



Licensing Sub-Committee agenda

Date: Wednesday 24 January 2024

Time: 6.30 pm

Venue: Via Video Conference

Membership:

A Baughan, P Gomm and H Wallace (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 | Choice of Taste, London Road, Wooburn Moor, High Wycombe, HP10 0NJ
To consider an application under s.17 of the Licensing Act 2003 for an Application for a premises licence in respect of Choice of Taste, London Road, Wooburn Moor, High Wycombe, HP10 0NJ (report attached). | 11 - 34 |

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, 01494 421261 or democracy@buckinghamshire.gov.uk

Addendum Licensing and Regulatory Sub-Committee Virtual Procedural Rules

Procedure at Hearings before the Licensing Sub-Committee (“LSC”) in relation to matters 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) or as otherwise provided.

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

Introduction

The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures. Buckinghamshire Council has decided to hold such hearings remotely in accordance with these procedural rules.

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 be represented at the hearing it may proceed in their absence.
- (b) Where a party has not replied to the notice, does not attend and is not represented then the LSC 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 LSC 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 LSC 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 LSC 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 up to 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) if provided either at least 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 LSC will consider any such requests and confirm whether permission is granted for that person to speak.

The LSC 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 LSC 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 LSC will be made after the close of the hearing when the LSC retires with the Democratic Services Officer and the Legal Advisor to the sub-committee in a private session to consider all the evidence and submissions made at the hearing.

The decision of the LSC will be communicated to all parties by way of a written Decision Notice issued by Legal Services. They will endeavour to serve the notice within 5 working 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 be dated and set out the provisions of the right to appeal to the Magistrates Court.

The LSC 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 hearing without requirement for further notice.

These 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 hearing, and the agenda, together with details of how to join the hearing which will be available on the website.

Time and Place of Hearing

All hearings will be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming unless a party can show good and sufficient reason why the hearing should be held in person. Where a party has notified the Council that they wish to attend a remote hearing but are unable to access the hearing remotely, for whatever reason, the Council will endeavour to make provision for them to be able to view the hearing at Council offices. The Council will use Microsoft Teams to hold virtual hearings and will invite external participants to virtual hearings, if any, via email or telephone. Virtual hearings 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 hearing should be held at the Council facility which is closest to the premises or issue that is the subject of the hearing. However, this requirement is disapplied in respect of remote hearings.

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 Hearings

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 15 minutes of the scheduled start of the LSC or such longer time as allowed by the Chairman, the business of the hearing will be adjourned. The Chairman may allow for flexibility around the start time of the hearing where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the hearing 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 hearing 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 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 hearing. 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 hearings and webcasting

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

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

- a) Councillors sitting on the Sub-Committee must be able to hear and be heard and (where practicable) see and be seen by parties in attendance at the hearing.
- b) This full requirement also extends to parties attending to exercise a right to speak at the hearing.
- c) All other members of the public must as a minimum be able to hear and if practicable see the proceedings.

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 hearing.

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

The Regulations state that hearings 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 hearing is accessible to the public through such remote means the hearing is open to the public whether or not members of the public are able to attend the hearing in person. For clarity, a hearing 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 hearing will be opened and adjourned to allow for it to take place at a later date (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 hearing are the Members of the Sub-Committee, any officer supporting the hearing and those who have submitted valid representations, applicant and/or legal representative. The public gallery, where Members can sit and observe the hearing alongside members of the public, is the webcast version.

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 hearing 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.

Members of the LSC must consider beforehand if they need to declare any personal interests and

whether their personal interest is also a prejudicial interest in which case they will not be able to attend the hearing. Members who have any Disclosable Pecuniary Interests will not be able to attend the hearing either. Members should also consider beforehand if they have or would be considered to have predetermined the matter in which case they should also distance themselves from the determination of the matter and not attend the hearing.

Minutes of hearings

The Minutes of hearing will be published on the website.

