



Licensing Sub-Committee agenda

Date: Tuesday 12 March 2024

Time: 10.30 am

Venue: Via Video Conference

Membership:

P Gomm, T Green (Chairman), P Griffin and B Stanier Bt (Reserve)

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Agenda Item

Page No

1 **Introductory remarks by the Chairman**

2 **Apologies for absence**

3 **Declarations of interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

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

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|----------|---|----------------|
| 4 | Hearing Procedure Rules
To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | 3 - 10 |
| 5 | Steak Shell Ltd: Ohana (fka Tarrus), 1-2 Burkes Court, Station Road, Beaconsfield, HP9 1QR
To consider an application under s.34 of the Licensing Act 2003 to vary the premises licence in respect of Ohana, 1-2 Burkes Court, Station Road, Beaconsfield, HP9 1QR (report attached). | 11 - 66 |

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

For further information please contact: Liz Hornby on 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 VARIATION OF A PREMISES LICENCE at: Ohana, 1-2 Burkes Court, Station Road, Beaconsfield, HP9 1QR
REPORT OF:	Application under section 34, Licensing Act 2003
Responsible Officer	Stacey Bella – Licensing Officer
Report Author	Stacey Bella – Licensing Officer
Ward/s Affected	Beaconsfield Ward

1. Purpose of Report

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

The Application has been submitted by Peter Conisbee of PcLicensing, 4 Beacon Close, Huntingdon, PE29 6GB (“the agent”) in respect of their client Steak Shell Ltd, 1-2 Burkes Court Station Road, Beaconsfield, HP9 1QR (the premises licence holder”) for Ohana (Formerly Tarrus), 1-2 Burkes Court, Station Road, Beaconsfield, HP9 1QR (“the premises”).

2. Background

2.1 The licence was first granted in 2021. An initial application to vary the premises licence to extend the hours for permitted activities and to make changes to conditions was submitted in October 2023, this was later withdrawn by the applicant before a decision was made. Following this, an application for a minor variation to amend the internal layout of the premises was submitted in January 2024, this was subsequently granted on 7th February 2024. At the same time a notification of a change to the name of the premises from ‘Tarrus’ to ‘Ohana’ was received.

2.2 The premises consists of the ground floor and first floor of the unit and fronts onto Station Road, which is located in the Beaconsfield New Town. The area surrounding the premises is made up of a mixture of retail, commercial and residential units.
A location plan for the premises is attached to this report marked **Appendix 1**.

3. The Application

3.1 This application is for a variation of a Premises Licence to commence with immediate effect upon the decision to grant by this licensing authority. The application has been made to change the hours for permitted activities, as follows:

Activities and timings currently permitted:

<u>Activity currently permitted</u>	<u>Current hours</u>
The sale by retail of alcohol Both on and off the premises	Sunday – Thursday 11:00 – 00:00 Friday – Saturday 11:00 – 01:00 11:00 – 01:00 on any day preceding a bank holiday
The provision of late night refreshment Both on and off the premises only	Sunday – Thursday 23:00 – 00:00 Friday – Saturday 23:00 – 01:00 23:00 – 01:00 on any day preceding a bank holiday
Hours premises are open to the public	At the licence holders discretion

Proposed activities and timings:

<u>Proposed activity</u>	<u>Proposed hours</u>
The sale by retail of alcohol Both on and off the premises	Sunday – Thursday 11:00 – 01:45 Friday – Saturday 11:00 – 02:45 The supply of alcohol to cease on the ground floor Sunday to Thursday 00:00 and Friday to Saturday 01:00 and 01:00 on any day preceding a bank holiday. On the first floor the sale of alcohol to cease at 02:45 on any day preceding a bank holiday
The provision of late night refreshment Both on and off the premises only	Sunday – Thursday 23:00 – 01:45 Friday – Saturday 23:00 – 02:45 Late night refreshment to cease on the ground floor Sunday to Thursday 00:00 and Friday to Saturday 01:00

	<p>and 01:00 on any day preceding a bank holiday.</p> <p>Late night refreshment to cease on the first floor at 02:45 on any day preceding a bank holiday.</p>
Hours premises are open to the public	<p>Sunday – Thursday 11:00 – 02:00</p> <p>Friday – Saturday 11:00 – 03:00</p> <p>The ground floor will close to the public Sunday to Thursday at 00:00 and at 01:00 on any day preceding a bank holiday.</p> <p>The first floor will close at 03:00 on any day preceding a bank holiday.</p>

3.2 The application seeks to amend the following conditions:

- Annex 2, condition 8, to read as follows:

The internal ground floor of the premises shall only operate as a restaurant where the supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal, save for a maximum of 6 persons at the bar area.

