



Licensing Sub-Committee agenda

Date: Tuesday 9 May 2023

Time: 2.30 pm

Venue: Via Video Conference

Membership:

B Stanier Bt, D Town (Reserve), J Towns and A Wood (Chairman)

Webcasting notice

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

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

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

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

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

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

- | | | |
|----------|--|----------------|
| 4 | Hearing Procedure Rules
To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | 3 - 10 |
| 5 | Grillbox Peri Peri, 1 Dashwood Avenue, High Wycombe, HP12 3DN
To consider an application under s.17 of the Licensing Act 2003 for a new premises licence) in respect of Grillbox Peri Peri, 1 Dashwood Avenue, High Wycombe, HP12 3DN (report attached). | 11 - 38 |

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 / Shilpa Manek on 01494 421261 or 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

Buckinghamshire Council

Licensing Sub-Committee Hearing Date:
9 May 2023, 14:30 hours

SUBJECT:	APPLICATION FOR A PREMISES LICENCE at: Grillbox Peri Peri, 1 Dashwood Avenue, High Wycombe, HP12 3DN
Report of	Application under section 17, Licensing Act 2003
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	Booker, Cressex & Castlefield Ward

1. Purpose of Report

To provide Members with information enabling the determination of an application for a premises licence, in respect of which relevant representations have been received. The application has been submitted by Grillbox high Wycombe Limited (“the applicant”) in respect of Grillbox Peri Peri, 1 Dashwood Avenue, High Wycombe, HP12 3DN (“the premises”).

2. Background

- 2.1 The premises is located within a high-density residential area. There are no parking spaces available for customers to use and the immediate vicinity of the premises is subject to parking restrictions (Double yellow lines).
- 2.3 A location plan showing the premises is attached to this report marked **Appendix 1**. The current layout plan is attached as **Appendix 2**.

3. The Application

- 3.1 This application is made under section 17 of ‘The Act’ for a premises licence for the provision of late night refreshment only to take immediate effect. A copy of the application is attached as **Appendix 3**.
- 3.2 The requested permitted licensable activities are as follows:

<u>Licensable activity</u>	<u>Standard days and timings</u>
Provision of Late Night Refreshment	Every day 09:00 – 04:00
Hours premises are open to the public	Every day 09:00 – 04:00

- 3.3 The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule.

4. Relevant Representations

4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** Submitted a representation during the consultation period a copy of which is attached as **Appendix 4**. Both the police and the applicant have agreed to an amendment to reduce the provision of late night refreshment to 03:00 hours and to amended conditions as attached **Appendix 5**.

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

4.1.3 **The Local Planning Authority (Head of Sustainable Development):** Response received, **Appendix 6**

4.1.4 **The Local Environmental Health Authority (Head of Environmental Health):** No Response received

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

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

4.1.7 **The Licensing Authority:** Submitted a representation during the consultation period. A copy of which is attached as **Appendix 7**.

4.1.8 No responses were received from any other Responsible Authority.

4.2 Other persons: No response received.

4.3 No letters of support were received during the consultation period.

5. Licensing Officer's Observations:

5.1 The Relevant Representation mainly raises the follows issues:

- The prevention of public nuisance – To protect the amenity of residents within the vicinity of the premises

5.2 It shall be for the panel to consider if the conditions proposed by the applicant and those agreed with the police are considered appropriate for a Premises Licence to be granted.

6. Policy Considerations

6.1 Regard must be given to the Council's Statement of Licensing Policy (published 4th March 2022) when determining this application. Of particular relevance (but not limited to) are the sections relating to Part C - promoting the licensing objectives and the Council's approach to preventing a public nuisance (page 35).

6.2 Paragraph 8.41 of the Guidance states: "In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. ...applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application."