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 LSC 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 hearing to advance their point of view and concerns and to test the case of their opponents and
 - to assist the LSC 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 LSC in relation to matters previously raised/submitted. Late evidence to be submitted at the hearing will only be considered by the LSC 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 any witnesses.
 - e. Any other party may question the Applicant.
 - f. The Members may question the Applicant.
 - g. The Responsible Authorities, who made representations. will present their case in turn and call any witnesses.
 - h. Any party may question the Responsible Authorities.
 - i. Any Members may question the Responsible Authorities.
 - j. Each Interested Party will present their case in turn and call any witnesses.
 - k. Any other party may question the Interested Party.
 - l. The Members 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 hearing 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 LSC are 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 LSC will meet (privately) virtually together with the Democratic Services Officer and Legal Advisor for the matter to be determined.
15. The LSC 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 hearing 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 hearing for as long as they consider necessary.

Adjournments

People will remain on the call with mics muted and cameras off until the hearing starts again. The Chairman may also want to consider having a comfort (screen) break for longer hearings. If there is a problem with the technology the Chairman should pause the hearing until that issue has been resolved. However, this does not stop a hearing going ahead because a person does not have access to the required technology in the first place. If technology fails for a wholly remote hearing, and the hearing is no longer open to the public, any decisions made could be challenged as unlawful which renders the whole hearing incapable of proceeding and therefore the Chairman should adjourn until the remote hearing 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 which will 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 LSC 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.

They 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.

SUBJECT:	APPLICATION FOR A PREMISES LICENCE at: Choice of Taste, London Road, Wooburn Moor, High Wycombe, HP10 0NJ
REPORT OF:	Application under section 17, Licensing Act 2003
Responsible Officer	Brian Whittall – Licensing Officer
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	The Wooburns, Bourne End & Hedsor 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 Arka Licensing Consultants, Trident Business Centre, 89 Bickersteth Road, London, SW20 9JZ (“the agent”) in respect of their client Blandina Jesudasan Alexis, 5 Westwick Gardens Hounslow TW4 6LW (the premises licence holder”) for Choice of Taste, London Road, Wooburn Moor, High Wycombe, HP10 0NJ (“the premises”).

2. Background

2.1 A licence was granted for this premises following the transitional period in 2005. Since 2005 the premises has had history of different operators the last of which was dissolved at Companies House. Accordingly, the premises licence lapsed under section 27 of The Act in December 2019 from which point the premises has remained closed. The premises is located adjacent to the M40 and has some residential properties in Whitehouse Lane across the A40.

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

3. The Application

3.1 This application is for a 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 (On the premises only)	Sunday - Thursday 11:00 - 01:00 Friday - Saturday 11:00 - 02:00

Provision of Live Music (Indoor)	Sunday - Thursday	23:00 - 01:00
	Friday - Saturday	23:00 - 02:00
Playing of Recorded Music (Indoor)	Sunday - Thursday	23:00 - 01:00
	Friday - Saturday	23:00 - 02:00
Late Night Refreshment	Sunday - Thursday	23:00 - 01:00
	Friday - Saturday	23:00 - 02:00
Hours premises are open to the public	Sunday - Thursday	11:00 - 01:00
	Friday - Saturday	11:00 - 02:00

4. Relevant Representations

4.1 Responsible Authorities:

- 4.1.1 **The Chief Officer of Police:** No objection.
- 4.1.2 **The Licensing Authority:** Representation made, **Appendix 4.**
- 4.1.3 **The Fire and Rescue Authority:** No response received.
- 4.1.4 **The Local Planning Authority (Head of Sustainable Development):** No response received.
- 4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** Representation made. **Appendix 5.**
- 4.1.6 **Weights and Measures Authority (Trading Standards Officer):** No response received.
- 4.1.7 **The Safeguarding and Child Protection Unit:** No response received.
- 4.1.8 **The Primary Care Trust:** No response received.

4.2 Any other persons: No response received.

5. Licensing Officer's Observations:

- 5.1 The Relevant Representations received raise the same issues that the applicant has failed to put forward adequate proposals to prevent the risk of public nuisance caused by live or recorded music, played until the early hours of the morning and more broadly how the licensing objectives are to be promoted.

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:

Hours

- 3.9 In general, the Licensing Authority will set the hours of licensed premises according to the individual merits of the case.
- 3.10 In some circumstances, flexible licensing hours can help to avoid harm to the licensing objectives caused by customers leaving licensed premises at the same time. Varied closing times can also help to promote diverse leisure economies.
- 3.11 However, 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.