- Annex 2, condition 15, to read as follows:

Delivery of alcohol will only be permitted when:

- Accompanied by an order for a meal
- Delivered to a verified or registered address occupied by the customer
- Payment for off sales only to be accepted by means of card transaction or through bona fide on-line payment services prior to delivery. There shall be no cash payments on delivery.
- Deliveries will cease at 2300 hours

A copy of the application is attached to this Report marked **Appendix 2**. The current licence is attached as **Appendix 3**.

A plan of the “premises” is attached as **Appendix 4**.

4. Relevant Representations

4.1 Responsible Authorities:

- 4.1.1 **The Chief Officer of Police:** No objection. **Appendix 5**.
- 4.1.2 **The Licensing Authority:** No objection, **Appendix 6**.
- 4.1.3 **The Fire and Rescue Authority:** No objection, **Appendix 7**
- 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):** No response received.

- 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: One (1) objection was received during the 28 day consultation period on the grounds of the Prevention of Public Nuisance licensing objective. **Appendix 8.**

5. Licensing Officer's Observations:

5.1 The Relevant Representation received raise the follows issues:

- Prevention of a public nuisance
The representation mentions a concern that the application shall have a negative effect on residents in nearby residential properties.

5.2 Additional information was provided by the "agent" in response to the objection. A copy of this letter is attached as **Appendix 9.**

5.3 A copy of the noise management plan for the premises is attached as **Appendix 10.**

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

6 Policy Considerations

6.3 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

3.36 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.
- b) **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.
- c) **Smokers**
Arrangements to minimise disturbance from customers smoking outside the premises. These may include supervision, delineated areas for smoking, controls on numbers and preventing customers taking alcohol outside.
- d) **Customer departure**
The steps taken or proposed to be taken by the applicant to prevent disturbance by customers leaving. Such steps will include proper winding down policies so that customers leave gradually and quietly, notices to customers requesting respect for neighbours, the use of dedicated taxis, management of queues for taxis, direction of customers away from residential areas, supervision of exterior areas, requesting customers to respect neighbours and prevention of customers gathering outside the premises.
- e) **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.

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

6.5 In relation to the prevention of public nuisance the Statutory Guidance states:

2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light

pollution, noxious smells and litter.

2.22 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.

2.24 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.

2.27 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. Links to Council Policy Objectives

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

8. Resources, Risk and Other Implications

8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeals against the decision of the Licensing Sub – Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.

8.2 **Human Rights:** The Licensing Sub-Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate, and the right balance is met. The referral of this matter to the Sub-Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making

relevant representations.

- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also needs to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination (which is an absolute right) also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group or other status.
- 8.5 Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and cannot be interfered with.
- 8.6 Therefore if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

9. Determination by the Licensing Sub-Committee

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives. Which are:
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harmRegard must also be had to the Council's Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received, and the evidence presented at the Hearing.
- 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and

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

- 9.3 The Sub-Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required to promote the licensing objectives.
- 9.4 The following options are available to the Licensing Sub Committee:
- 9.4.1 Grant the Premises Licence – as requested.
 - 9.4.2 Reject the whole or part of the Application.
 - 9.4.5 Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).
- 9.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