6.3 The Guidance goes on to state, paragraph 8.42: "Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities..."
- 6.4 Paragraph 8.43 states, "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Finally, the Guidance states at paragraph 8.43, "It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."
- 6.5 In relation to licence hours Paragraph 3.11 of Buckinghamshire Council's Policy states: "in line with the duty to promote the licensing objectives, the Licensing Authority's Policy is to respect the right of residents to peace and quiet. In general, the Licensing Authority will take a more stringent approach to licensing hours in areas of higher residential density where there is greater risk of public nuisance."
- 6.6 In paragraph 3.13 it states: "Shops, stores and supermarkets will normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Further, in the case of individual shops which are known to be a focus of disorder and disturbance then, subject to representations from, for example, the police or other persons, a limitation on licensing hours may be appropriate."
- 6.7 In relation to the prevention of a public nuisance licensing objective, Paragraph 3.35 states "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."
- 6.8 In paragraph 3.36, states "the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance having regard to all circumstances of the application, are adequate. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance."
- 6.8 Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended. In relation to Prevention of Public Nuisance the Statutory Guidance states:
- 6.9 2.15: The 2003 Act enables licensing authorities and responsible authorities, through to consider what constitutes public nuisance and what is appropriate to prevent it in terms of

conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

6.102.16: 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.

6.112.18: 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.

6.122.19: Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

6.14 Regarding delivery services section 3.10 states “Persons who run premises providing ‘alcohol delivery services’ should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.”

6.15 Paragraph 10.15 goes on to say “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”

7. Resources, Risk and Other Implications

- 7.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeal against the decision of the Licensing Sub – Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.
- 7.2 **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.
- 7.3 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 need 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.
- 7.4 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.
- 7.5 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 cannot be interfered with.
- 7.6 Therefore if Members refuse to grant the application to vary the Premises Licence in whole or part or grant it subject to Conditions this will be a breach of the rights of the Applicant unless such refusal (in full or part) is and/or the Conditions imposed are appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.

7.7 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 regard to the Human Rights Act 1998.

7.8 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.

8. Determination by the Licensing Sub-Committee

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

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

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

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

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

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

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

8.4.2 Reject the whole of the Application.

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

received).

8.5 The Sub-Committee is asked to note that:

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

8.5.2 When determining the application to vary the Premises Licence consideration must be given to the effect of the variations proposed. Any modification or variation to Conditions or any additional Conditions to be added to the Premises Licence must also be as a result of the effect of the variation if granted on the promotion of the four licensing objectives.

Conditions offered in the Operating Schedule

The Prevention of Crime and Disorder

- We will try to minimise crime where is possible and get cctv around my premises and security
- panic button

The Prevention of public nuisance

- Make sure no one does anything outside the shop to cause nuisance

Protection of children from harm

- Make sure it's child friendly and make sure the parents are with them the whole time