Licence conditions

3.23 In considering variation applications, decision concerning conditions will be confined to the subject matter of the application as per case law ([Taylor vs Manchester City Council \[2012\]](#)). In practice this means that conditions will not be imposed in response to a variation application that do not relate to the application sought.

The prevention of public nuisance

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.
- i) **Outside areas.** The Licensing Authority supports the use of outside areas such as gardens and forecourts however robust management controls are usually required to ensure that the use of these areas does not cause a nuisance. Control measures may include adequate supervision, regular glass collections, curfews and last entry conditions.
- m) **Complaints procedure.** All licensed premises are expected to have a complaints procedure in place. This may include a dedicated phone line available for local residents to use in the event of problems arising. Any complaint should be recorded in a log together with details of any action taken to the response. All staff should be made aware of the complaints procedure and provided with clear instructions. In some circumstances regular meetings with neighbouring residents can be beneficial in addressing any concerns. Experience shows that this is most effective if action is taken at early stage to build good relations with local residents.

- 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.

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.

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 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.
- 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 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.
- 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 for a new Premises Licence in whole or part or grant it subject to conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 7.7 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.
- 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.

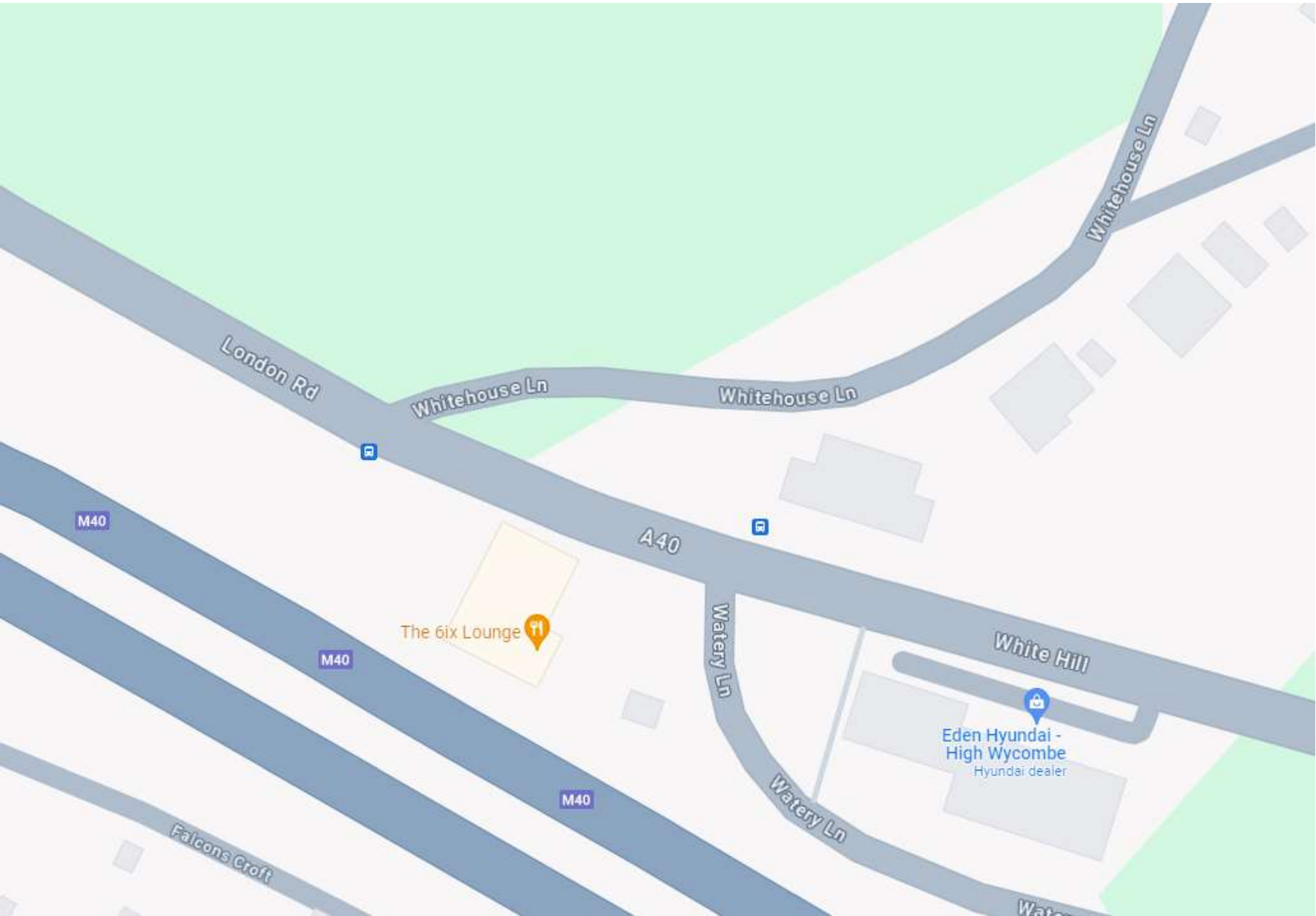
- 8.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. 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 to promote the licensing objectives.
- 8.4 The following options are available to the Licensing Sub Committee:
- 8.4.1 Grant the Premises Licence – as requested.
 - 8.4.2 Reject the whole or part of the Application.
 - 8.4.5 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).
- 8.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 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