10. Conditions

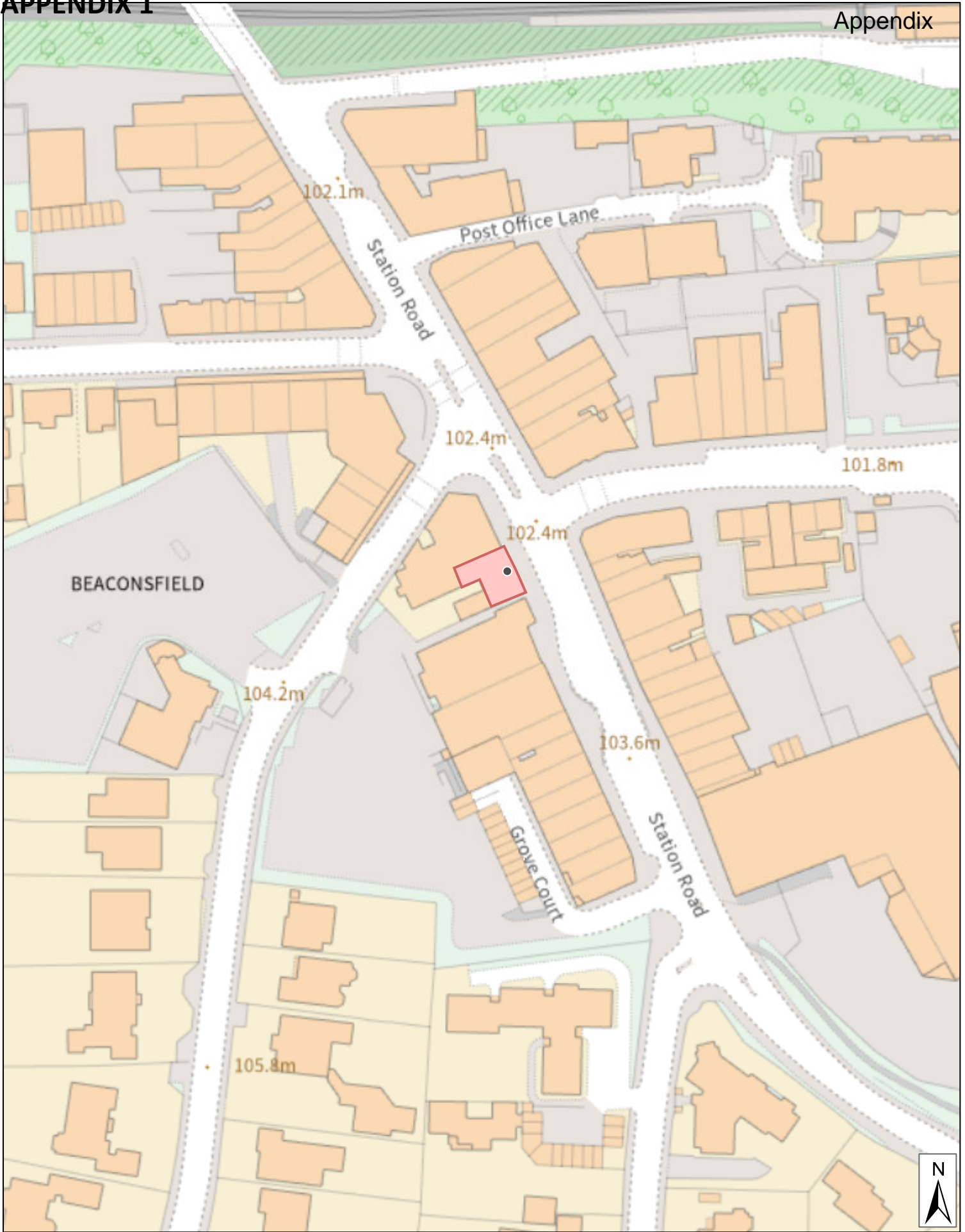
- 10.1 The existing conditions can be found on the current licence which is attached as **Appendix 3**.
- 10.2 The conditions to be amended as part of this application to vary the licence can be found at **Paragraph 3.2** above.
- 10.3 The new conditions offered by the applicant as part of this application to vary the premises licence are shown below:
- 17. When the premises is operating beyond 0100 hours, a SIA licensed door supervisor shall be on duty at the premises from 2200 hours to 15 minutes after close.
 - 18. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months and will be made available to an authorised officer on request.
 - 19. Across the entire premises the volume levels of recorded music played will not exceed that of background levels.
 - 20. A noise management plan for the entire venue will be in place at all times and reviewed annually. A copy of the noise management plan will be held on the premises and made available to an authorised officer on request.
 - 21. Food will be available at all times the premises is open for licensable activity.
 - 22. Supply of alcohol for consumption on the premises in the exterior seating area will be by table service only, to a maximum of 24 persons.
 - 23. The ground floor outside area will be closed by 21:30hours to minimise any disturbance.

24. There shall be no vertical drinking on the ground floor internal or external.
25. The first floor of the premises shall at all times be restricted to members (and their guests) only and operate as a bar/ restaurant. As such, the following shall apply:
- A membership scheme will be in existence for access to the first floor which shall record the following:
- a. The name, address, email and contact telephone number of each member.
 - b. Membership details will be held on the premises and available at all times to an officer of the council & Thames Valley Police.
 - c. Food will continue to be available at all times to members and their guests.

