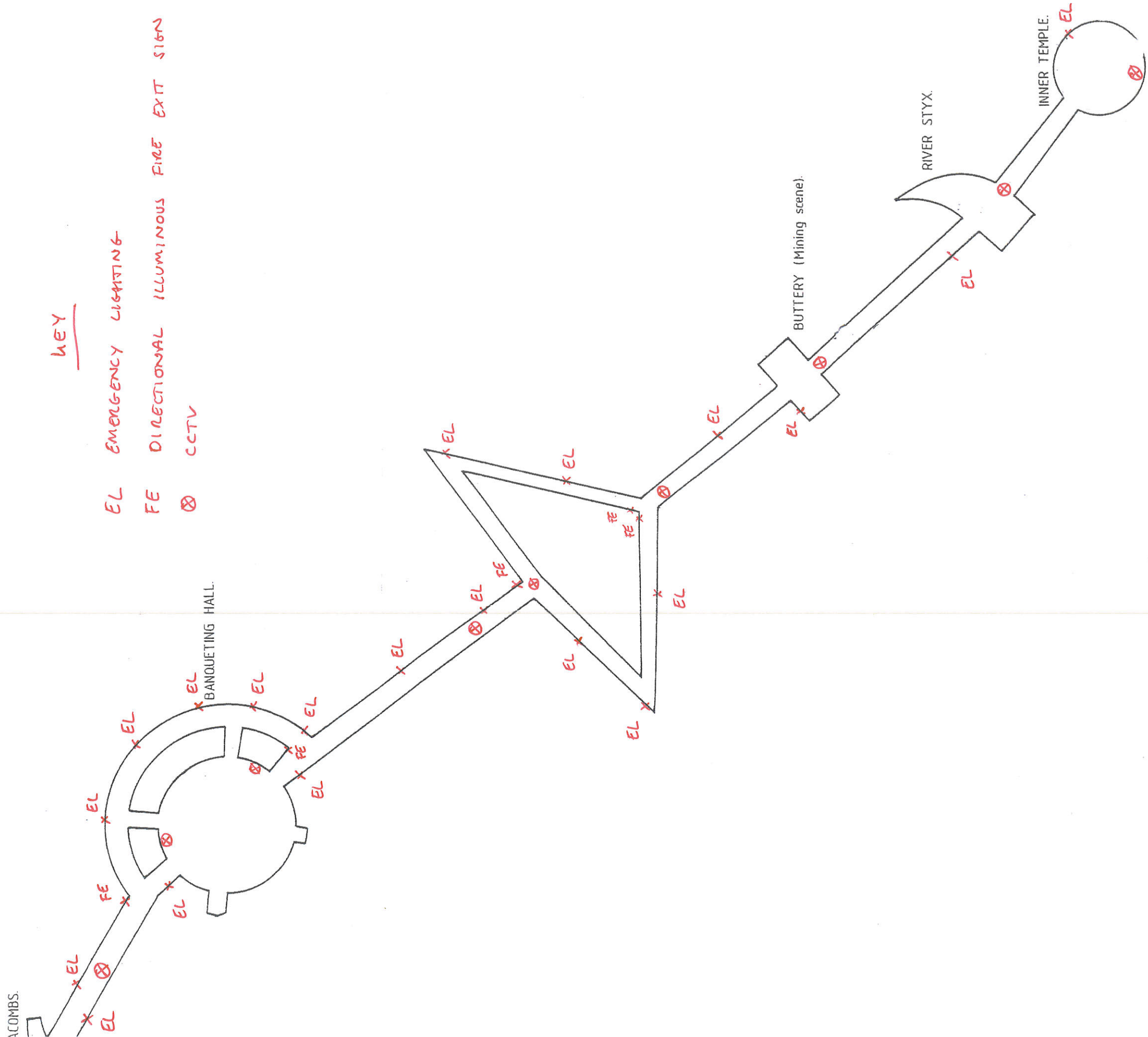
KEY

- EL EMERGENCY LIGHTING
- FE DIRECTIONAL ILLUMINOUS FIRE EXIT SIGN
- ⊗ CCTV

ENTRANCE TAP

WEST WYCOMBE CAVES LIMITED.
HELLFIRE CAVES.