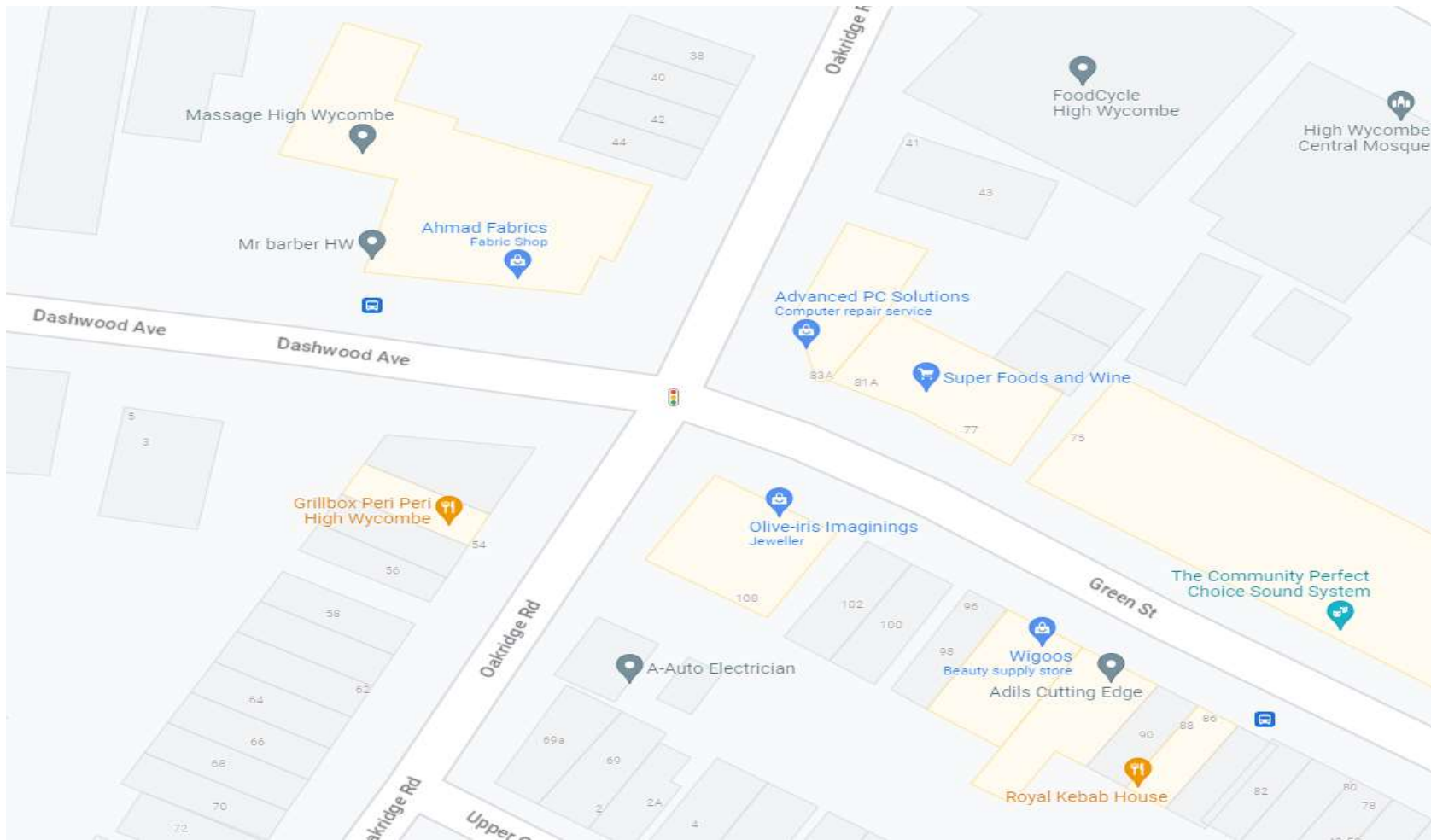
Informative/s -

This Premises Licence plan has been raised by the Licensing Authority as part of their representation in which they state that the plan appears to be inaccurate and does not show a rear extension which has been added to the premises nor an accurate representation of the means of escape. The plan also does not show fixed fittings in place such as the serving counter. The applicant is advised to contact the Planning Department to check compliance with the relevant planning legislation/requirements and to submit any necessary planning application prior to operation.

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk
Background Papers:	Application Ref: PR202303-316736 Licensing Act 2003, as amended Licensing Policy – Buckinghamshire Council Published February 2022. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