Informative/s -

Officer Contact:	Stacey Bella (01296 585 336) stacey.bella@buckinghamshire.gov.uk
Background Papers:	Application Ref PR202401-339789 Licensing Act 2003, as amended. Licensing Policy – As adopted March 2022. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

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PR202401-339789 Appendix 1 - Location Plan



Copyright:
Author: Enter name
Page 21
Date: 29/02/2024



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Buckinghamshire
Application to vary a premises licence
Licensing Act 2003

For help contact
Licensing@buckinghamshire.gov.uk
 Telephone:

* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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

Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

76,500

Section 3 of 18

VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

This is the second application for a full variation of this venue. The venue still remains under the control of the same company and Mr Seker remains director and in overall control. The venue seeks to operate as a restaurant and lounge bar. The ground floor will essentially operate as it has done in the past as a restaurant, the first floor a member only restaurant and lounge. This is not and never will be a night club as was feared in the past, conditioning stating that the level of music played within the venue will NOT go beyond that of background music cements this. Further future proofing of the venue exists with the condition stating that access to the first floor of the venue is strictly limited to members and their guests only.

The style of operation they wish to embark on now is more controlled than previously, we feel the SIA provision reflects this. previously there was no requirement for SIA, essentially that remains the same. But the style of venue they wish to portray in the first floor now leans itself towards door staff not as crowd control but as a form of concierge, greeting and assisting customers and members.

The reasoning for 'when the venue is operating after 0100 hours' enables the venue to close early without having to employ SIA every day as there may be occasions in the future where they do not utilise their full hours – as they did previously. That said however, SIA will be employed on a regular basis for the initial reason stated.

It is felt that the offered conditions do take into account previous concerns, future proofs the venue and ensures that that venue remains as it was previously, without complaint.

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Continued from previous page...

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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

- Indoors Outdoors Both

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

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

State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

Late night refreshment to cease on the ground floor Sunday to Thursday 00:00 and Friday to Saturday 01:00 and 01:00 on any day preceding a bank holiday.

Late night refreshment to cease on the first floor at 02:45 on any day preceding a bank holiday.

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

Continued from previous page...

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

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

The supply of alcohol to cease on the ground floor Sunday to Thursday 00:00 and Friday to Saturday 01:00 and 01:00 on any day preceding a bank holiday.
On the first floor the sale of alcohol to cease at 02:45 on any day preceding a bank holiday

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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.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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

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

The ground floor will close to the public Sunday to Thursday at 00:00 and at 01:00 on any day preceding a bank holiday. The first floor will close at 03:00 on any day preceding a bank holiday.

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

Conditions 8 and 15 of Annex 2 to be amended;

8 to read:
The internal ground floor of the premises shall only operate as a restaurant where the supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal, save for a maximum of 6 persons at the bar area.

15 to read:
Delivery of alcohol will only be permitted when:
a) Accompanied by an order for a meal
b) Delivered to a verified or registered address occupied by the customer
c) Payment for off sales only to be accepted by means of card transaction or through bona fide on-line payment services prior to delivery. There shall be no cash payments on delivery.
d) Deliveries will cease at 2300 hours

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

Continued from previous page...

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

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

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

- When the premises is operating beyond 0100 hours, a SIA licensed door supervisor shall be on duty at the premises from 2200 hours to 15 minutes after close.
- The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months.
- Across the entire premises the volume levels of recorded music played will not exceed that of background levels.
- A noise management plan for the entire venue will be in place at all times and reviewed annually.
- Food will be available at all times the premises is open for licensable activity.
- Supply of alcohol for consumption on the premises in the exterior seating area will be by table service only, to a maximum of 24 persons.
- The ground floor outside area to be closed by 21:30hours to minimise any disturbance
- There shall be no vertical drinking on the ground floor internal or external.
- The first floor of the premises shall at all times be restricted to members (and their guests) only and operate as a bar/restaurant. As such, the following shall apply;

A membership scheme will be in existence for access to the first floor which shall record the following;

- a. The name, address, email and contact telephone number of each member.
- b. Membership details will be held on the premises and available at all times to an officer of the council & Thames Valley Police.
- c. Food will continue to be available at all times to members and their guests.

b) The prevention of crime and disorder

see A

Continued from previous page...

c) Public safety

see A

d) The prevention of public nuisance

see A

e) The protection of children from harm

see A

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm Band A - No RV to £4300 £100.00 Band B - £4301 to £33000 £190.00 Band C - £33001 to £8700 £315.00 Band D - £87001 to £12500 £450.00* Band E - £125001 and over £635.00* *If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee Band D - £87001 to £12500 £900.00 Band E - £125001 and over £1,905.00 If you own a large premise you are subject to additional fees based upon the number in attendance at any one time Capacity 5000-9999 £1,000.00 Capacity 10000 -14999 £2,000.00 Capacity 15000-19999 £4,000.00 Capacity 20000-29999 £8,000.00 Capacity 30000-39000 £16,000.00 Capacity 40000-49999 £24,000.00 Capacity 50000-59999 £32,000.00 Capacity 60000-69999 £40,000.00 Capacity 70000-79999 £48,000.00 Capacity 80000-89999 £56,000.00 Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number