PLAN REFERRED TO.



KEY

- EL EMERGENCY LIGHTING
- FE DIRECTIONAL ILLUMINOUS FIRE EXIT SIGN
- ⊗ CCTV

DRG. No. 3548 SCALE:- 1" to 25'

WARDELL ARMSTRONG
 LANCASTER BUILDING, HIGH STREET, NEWCASTLE,
 STAFFS. ST5 1PQ.
 TEL: 0782 612626 TELEEX: 36607 FAX: 0782 662882

Appendix 4 – Police representation

From: Dean, Andy (C2915) <andy.dean@thamesvalley.police.uk>
Sent: 05 September 2022 11:17
To: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>
Subject: [EXTERNAL] TVP Application Response - Premises Licence for West Wycombe Caves, Church Lane, West Wycombe: OBJECTION

[Please note this has been sent from an **external source** - treat with caution and **do not open attachments / use links** until you are sure this is a trusted communication see intranet/IT for advice.]

On 15/08/2022, we received a Premises Licence application relating to West Wycombe Caves, Church Lane, West Wycombe

=====
Local tourist attraction wishing to serve alcohol as part of its daily offering to tourists attending the attraction and for the purposes of events in the evenings. Suitable conditions offered

=====
Based on the supplied information, the Thames Valley Police response is: *** OBJECTION ***

Details of the objection and our rationale will be sent shortly by the Licensing Officer, who will also notify the applicant if appropriate.

; Prevention of Crime and Disorder; - Thames Valley Police feel that the conditions offered do not meet the standards as required by us. I have consulted with the applicants and have agreed the attached list of conditions to be added to the licence if it were granted (ATTACHED EMAIL). Thames Valley Police agree to forgo a full subcommittee panel hearing providing the attached CONDITIONS ARE ADDED IF GRANTED.

Andy

Andy Dean C2915 - Licensing Officer (Wycombe & South Oxfordshire);

[Address](#) – Police Station, Queen Victoria Road, High Wycombe, Bucks HP11 1BE;

[Telephone](#) - (Ext) 01865 309275, (int) 312 6077 (mobile); 07970 145 565

[Headquarters](mailto:Licensing@thamesvalley.police.uk) – Licensing@thamesvalley.police.uk

From: Office <Office@westwycombeestate.co.uk>
Sent: 17 August 2022 11:34
To: Andy.Dean <Andy.Dean@thamesvalley.pnn.police.uk>
Cc: Brian Whittal <Brian.Whittall@buckinghamshire.gov.uk>
Subject: RE: 22-08-15 Conditions for Hell Fire Caves

Dear Andy,

Many thanks for your email and document, we are happy with your recommendations and changes.

Best regards,

James Parker BA (Hons) MSc | Assistant Land Agent | West Wycombe Estate

Proposed Conditions for
Hell Fire Caves
West Wycombe

TIMES of Business;- You presently have listed for your licence 11.00 hours to 17.00 hours daily. You've also made mention of evening events like films in the winter, birthdays etc usually happening on a Thursday to Saturday.

Therefore, I would suggest **Sun to Wednesday 11-00 to 1700 hours and Thursday to Saturday 11.00 to 23.00 hrs**, which provides that flexibility. Obviously to close when you want to during your licensable times.

A; General;-

CCTV, Challenge 25 & ID, Staff training and records, quiet notices, incident / refusals log.

B; Prevention of Crime and Disorder;-

The premises licence holder will ensure that;-

- They maintain a digital CCTV system with cameras located within the premises to cover all public areas including entrances and exits and the till area and will operate at all times the premises are open for licensable activities.
- The CCTV system will record clear images allowing the identification of individuals and the equipment will have accurate and constant date and time generation. All recorded footage must be securely retained for a minimum of 31 days. There will be on site someone that can allow the immediate viewing of CCTV upon request of a

Police Officer or an Officer of a Responsible Authority and be able to provide recorded images on removable media (DVD / USB) at that request or at least within 24 hours of that request providing the business is open for licensable activities. This request must be in line with Data Protection legislation (or similar if legislation changes). The provided images must be such that can be played on a standard desk top or laptop computer.