Informative/s -

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk
Background Papers:	Application Ref PR202310-334404 Licensing Act 2003, as amended Statement of Licensing Policy – Published December 2023. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

Appendix 1



This page is intentionally left blank

Buckinghamshire Council Premises licence application Form Transcript

Applicant

Are you an agent acting on behalf of the applicant?

Yes

Agent (if applicable)

Name

ARKA LICENSING CONSULTANTS

NIRA SURESH

Email

contact@arkalicensing.co.uk

Address

TRIDENT BUSINESS CENTRE, 89 BICKERSTETH RD, LONDON, SW20 9JZ

Applicant Details

Type of applicant

individual

Applicant(s)

Name

BLANDINA JESUDASAN ALEXIS

Email

BLANDINA@CHOICEOFTASTE.CO.UK

Address

5 WESTWICK GARDENS HOUNSLOW TW4 6LW

Date of birth

20/11/1980

Right to work share code

W5PLC429X

Right to work documents (if applicable)

☐

Partners (if applicable)

Company Number (if applicable)

Premises

Premises name

CHOICE OF TASTE

Premises address

CHOICE OF TASTE (FORMERLY LA LIMOR), LONDON ROAD, WOOBURN MOOR, HIGH WYCOMBE, HP10 0NJ

Phone number at premises

07449040390

Premises description

THIS IS A CLOSED RESTAURANT. PREVIOUS LICENCE OPERATED UNTIL 2019. IT HAD LICENCE FOR ALCOHOL UNTIL 4.30AM WEEKENDS, 1AM OTHER DAYS, ALSO HAD REGULATED ENTERTAINMENT/ LATE NIGHT REFRESHMENTS. APPLICANT IS RE-OPENING THE RESTAURANT AS AN INDIAN/ SRI LANKAN CUISINE. THIS IS HER SECOND BRANCH OF CHOICE OF TASTE, FIRST ONE IS IN HOUNSLOW. THIS LICENCE UP TO 1AM WEEK DAYS, 2AM WEEKENDS. LONG HOURS ARE FOR IN CASE OF ANY EVENT BOOKING. THERE ARE OVER 60 CARS PARKING SPACE AVAILABLE, BOTH SIDE OF THE BUILDING.