21/00392/LAPRE

Part 1 – Premises Details

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

Tarrus, 1 - 2 Burkes Court, Station Road, Beaconsfield, Buckinghamshire, HP9 1NZ

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

23:00 - 00:00 Sunday - Thursday

23:00 - 01:00 Friday to Saturday

Further Details: Not Applicable

Seasonal Details: Not Applicable

Non Standard Timings: 23:00 - 01:00 on any day preceding a bank holiday

Sale by Retail of Alcohol

11:00 - 00:00 Sunday - Thursday

11:00 - 01:00 Friday to Saturday

Further Details: Not Applicable

Seasonal Details: Not Applicable

Non Standard Timings: 11:00 - 01:00 on any day preceding a bank holiday

The opening hours of the premises

At the Licence Holders Discretion

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

Alcohol is supplied for consumption both on and off the premises

Part 2

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

Steak Shell Ltd

1 - 2 Burkes Court, Station Road, Beaconsfield, Buckinghamshire, HP9 1NZ

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

Registered Business Number 13207128

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

Mr Halil Seker

60 Hatch Lane, London, E4 6LQ

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

Personal Licence Number Z01N0460HA/2

Issued by London Borough of Walthamstow



Service Director of Neighbourhood Services

Date of Issue 15.06.2021

Annex 1 – Mandatory conditions

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

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

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

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

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

Mandatory Condition - s19 of the Licensing Act 2003

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

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

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

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

Mandatory Condition 1

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Condition

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

Mandatory Condition 3

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: " pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

"An activity which is not prohibited by paragraph 1(2)(b) of the Schedule to the 2010 Order, as it was in force immediately before the coming into force of this Order, because it related to alcohol consumed at a table meal (as defined in section 159 of the 2003 Act), will continue not to be prohibited provided certain conditions are met; these are that the activity is available only to an individual who holds a ticket or other written invitation in respect of that activity which was purchased by, or given to, that individual on or before 30th September 2014, and the activity takes place on or before 5th April 2015."

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2013 (MANDATORY CONDITIONS) ORDER 2014:

Mandatory Condition 5

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula—
$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

1. An Incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) Any faults in the CCTV system
 - f) Any visit by a relevant authority or emergency service
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
3. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of the council and police upon request.
4. A recognised member of the premises management must attend all police/council licensing forums/meetings when invited
5. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open and will be made available to residents and businesses in the vicinity
6. Off sales are restricted to the following:
 - a) Unfinished re-sealable bottles purchased as part of a meal
 - b) Drinks sold as part of a delivery or collection order
7. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities so as to comply with the following criteria:
 - a) The licence holder will ensure that the system is checked every two weeks to ensure working properly and date and time are correct. Records of these checks, showing date, time and name of person checking shall be kept and made available upon request

- b) The police must be informed if the system will not be operating for longer than one day of business for any reason
 - c) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering
 - d) The system shall record in real time and recordings will be date and time stamped
 - e) Recordings will be kept for a minimum of 31 days and downloaded footage to be provided free of charge to Police or authorised Council officers on request within 24 hours of any request
 - f) At all times the premises are open for licensable activity there will be a person on the premises who can operate the system sufficiently to allow police or authorised officers to view footage on request
 - g) Signage stating CCTV is in operation at the premises will be clearly displayed at the premises
 - h) The use of CCTV at the premises will be registered with the Information Commissioners Office (ICO)
8. The premises shall only operate as a restaurant where the supply of alcohol shall only be to a person seated taking a table meal, save for a maximum of 12 persons at the bar area and condition 6
 9. A record shall be kept detailing all refused sales of alcohol. The record will include the date and time of the refused sale and name of the member of staff who refused the sale. The records shall be available for inspection at the premises by the police or an authorised officer of the council at all times whilst the premises is open
 10. Notices will be prominently displayed in the premises requesting customers leave quietly and respect local residents
 11. Removal of rubbish outside the premises will not take place between the hours of 9pm and 7am
 12. Challenge 25 to be in operation at the licensed premises with notices and posters prominently displayed
 13. All staff members who sell alcohol to receive full training in the Licensing Act 2003, specifically with regards to age restricted sales and the refusal of sales to persons believe to already be under the influence
 14. Staff training to be fully documented and signed by employee and person delivering the training. Training records to be kept at the premises and made available upon request. Training will be refreshed every 12 months.
 15. Delivery of alcohol will only be permitted when:
 - a) Accompanied by an order for a meal
 - b) Delivered to a verified or registered address occupied by the customer
 - c) Payment for off sales only to be accepted by means of card transaction or through bona fide online payment services prior to delivery. There shall be no cash payments on delivery
 16. The licence holder shall only be authorised to conduct licensable activities with the express written approval from Building Control that the premises has complied with the necessary Building Regulations for its intended use.