- All staff involved in the selling of alcohol based products will be trained with regards to the Licensing Act minimally covering topics of; underage sales, Challenge 25, refusals of service and the completion of the Refusals / Incident log. This training will be recorded in written records and will be provided for inspection upon request from an Officer of a Responsible Authority or Police Officer. Training will be updated a minimum of every six months.
- The premises will have a 'Refusals / Incident Log' that will record all incidents that occur within the premises during licensable activities in relation to the Licensing Objectives. These logs will include; date, time, nature of incident / refusal, what action taken to include detail of any identification provided or Police reference no (if reported) and staff member dealing. This log will be available for inspection on demand of an Officer of a Responsible Authority or a Police Officer.
- The DPS will provide a written 'Risk Assessment' in relation to the need to employ Security Officers for the particular event that it holds. This Risk Assessment must be compatible with the event being held and must be available for inspection on demand of an officer of a Responsible Authority or a Police Officer.

D;- Prevention of Public Nuisance;-

- Notices will be displayed at the exit to the premises requesting customers leave the area quickly and quietly to respect the local residents.

E;- Protection of Children from Harm; -

- The Premises Licence Holder will ensure that a Challenge 25 policy will be adhered to by all staff and that only specific identification will be accepted, these being;- A valid photo driving licence, a valid National Passport or valid National ID card, a Government sponsored PASS card.
- On film nights – only those persons of the minimum Certificated age will be allowed entry accompanied by a parent / guardian / suitable adult if under 18years or on the provision of the relevant valid form of ID such as our Challenge 25 policy.

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Appendix 5 – Environmental Health

From: Carl Griffin <Carl.CGriffin@buckinghamshire.gov.uk>
Sent: 05 September 2022 16:08
To: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>
Subject: Premises licence Hell Fire Caves

Hello

We have no objection to this application.

Yours sincerely

Carl Griffin
Environmental Protection Officer
Buckinghamshire Council
01494 421742



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Appendix 6 – Any other person

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

From: Sharon Henson <clerk@westwycombeparishcouncil.gov.uk>

Sent: 16 September 2022 07:32

To: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Hell Fire Caves application

[You don't often get email from clerk@westwycombeparishcouncil.gov.uk. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mr Whittle.

We considered the Hell Fire Caves application at our September meeting and please see our response below:

West Wycombe Parish Council notes the concerns expressed by some local residents that extending the time and number of occasions on which alcohol can be served at The Caves could result in an increase in excessive noise, disruption, and both pedestrian and road traffic, especially during the evening and night-time. We further note the proximity of The Caves to West Wycombe School and Pre-school, and the consequent potential for these to be affected by any increase in anti-social behaviour in that area; there are already frequent instances of ASB at the top of West Wycombe Hill involving littering, vandalism, drug paraphernalia, etc.

We would draw a clear distinction between the sale at the entrance café of alcohol alongside food at lunchtime and in the afternoon, and the sale of alcohol at evening and night-time events held with The Caves themselves. Given that there is already a process in place for the granting of Temporary Event Notices for the latter, we see no reason why this process cannot continue to be the mechanism used, allowing each event to be scrutinised and judged on its individual merits. We would see no reason to object to an application for a premises licence that was restricted to the café premises at the entrance to The Caves.

Yours sincerely,

Sharon Henson, Clerk, West Wycombe Parish Council

01494 448048

From: Chris Hathaway

Sent: 16 October 2022 23:11

To: Brian Whittall <Brian.Whittall@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Hellfire Caves Premises Licence Application

Good morning Brian, hope you had a good weekend.

We are writing with regard to the Premises Licence Application (22/0074/LAPREN) to permit the Hellfire Caves to provide alcohol during their normal opening hours (11am until 5.00pm) and to be able to have an unlimited number of events.