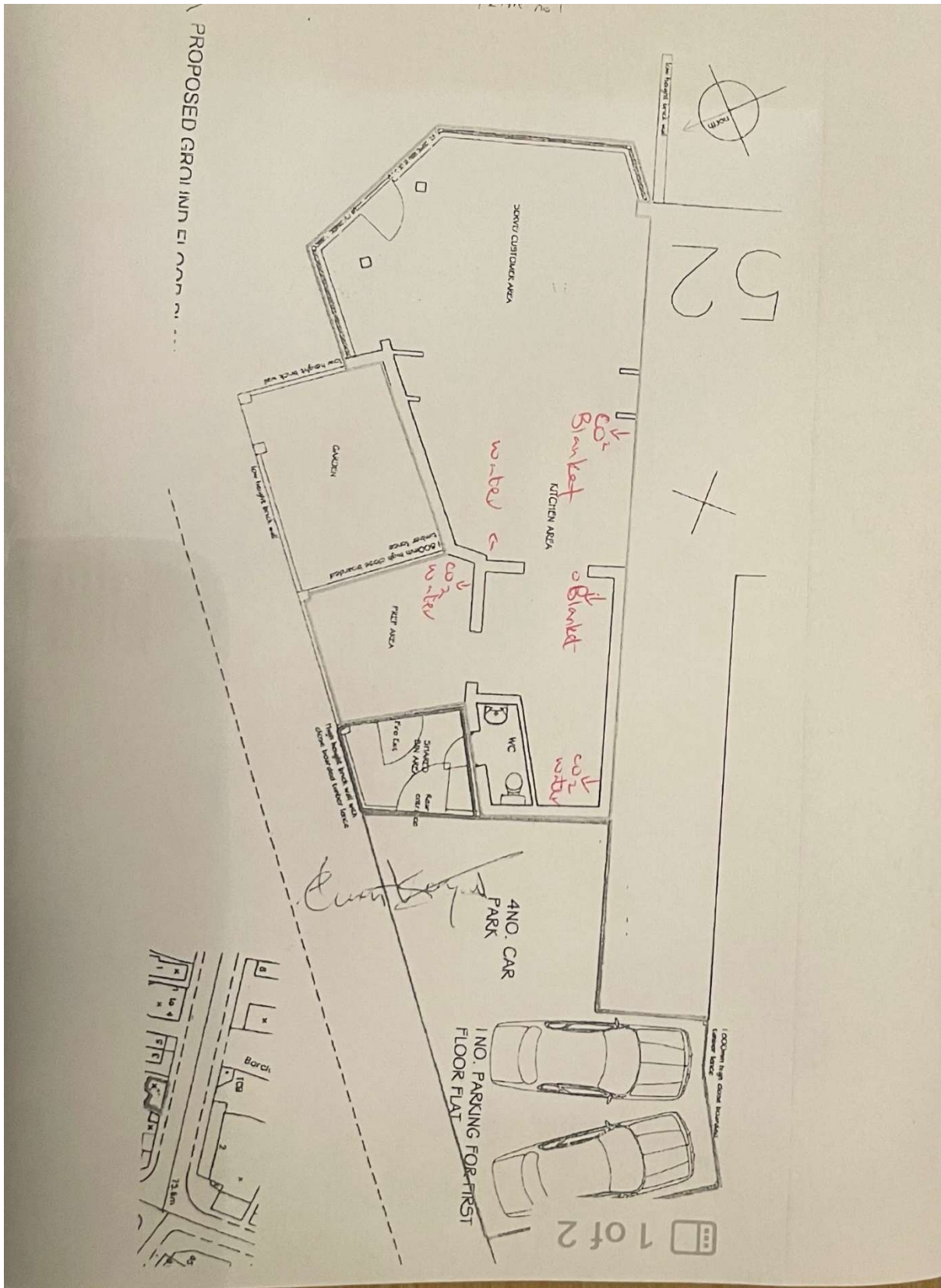
This page is intentionally left blank

Appendix 1



This page is intentionally left blank

Appendix 2



This page is intentionally left blank

Buckinghamshire Council Premises licence application Form Transcript

Applicant

Are you an agent acting on behalf of the applicant?

No

Agent (if applicable)**Applicant Details**

Type of applicant

organisation

Applicant(s)

Name

Grillbox high Wycombe ltd

Email

[REDACTED]

Phone

[REDACTED]

Address

1 Dashwood Ave High Wycombe HP12 3DN

Registered number

13961667

Details

Limited Company

Right to work documents (if applicable)

Partners (if applicable)

Premises

Premises name

Grillbox peri peri

Premises address

1 DASHWOOD AVENUE HIGH WYCOMBE HP12 3DN

Phone number at premises

441096

Premises description

There will be no alcohol in the premises only hot food

Non-domestic rateable value of premises

9600

Licence details**Licence start date (if applicable)**

13 March 2023

Do you want the licence to only be valid for a limited period?

No

Licence end date (if applicable)**Do you expect 5,000 or more people to attend the premises at any one time?**

No

Attendance Number (if applicable)**Licensable Activities****Opening Times****Times**

Monday: 12:00 - 03:00

Tuesday: 12:00 - 03:00

Wednesday: 12:00 - 03:00

Thursday: 12:00 - 03:00

Friday: 12:00 - 03:00

Saturday: 12:00 - 03:00

Sunday: 12:00 - 03:00

Provision of Late Night Refreshment**Times**

Monday: 11:00 - 04:00

Tuesday: 11:00 - 04:00

Wednesday: 11:00 - 04:00

Thursday: 11:00 - 04:00

Friday: 11:00 - 04:00

Saturday: 11:00 - 04:00

Sunday: 11:00 - 04:00

Location

Indoor

Additional details

We want to open the business for longer for hot food

Adult entertainment

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

No

Specify any adult entertainment (if applicable)

Do you intend to provide gaming machines on the premises?