Non-domestic rateable value of premises

26500

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

01 January 2024

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: 11:00 - 01:00

Tuesday: 11:00 - 01:00

Wednesday: 11:00 - 01:00

Thursday: 11:00 - 01:00

Friday: 11:00 - 02:00

Saturday: 11:00 - 02:00

Sunday: 11:00 - 02:00

Live Music

Times

Monday: 23:00 - 01:00

Tuesday: 23:00 - 01:00

Wednesday: 23:00 - 01:00

Thursday: 23:00 - 01:00

Friday: 23:00 - 02:00

Saturday: 23:00 - 02:00

Sunday: 23:00 - 01:00

Location

Indoor

Additional details

AMPLIFIED MUSIC

Recorded Music

Times

Monday: 23:00 - 01:00

Tuesday: 23:00 - 01:00

Wednesday: 23:00 - 01:00

Thursday: 23:00 - 01:00

Friday: 23:00 - 02:00

Saturday: 23:00 - 02:00

Sunday: 23:00 - 02:00

Location

Indoor

Additional details

AMPLIFIED MUSIC

Provision of Late Night Refreshment

Times

Monday: 23:00 - 01:00

Tuesday: 23:00 - 01:00

Wednesday: 23:00 - 01:00

Thursday: 23:00 - 01:00

Friday: 23:00 - 02:00

Saturday: 23:00 - 02:00

Sunday: 23:00 - 01:00

Location

Indoor

Additional details

THREE COURSE MEAL WILL BE AVAILABLE AT ALL TIMES

Sale by Retail of Alcohol**Times**

Monday: 11:00 - 01:00

Tuesday: 11:00 - 01:00

Wednesday: 11:00 - 01:00

Thursday: 11:00 - 01:00

Friday: 11:00 - 02:00

Saturday: 11:00 - 02:00

Sunday: 11:00 - 01:00

Location

On the premises

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?

Upload

Full name

Ms BLANDINA JESUDASAN ALEXIS

Date of birth

20 November 1980

Address

5 WESTWICK GARDENS HOUNSLOW TW4 6LW

Upload the consent from the proposed designated premises supervisor

["DPS CONSENT.pdf"]

Personal Licence Number

H06031

Personal Licence Issuing Authority

LB OF HOUNSLOW

Licensing objectives

General licensing objectives

1.Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV. 2.The premises shall install and maintain a comprehensive CCTV system which records 24 hours a day. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. 3.All CCTV recordings shall be stored for a minimum period of 31 days and all recordings will be stamped with the correct date and time. Viewing of recordings shall be made available, subject to Data Protection legislation, immediately upon the request of Police or an authorised council officer. 4.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. 5.An incident log book will be maintained by the premises that details incidents of note that occur in the premises and with regards any issues with the delivery service. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it. 6.All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request. 7.A challenge 25 proof of age scheme shall operate at the premises and the delivery service. Signage shall be displayed advising customers that the scheme is in place. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee. 8.Posters shall be displayed in prominent positions advising customers of the Proof of Age policy in force at the premises.

Prevention of crime and disorder

1.Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV. 2.The premises shall install and maintain a comprehensive CCTV system which records 24 hours a day. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. 3.All CCTV recordings shall be stored for a minimum period of 31 days and all recordings will be stamped with the correct date and time. Viewing of recordings shall be made available, subject to Data Protection legislation,

immediately upon the request of Police or an authorised council officer. 4.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. 5.An incident log book will be maintained by the premises that details incidents of note that occur in the premises and with regards any issues with the delivery service. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it. 6.All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request. 7.A challenge 25 proof of age scheme shall operate at the premises and the delivery service. Signage shall be displayed advising customers that the scheme is in place. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee. 8.Posters shall be displayed in prominent positions advising customers of the Proof of Age policy in force at the premises.

Public safety

1.Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV. 2.The premises shall install and maintain a comprehensive CCTV system which records 24 hours a day. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. 3.All CCTV recordings shall be stored for a minimum period of 31 days and all recordings will be stamped with the correct date and time. Viewing of recordings shall be made available, subject to Data Protection legislation, immediately upon the request of Police or an authorised council officer. 4.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. 5.An incident log book will be maintained by the premises that details incidents of note that occur in the premises and with regards any issues with the delivery service. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it. 6.All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request. 7.A challenge 25 proof of age scheme shall operate at the premises and the delivery service. Signage shall be displayed advising customers that the scheme is in place. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee. 8.Posters shall be displayed in prominent positions advising customers of the Proof of Age policy in force at the premises.