Our homes Hillside, Flint Cottage and The Limes are directly opposite the Caves, and just a few paces from its entrance. Three more residences are along this part of Church Lane which is a single track lane without pavements. At night this area is quiet and any activity at the Caves is dramatically disturbing to residents. Therefore the prospect of intrusive noise into the late evening or early hours from an unlimited number of events which is what the Licence will allow, will fundamentally change the nature of our residential environment.

(The Hellfire Caves, in a letter set by the side of the Application Notice states that they are CONSTANTLY asked for alcoholic drinks during their normal working hours and they would like to meet that demand. They also state that they would normally hold a FEW pre-booked events in the Banqueting Hall throughout the year (film and paranormal events/film showings/dinners etc.) and that applying for TENs for these involves a lot of cost and paperwork. However, if they are genuinely looking at 'a few events' the cost and paperwork for TENs would not be that onerous or as expensive as a Premises Licence.)

If granted, the Licence would place no limit on the number of events that could take place and we therefore object to the application with regard to Prevention of Public Nuisance by virtue of noise and alcohol late into the night in very close proximity to residential properties and this will deny us the right to the 'quiet enjoyment of our homes'.

The Public Nuisance elements are as follows:

- A lack of limit on the number of licensed events that could be held during a year which include Saturdays and Sundays. The Caves do already hold extra events outside their normal opening hours eg Paranormal nights (finishing at 3am), Halloween and Christmas and are frequently used for Filming.
- Guests arriving and leaving the venue by car or coach park hard against our north walls with hooting and shouting between drivers and event guests especially late at night or early morning.
- Catering: the Caves have no integral catering facilities over and above their Café resources therefore Catering has to be brought in for events. This generates noises of shouting, banging of vehicle doors and stowing metal catering equipment in both setting up and clearing away. (The latter has sometimes in the past been between 3 and 7am. Generators have also been used which emit a hum and vibrations.)
- Lavatories and Smoking Area: the Caves have limited lavatory facilities and to accommodate an event, mobile units are hired in and parked on the lane side of the Car Park area adjacent to Hillside and The Limes so there is noise generated from the doors and guests as they go to and fro during the evening. These toilets are in full public view and can, after dark, attract anti-social elements going up and down the hill.
- The car park area has also in the past been a designated smoking area with conversation levels easily audible from our bedrooms.
- The main Caves Café area is out in the open courtyard (only half on the far side has flint walls – not 'surrounded' as stated in Part 3 Operating Schedule of their application) and so any music or gatherings there are easily audible to the properties along this stretch of Church Lane.
- The Caves Car Park is small (7 spaces) & and can be tricky to manoeuvre within and out of – onto the lane. We have had our garden wall demolished and numerous bumps into our

house wall from vehicles leaving the car park and adding alcohol to the equation is likely to add to the number of such incidents.

- No notice is given of Events to the residents so that domestic arrangements for visits of family and friends can be sabotaged by the intrusion of late night noise generated by an event.
- There is a proposal (Section L) that they might extend their opening hours from 5pm to 8pm.
- To Protect Children from Harm:
The local Combined School is a few yards away from the Caves and on leaving school children will be walking along narrow Church Lane (with no pavement available for safety) past the Caves while drivers could be leaving the site after consuming alcohol.

Other residents in Church Lane who support this objection are The Limes and Silver Birches, and Flint Cottage, Caves Cottage, Farthing Cottage, and Nos 40, 42, and 42A.

I have read the various undertakings and assertions made in the Application but experience tells us that they are generally not considered obligatory by the Caves Management. The big issue for us here in Church Lane is NOISE AT NIGHT and to have this on an unlimited and unnotified basis will deny us our statutory right to 'the quiet enjoyment of our homes'.

Finally, could I ask if limits or conditions can be added to a Licence eg. a given number of events only and a finish time of 11pm.

Apologies for the length of this missive.

Best wishes

Chris

From: Nick Phillips

Sent: 16 October 2022 17:19

To: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>

Subject: [EXTERNAL] 22/00774/LAPREN - Hellfire Caves

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

[Please note this has been sent from an **external source** - treat with caution and **do not open attachments / use links** until you are sure this is a trusted communication see [intranet/IT for advice.](#)]

Dear Sir, madam

Please find attached letter in relation to the above application.