No

Designated premises supervisor details

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

Full name

Date of birth

Address

Upload the consent from the proposed designated premises supervisor

Personal Licence Number

Personal Licence Issuing Authority

Licensing objectives

General licensing objectives

We follow all the regulations required for public safety

Prevention of crime and disorder

We will try to minimise crime where is possible and get cctv around my premises and security panic button

Public safety

Not applicable

Prevention of public nuisance

Make sure no one does anything outside the shop to cause nuisance

Protection of children from harm

Make sure it's child friendly and make sure the parents are with them the whole time

Premises plan upload

Upload the premises plan

["2EBBF08C-0579-4BD9-940B-5319FB7AD508.jpeg", "216F4178-6577-43C3-BC9E-29B4154AB2AC.jpeg", "76B3B673-902A-431A-88C1-360848029C30.jpeg", "611CD81C-6C2F-42F2-B1C4-15596A024DA2.jpeg", "537E3B28-DE11-4B9F-965F-777E09B83E70.jpeg"]

Declaration

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described above in this application and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

[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.

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.

It is an offence liable to summary conviction to a fine of any amount under section 158 of the Licensing Act 2003, **to make a false statement in or in connection with this application.**

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

Full name: Humaira serwat

Capacity: Owner

Date: 13 March 2023

2nd Applicant (if applicable):

Capacity:

This page is intentionally left blank

Brian Whittal

From: Dean, Andy (C2915) <andy.dean@thamesvalley.police.uk>
Sent: 25 April 2023 12:17
To: Brian Whittal
Subject: [EXTERNAL] FW: Grillbox Peri Peri; Late Night Refreshment licence
Attachments: 23-03-22 Conditions for Grillbox Peri Peri.docx

[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.]

Hi Brian,

I've just checked and it is below. I've also re attached the list of conditions

Sorry my head is not in the right space at the moment

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 – licensing@thamesvalley.police.uk

(Hours – Mon – Thurs 0700 – 1500, Fri 0700 – 14.30)

NOT RESTRICTED;

For Further information on licensing; - [Alcohol Licensing Operational Guidance](#)

New NTE Guidelines Published; see - [Night Time Economy Operational Guidance](#)



Unless otherwise stated, the content of this email is graded as OFFICIAL under the GSC. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Thames Valley Police. It is for the exclusive use of the addressee(s) and is not to be shared or circulated beyond the stipulated addresses in this email without seeking prior consent of the author. If you are not the intended recipient(s) please note that any form of distribution, copying, or use of this communication or the information in it, is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to the sender, then delete the e-mail and destroy any copies.

From: Humaira Serwat <[REDACTED]>
Sent: 28 March 2023 14:05
To: Dean, Andy (C2915) <andy.dean@thamesvalley.police.uk>
Subject: Re: Grillbox Peri Peri; Late Night Refreshment licence

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe - If unsure email ICTSecurityTeam@thamesvalley.police.uk to report this message.

hi as I spoke to you before I agree with the timing 03:00am an with the condition you have put forward I am happy with everything else thank you.

From: Dean, Andy (C2915) <andy.dean@thamesvalley.police.uk>
Sent: 28 March 2023 03:02

To: [REDACTED]

Cc: Brian Whittal <Brian.Whittall@buckinghamshire.gov.uk>

Subject: Grillbox Peri Peri; Late Night Refreshment licence

Good morning Sir,

I have on my system your application for a Late Night Refreshment licence for your premises at 1 Dashwood Avenue High Wycombe.

I would be happy to support your application providing you agree to some minor changes and additions to your application so that the opening and serving times are consistent and that the conditions in relation to the 'Licensing Objectives' are better met; -

With regards timings – you have stated on the application CLOSING at 03.00 hours but SERVING until 04.00 hours – you can't serve hot food if the premises are shut. I therefore suggest that if closing at 03.00 hours which I can support then food service finishes at 03.00 hrs – NOT 04.00 hrs.

With regard to the conditions that you have provided do not meet the relevant standard required by Thames Valley Police for a premises / business such as you want to provide. I have therefore attached a list of conditions with wording that we would require as a minimum for us to support your application.

Please consider the amendments that I have suggested. If you agree with them then please email back with that agreement including the times aspect.

If you wish to discuss what has been offered please feel free to give me a call.

Wishing to support local businesses

Kind regards

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 – Licensing@thamesvalley.police.uk

(Hours – Mon – Thurs 0700 – 1500, Fri 0700 – 14.30)

NOT RESTRICTED;

For Further information on licensing; - [Alcohol Licensing Operational Guidance](#)

New NTE Guidelines Published; see - [Night Time Economy Operational Guidance](#)



Unless otherwise stated, the content of this email is graded as OFFICIAL under the GSC. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Thames Valley Police. It is for the exclusive use of the addressee(s) and is not to be shared or circulated beyond the stipulated addresses in this email without seeking prior consent of the author. If you are not the intended recipient(s) please note that any form of distribution, copying, or use of this communication or the information in it, is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to the sender, then delete the e-mail and destroy any copies.