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

None

Annex 4 – Plans

Premises Plan reference: 21/00392/LAPRE



LICENSING ACT 2003

PREMISES LICENCE SUMMARY

Premises Licence Number

21/00392/LAPRE

Premises Details

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

Tarrus, 1 - 2 Burkes Court, Station Road, Beaconsfield, Buckinghamshire, HP9 1NZ

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

23:00 - 00:00 Sunday - Thursday

23:00 - 01:00 Friday to Saturday

Further Details: Not Applicable

Seasonal Details: Not Applicable

Non Standard Timings: 23:00 - 01:00 on any day preceding a bank holiday

Sale by Retail of Alcohol

11:00 - 00:00 Sunday - Thursday

11:00 - 01:00 Friday to Saturday

Further Details: Not Applicable

Seasonal Details: Not Applicable

Non Standard Timings: 11:00 - 01:00 on any day preceding a bank holiday

The opening hours of the premises

At the Licence Holders Discretion

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

Alcohol is supplied for consumption both on and off the premises

Name, (registered) address of holder of premises licence

Steak Shell Ltd

1 - 2 Burkes Court, Station Road, Beaconsfield, Buckinghamshire, HP9 1NZ

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

Registered Business Number 13207128

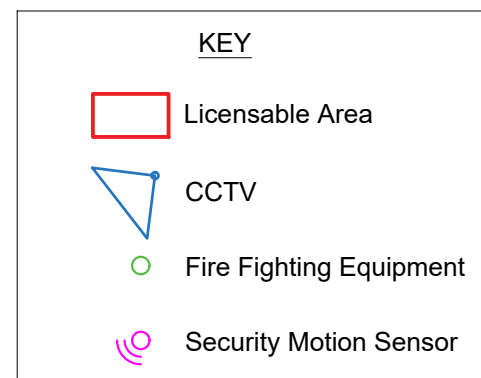
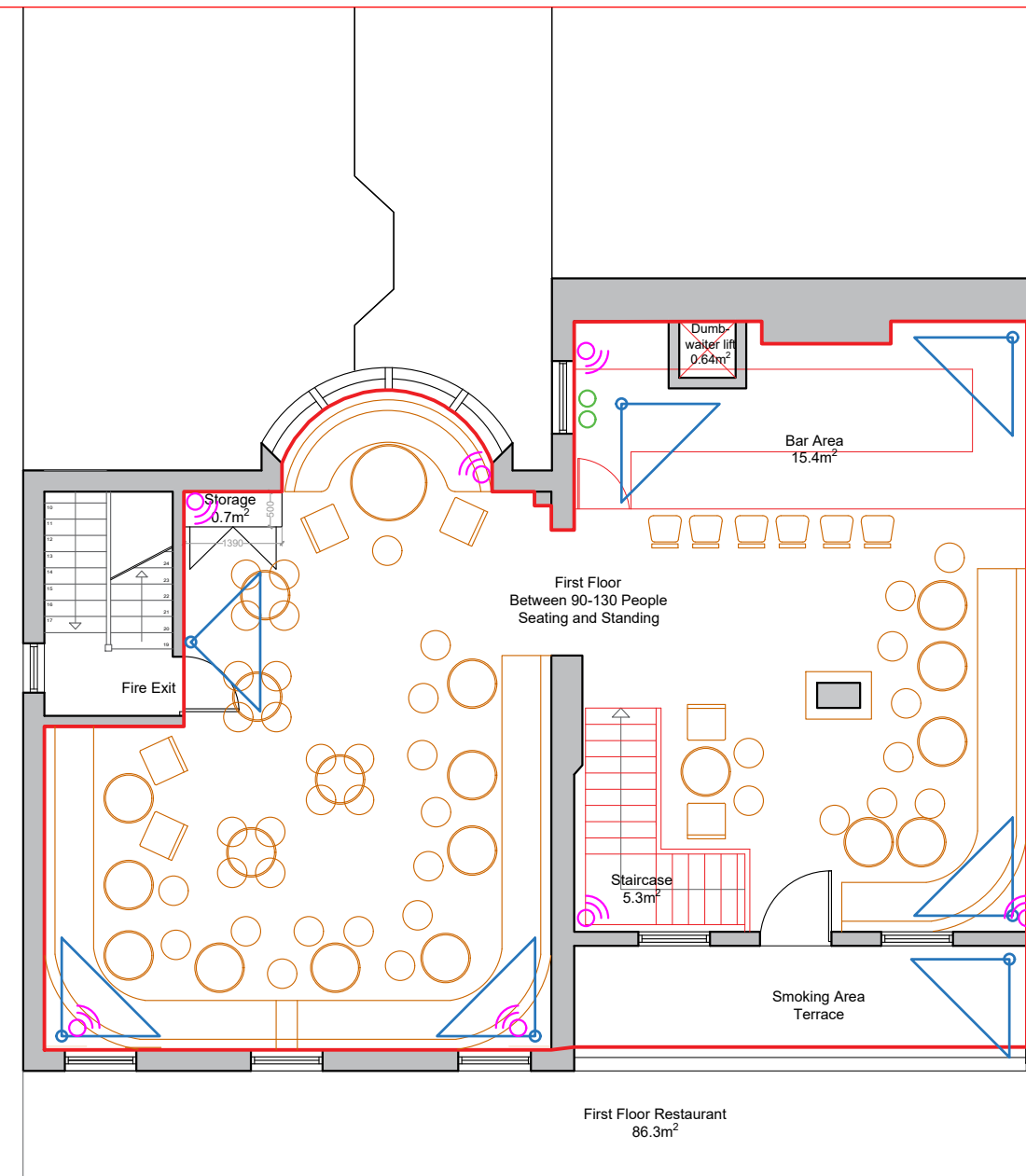
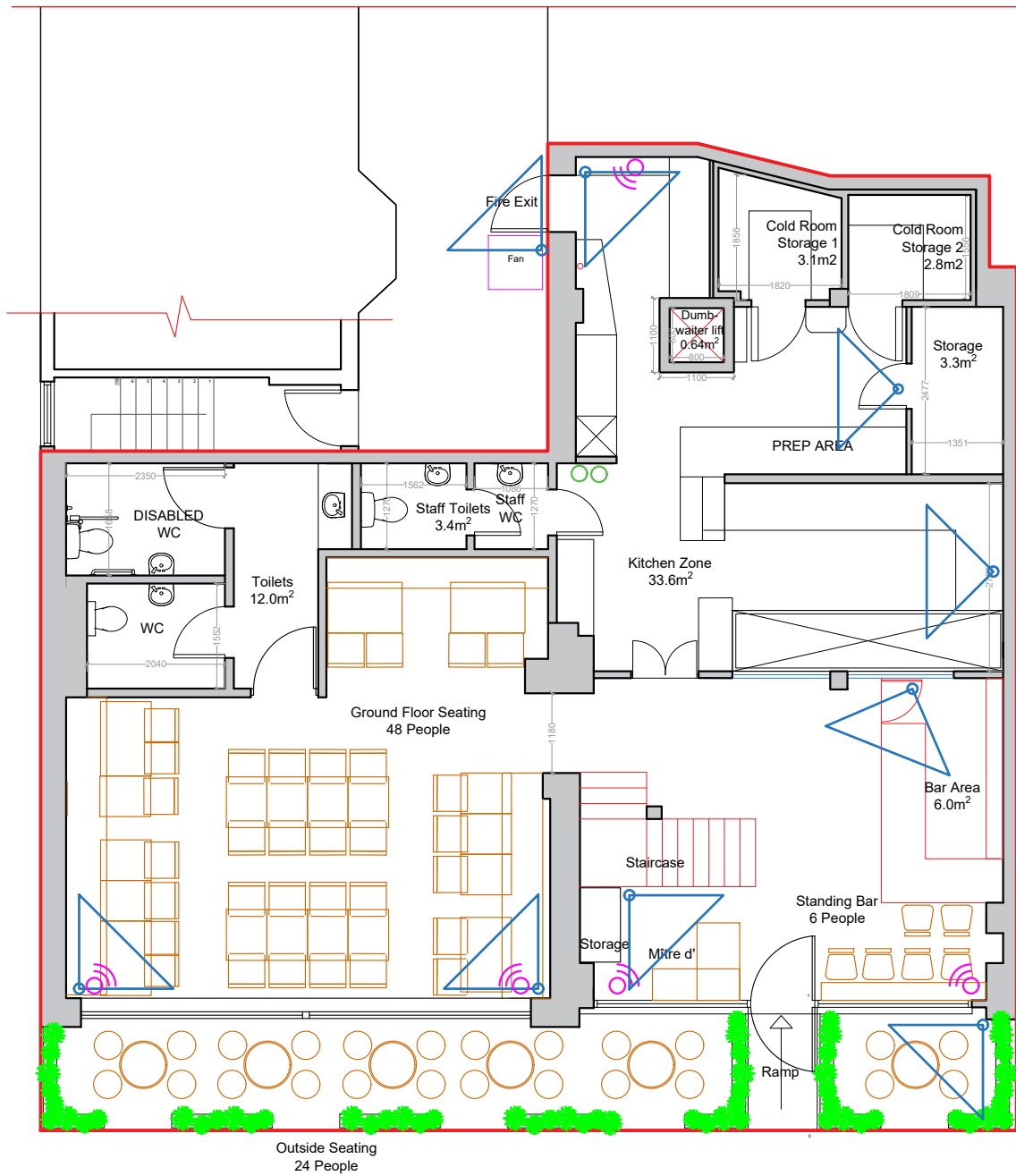
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Halil Seker