Prevention of public nuisance

1.Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV. 2.The premises shall install and maintain a comprehensive CCTV system which records 24 hours a day. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. 3.All CCTV recordings shall be stored for a minimum period of 31 days and all recordings will be stamped with the correct date and time. Viewing of recordings shall be made available, subject to Data Protection legislation, immediately upon the request of Police or an authorised council officer. 4.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. 5.An incident log book will be maintained by the premises that details incidents of note that occur in the premises and with regards any issues with the delivery service. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it. 6.All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request. 7.A challenge 25 proof of age scheme shall operate at the premises and the delivery service. Signage shall be displayed advising customers that the scheme is in place. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee. 8.Posters shall be displayed in prominent positions advising customers of the Proof of Age policy in force at the premises.

Protection of children from harm

1.Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV. 2.The premises shall install and maintain a comprehensive CCTV system which records 24 hours a day. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. 3.All CCTV recordings shall be stored for a minimum period of 31 days and all recordings will be stamped with the correct date and time. Viewing of recordings shall be made available, subject to Data Protection legislation, immediately upon the request of Police or an authorised council officer. 4.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. 5.An incident log book will be maintained by the premises that details incidents of note that occur in the premises and with regards any issues with the delivery service. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it. 6.All staff responsible for selling alcohol shall

receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request. 7.A challenge 25 proof of age scheme shall operate at the premises and the delivery service. Signage shall be displayed advising customers that the scheme is in place. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee. 8.Posters shall be displayed in prominent positions advising customers of the Proof of Age policy in force at the premises.

Premises plan upload

Upload the premises plan

["PREMISES PLAN.pdf"]

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: NIRA SURESH

Capacity: LICENSING AGENT

Date: 01 December 2023





2nd Applicant (if applicable):

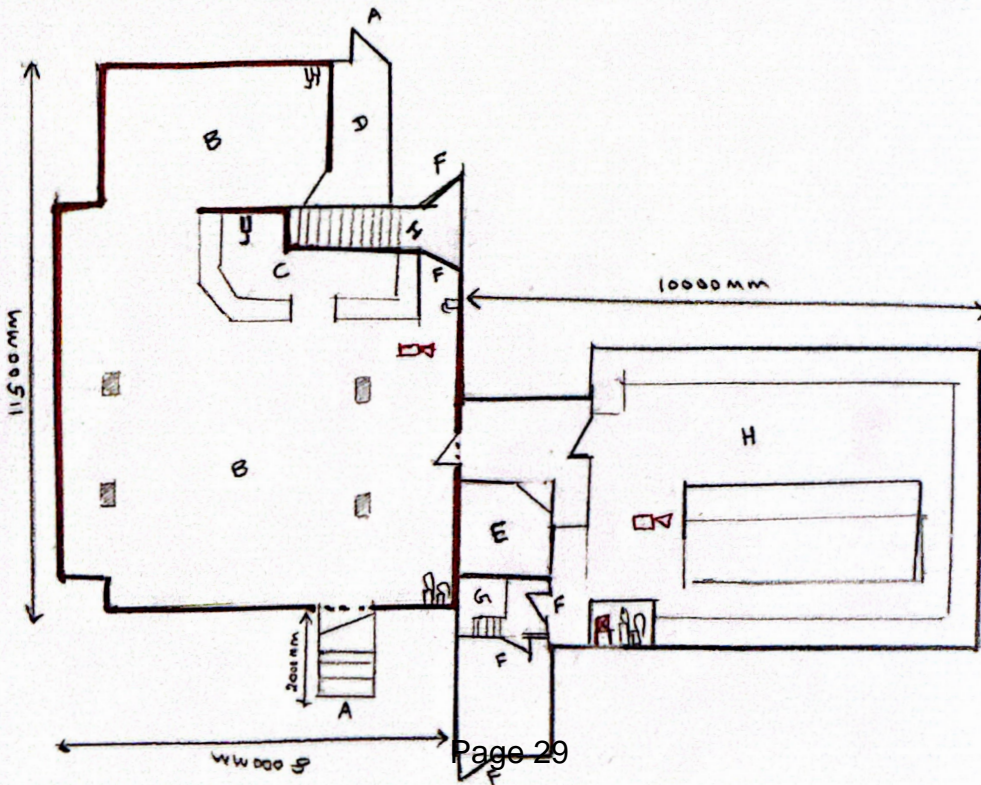
Capacity:

This page is intentionally left blank

APPENDIX 3

Appendix

CHOICE OF TASTE LONDON ROAD WOOBURN MOOR HIGH WYCOMBE, HP100NJ SCALE 1:100	<u>FIRE SAFETY KITCHEN</u> 1: CLASS F - EXTINGUISHER 2: FIRE BLANKETS  3: FIRE ALARMS 
A: MAIN ENTRANCES ②	G: BASEMENT ACCESS
B: SEATING AREA	H: KITCHEN
C: BAR COUNTER.	I: TOILET STAIRS UP.
D: ENTRANCE AREA	 : LICENSABLE AREA
E: DISABLED TOILET	 : FIRE EXTINGUISHERS
F: FIRE EXITS	



This page is intentionally left blank

BUCKINGHAMSHIRE COUNCIL

MEMO

To: Licensing Services

From:

Catriona Crelling

Tel Ext: 5875

Date 02.01.2024

Ref: PR202312-336902

Ref: PR202312-336902

Application for a Premises Licence**Choice of Taste, London Road, Wooburn Moor, High Wycombe HP10 0NJ**

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

The application is to operate the premises as an Indian/ Sri Lankan restaurant and proposes the following:

- Offering late night refreshment between the hours of 23:00hrs and 01:00hrs Monday to Thursday and Sundays, and until 02:00hrs on Fridays and Saturdays,
- Sale of alcohol (on the premises only) between the hours of 11:00 and 01:00hrs Monday to Thursday and Sundays, and 02:00hrs Fridays and Saturdays
- The provision of live music until 01:00hrs Monday to Thursday and Sundays, and until 02:00hrs on Fridays and Saturdays.
- The provision of recorded music until 01:00hrs Monday to Thursday and until 02:00hrs on Fridays, Saturdays and Sundays.

There are a number of residential properties in relatively close proximity to this premises.

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."*

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... proximity to residential premises...;*
- *any risk posed to the local area by the applicants' proposed licensable activities..."*

At paragraph 8.43, *"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,”

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.”

In relation to the prevention of public nuisance, the Policy goes on to say in paragraphs 3.36 and 3.37:

“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.

Particular Measures include:

Noise Escape

The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music.... 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.”

Having reviewed the application, I believe that the applicant has failed to put forward adequate proposals to prevent the risk of public nuisance caused by live or recorded music, played until the early hours of the morning, which indicates a disregard for statutory guidance and Council policy.

Whilst we would be happy to consider any proposed measures provided by the applicant to address these concerns, it is the recommendation of the Licensing Authority that the application in its current form be refused.

Yours sincerely



Catriona Celling
Senior Licensing Officer

	<p>STRATEGIC ENVIRONMENTAL PROTECTION TEAM</p> <p>Directorate for Planning, Growth and Sustainability</p>
---	---

To: The Licensing Authority	From: Environmental Protection, Reactive Team
Subject : Application new premises license for: Choice of Taste, London Road, Wooburn, High Wycombe HP10 0NJ	Date: 2 nd November 2023

Thank you for consulting Environmental Health in relation to this new premises license.

In regards to the proposed application, having knowledge of the prior use of this premises and reviewed the supporting documents in relation to this matter. Environmental Protection raise objection in relation to the hours of use and articles within the application. In particular these relate to:

- Provision of live music outside of the hours of deregulation, Live Music Act 2012.
- Provision of recorded music outside of the hours of deregulation, Recorded Music Act 2014.

The controls outlined within the application, under the heading of **prevention of public nuisance**. Do not show how the applicant would support the licencing objectives in prevention of public nuisance. There is a lack of relevant detail on how these matters will be achieved. Also the articles therein lack enforce ability should they be conditioned onto a premises licence.

Therefore, at this time Environmental Protection object to this new premises application. On the grounds that it lacks detail and clarity in regard to how the premises licence holder shall support the licencing objectives. Which they have a legal duty to do so.

Environmental Protection would welcome correspondence with the applicant in regards to arriving at the required detail and clarity to allow this matter to proceed. Further to this it would be a recommendation that prior to further submission or a license hearing. That the applicant seek competent advice from a suitably qualified individual or company in regard to these matters.

Objection, the application does not give sufficient detail on how the license objectives shall be supported.

Stuart Goodbun

This page is intentionally left blank