Conditions for Grillbox Peri Peri

General

CCTV, quiet notices, staff training, incident log

Prevention of Crime and Disorder

The Premises licence Holder must ensure that:

They maintain a digital CCTV system with cameras located within the premises to cover all public areas including entrances, 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 and will be capable of downloading recorded images onto removable media (DVD / USB) or uploading via email to a secure CCTV database, upon the request of an Officer of a Responsible Authority or Police Officer or in any case within 24 hours of that request. There will be staff on duty at all times the premises are open to be able to allow an Officer of a Responsible Authority or Police Officer to immediately view any footage requested under the Data Protection Act (or other replacement legislation) and to provide those images as stated

The Premises Holder must ensure that:

An Incident report book is maintained and available to all staff, Police and local authorities. All key staff should receive training on how to enter information into the log. Key details need to be kept. Date, Time, nature of incident, Completed By and when and action taken (URN, Police Ref Number). All entries will be written in English.

The Premises Holder must ensure that:

All staff will receive training in the following aspects of the Licensing Act; - the FOUR Licencing Objectives, Premises licence requirement's, completion of the incident log. This training will be recorded on written records. These records must be made available for inspection upon demand of an Officer of a Responsible Authority or Police Officer.

Public safety:

Prevention of Public Nuisance:

There will be signs placed at the exit points of the premises asking customers to leave the area quickly and quietly so not to annoy the local residents.

The Protection of Children from Harm:

This page is intentionally left blank

Brian Whittal

From: Planning Wycombe
Sent: 31 March 2023 06:29
To: Brian Whittal
Cc: Wycombe Building Control Wycombe
Subject: RE: Licensing Act 2003 Application For a New Premises Licence for Grillbox Peri Peri
 1 DASHWOOD AVENUE, HIGH WYCOMBE, HP12 3DN

Hi Brian,

The property's use was changed in 1970 under permitted development from a grocery shop to 'sale of cooked meals' which is a modern day takeaway.

			DESCRIPTION
Hw/211/70	F	P.D.	C/U from grocery sh
			1, Dashwood A
	F	P.D.	

In terms of the building control implications, this would have to be checked on their historic records. I have copied them to this email to assist.

Thanks,
Harvey

Khawar Asif *he/him/his*

Planning Principal Technical Services Officer
Chartered Town Planning Apprentice (MSc)

Planning Technical Services (West), Planning Business and Improvement
Planning and Environment
Planning, Growth and Sustainability
Buckinghamshire Council

Please note that from 23 March to 21 April 2023, I will be working in the mornings only, as I am observing Ramadan. If you try to contact me after 12pm on any of my working days, please do not expect a response until the following morning.

Direct DDI: 01494 421128

Email: khawar.asif@buckinghamshire.gov.uk

Buckinghamshire Council | Queen Victoria Road | High Wycombe | Bucks | HP11 1BB

Please note that from October 2022, my working days will change to Monday, Tuesday, Wednesday and Friday.

I will be out of the office on Thursdays at University with no access to emails. I shall respond to your queries, if necessary, the following working day.

Our planning team is currently experiencing high volumes of work due to the unprecedented number of planning applications and enquiries being submitted. Coupled with the impact of the pandemic on our resources over the last year, this means there are currently delays in processing applications and responding to requests across our services.

This page is intentionally left blank



APPENDIX 7

Directorate for Communities

Licensing Team

Buckinghamshire Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

simon.gallacher@buckinghamshire.gov.uk
01296 585605
www.buckinghamshire.gov.uk

Licensing Service
Buckinghamshire Council
The Gateway, Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

20th April 2023
Ref: PR202303-316736

Dear Sir/Madam

Licensing 2003

Licensing Authority Representation

Grillbox Peri Peri, 1 Dashwood Avenue, HP12 3DN

I am submitting a representation on behalf of the Licensing Authority in respect of this application for a new premises licence. In drafting this representation, careful consideration has been given to the promotion of the four licensing objectives, the Council's Statement of Licensing Policy and the Secretary of State Section 182 Guidance.