Regards,

Nick Phillips 1

Dear Sir/Madam, 16/10/2022

We are writing with regard to the licencing application (**Ref. 22/00774/LAPREN**) submitted by West Wycombe Caves (trading as the Hellfire Caves).

As you are aware, the Hellfire Caves are a tourist attraction situated in a tranquil location on a single track lane opposite woodland in an Area of Outstanding Natural Beauty, and within a village predominantly owned by the National Trust.

With regard to the licensing department's assessment criteria of the application we are writing to object under the following criteria: **Prevention of public nuisance**. By this we are referring specifically to the potential for noise and disturbance from the proposed licensed activities preventing us from the quiet enjoyment of our homes and to the potential for public nuisance caused by illegal vehicle parking.

1. Noise and disturbance

We are concerned that the proposed activities will involve the use of the courtyard. Whilst within the curtilage of the property, the courtyard is an open space, separated only from Church Lane by railings, and therefore, no barrier to noisy activities. There is precedent for the courtyard being used as part of the Caves events.

Music and entertainment in the outdoor areas is audible from our home and impinges on our right to "peaceful enjoyment of our possessions" (HRA 1998). We would wish to see a requirement that any music, or entertainment, be indoors only.

The use of the car park and the lane for congregation by visitors during events is also a cause of nuisance. Small groups gather in the car park and on the lane, drinking, smoking and chatting. We respectfully request that the licence would require that visitors are to remain on the property of the venue and not to occupy the public highway.

In order to further limit the noise nuisance, we also ask that:

- customers are reminded that they are in a residential area and asked to keep noise levels to a minimum when leaving the premises;
- designated smoking areas where customers will congregate are away from residential properties and on the venue property only;
- any portable toilets are a sufficient distance from the residential area and the unit doors are sufficiently soundproofed.
- Any preparations, setting-up and striking of equipment by contracting caterers or suppliers is to be carried out within licensed hours. There have been occurrences of caterers and suppliers packing-up into the small hours of the morning, which is an unacceptable nuisance for residents.

2. Car Parking

The perennial issue of insufficient car parking and congestion caused by visitors attending the proposed events is also a concern. Whilst you may feel that parking matters are not relevant to a licencing decision, we would assert that given the setting of a single track lane and a small car park on site, the potential for illegal parking – i.e. blocking a public highway – would fall under the definition of a public nuisance - *"Public nuisance is a common law offence. It has been defined as follows: A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law..."*

In other words, potential parking that contravenes highway laws would form a public nuisance.

Furthermore, in addition to the above points which we consider to be potential points of public nuisance, we would like to put on record other factors that we believe are important to the context of the decision.

Impact on local wildlife, particularly bats

Natural England have advised us very clearly that the impact on the bat population, a priority species, should be a consideration within the decision making process as public bodies are required by law to consider the impact of any decisions that may affect bats. We refer you to the relevant legislation, as highlighted by Natural England:

All bat species in the UK are protected under The Conservation of Habitats and Species Regulations 2010 (Habs Regs) which makes it an offence to:

- deliberately capture, injure or kill bats,
- damage or destroy a breeding or resting place,
- obstruct access to their resting or sheltering places,
- possess, sell, control or transport live or dead bats, or parts of them
- intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection.

Regulation 9 paragraph 5 of the Habs Regs states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.”

The definition of “competent authority” under regulation 7 includes “any public body”. We regularly observe bats above our garden when sitting outside during the summer. The Bat Conservation Trust advises that lighting can disturb bats, as can excessive noise and vibration (such as loud music) if they are roosting in the vicinity. It is important that the increased evening activity at the Caves does not detrimentally affect the bats, and other wildlife.

We would therefore expect a bat survey to be carried out prior to the determination of this application to assess the impact of the proposed evening events, particularly the impact on summer and winter roosts.

Anti-social behaviour

West Wycombe hill suffers from anti-social behaviour with the police often called to noisy motorbike and car racing, and drug taking. A licensed premise in the vicinity has the potential to exacerbate the problem.

Yours sincerely,

Nicola Hannam & Nick Phillips

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