This licence application is in respect of a takeaway, with small dining area, on the ground floor of a two-storey building. The premises is located on the corner of Dashwood Avenue and Oakridge Road, with residential dwellings immediately to the side and rear. The area is predominantly residential with some commercially used premises in the local vicinity. The applicant is requesting permission for the ability to provide late night refreshment until 4am, seven days a week. However, the applicant has also stated that opening hours will be between 12:00 and 03:00, seven days a week. It is assumed that the applicant intends to carryout deliveries only between 3am and 4am hence the discrepancy in the hours sought.

I am concerned that given the proximity of this premises to residential dwellings and the late trading hour being sought that there is a significant risk of public nuisance. I believe that it is likely that residents will be disturbed by activity associated with the operation of these premises, notably customers arriving and departing late at night both on foot and by car, unless there are robust control measures in place. I have noted that there appears to be double yellow lines in all the roads in the immediate vicinity of the business so I presume customers arriving late at night by car will need to park some distance away in residential streets. Whilst the applicant has not specifically referenced the use of delivery services, I note that there is a "Just Eat" delivery service advertised in the premises window and I assume it is the applicant's intention to provide a delivery service. The use of delivery services is likely to add to the risk of late night disturbance unless adequate controls are in place.

I also have some concerns relating to public safety. The plan submitted with the application shows no items of safety equipment such as fire extinguishers, fire blankets, fire alarms or emergency lighting. I also note that the plan appears to be inaccurate and does not show a rear extension which has been added to the premises nor an accurate representation of the means of

escape. The plan also does not show fixed fittings in place such as the serving counter. Without an accurate representation of all safety equipment and means of escape, it is not possible to make an accurate assessment of whether the premises can adequately promote the public safety objective.

I have reviewed the applicant's operating schedule and the measures proposed to promote the licensing objectives are effectively negligible.

In relation to public nuisance the applicant has merely stated, "Make sure no one does anything outside the shop to cause nuisance" but has provided no further elaboration on how they intend to achieve this nor considered the residential nature of their locality.

In accordance with Secretary of State statutory guidance (Section 182 Guidance), paragraph 8.41, "In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. ...applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application." The guidance goes on to explain that applicants are expected to demonstrate that they understand the local area in which they intend to operate, the risks their proposed activities pose to the local area, and any local initiatives.

The Council's Licensing Policy states, "The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises" (paragraph 3.35). "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." (paragraph 3.36). The policy goes on to provide guidance on areas which applicants are advised to consider such as: noise escape, customer arrival, smokers, customer departure, staff departure, customer parking, public transport, location, outside areas, deliveries and waste collections, litter, lighting, complaints procedure and street drinking.

In terms of public safety the applicant has stated, "Not applicable" but also, "We will follow all the regulations required for public safety". As outlined above, the deficiencies in the plan accompanying the application indicates that contrary to the assertion the applicant is not following all regulations required for public safety. The Council's Licensing Policy states, "Applicants must be able to demonstrate that they have undertaken a thorough assessment of the risk to public safety presented by their intended activities. The Licensing Authority does not intend to impose conditions which simply replicate other statutory controls, but it will scrutinise whether all relevant measures are being applied so as to promote the licensing objectives. Applicants are encouraged, though not obliged, to submit with their applications evidence of compliance with such controls. Where they do, it is less likely that relevant representations will be made leading to the cost and delay of a licensing hearing." In respect of plans, the Policy states, "All applicants for licences and certificates are required to submit a scale plan of the premises. Among other things the plan must show the location of any fire safety and any other safety equipment which could include smoke detectors, emergency lighting, fire fighting appliances, safety shutters, panic alarms, CCTV."

In summary, the application form, and accompanying operating schedule, do not reflect any meaningful consideration of the location of these premises and the potential adverse impact on those living in the vicinity of the premises from the provision of licensable activities. The applicant has also failed to demonstrate that they have undertaken a thorough assessment of the public safety risks presented by their proposed activities. It is important that adequate safeguards are in place to ensure the licensing objectives are not adversely affected by activity associated with the provision of licensable activities. These safeguards include robust operating schedules, with appropriate conditions and licensed hours. Unfortunately, I believe the applicant has so far failed to adequately address this in their application as submitted. I would recommend that the application as submitted is refused and the applicant invited to submit a new application with an operating schedule that contains a more meaningful consideration of the licensing objectives and an accurate plan that complies with the requirements of the Licensing Act 2003.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gallacher', with a long horizontal stroke extending to the right.

Simon Gallacher
Principal Licensing Officer

This page is intentionally left blank