State whether access to the premises by children is restricted or prohibited

Restricted in accordance with the provisions of the Licensing Act 2003

APPENDIX 4



All dimensions, levels, sizes, positions and locations of particulars as indicated on drawings are to be ascertained by the appointed Contractor on site prior to engaging in works.

Any discrepancies must be reported to Cadoo Ltd immediately.

No dimensions to be scaled from the drawings for construction purposes unless otherwise indicated. All works to comply with current Building Regulations.

Party Wall etc. Act 1996 would apply and contractor is to assure that no work is commenced until this formality is completed.

The sole purpose of this drawing is the procurement of Planning Permission and Building Regulation approval and work is not to commence before such approvals.

Where this drawing is used for the works, the appointed Contractor should request at the time of tender, from the tenderer, full specification and schedule of work. To avoid any disputes, this schedule of works in conjunction with the drawings would be used to resolve matters.

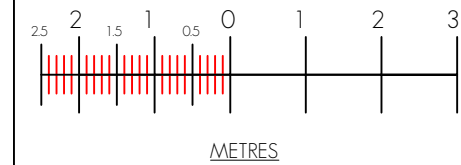
Contractor to assure and satisfy himself that necessary Planning permission and Building Regulations are approved before tendering or commencing works.

The competent person is to send to the local authority (via the scheme provider), a self-certification certificate within 30 days of the electrical works' completion. The Client must receive both a copy of the self-certificate and a BS7671 Electrical Installation Test Certificate (Reg. P1).

The Gas and Boiler installations will be carried out by a suitable qualified Gas Safety registered gas engineer.

The Contractor is responsible for ensuring compliance with the CDM Regulations, and appropriate Health & Safety on site precautions.

This drawing is the copyright of Cadoo Ltd and must not be traced or copied in any way or form in part or whole by any means whatsoever without prior written consent and may only be used by the present owner in relation to the property as referred to on the drawing. This drawing may be copied for by an authorised officer of the Local Authority with the sole purpose to assist in the determination of a Planning or Building Regulations application and may not be used for any other purpose.



REVISION	DATE	BY	GRID	DESCRIPTION
A	10/01/24	IB		



TEL: 020 7686 2835
EMAIL: info@cadoostudios.com
WEB: www.cadoostudios.com

SITE
1-2 BURKES COURT STATION ROAD
BEACONSFIELD
HP9 1NZ

TITLE
EXISTING PLANS

CLIENT
OHANA RESTAURANT AND LOUNGE

REFERENCE	REVISION	SHEET NO.
1-2/HP91NZ	A	1
SCALE 1:100@A3	DATE 10/01/2024	

Appendix

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Stacey Bella

From: Hooper, Trevor (C5686) <trevor.hooper@thamesvalley.police.uk>
Sent: 29 January 2024 10:38
To: Licensing Mailbox
Subject: [EXTERNAL] TVP Application Response - Full Variation for Ohana, 1 - 2 Burkes Court Station Road, Beaconsfield, HP9 1NZ: NO OBJECTION

Categories: Karishma

On 29/01/2024, we received a Full Variation application relating to Ohana, 1 - 2 Burkes Court Station Road, Beaconsfield, HP9 1NZ

=====
Extension of hours with enhanced conditions.
=====

Based on the supplied information, the Thames Valley Police response is: *** NO OBJECTION ***

This email contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee(s) and any views or opinions expressed within are those of the originator and not necessarily those of the Force. If you are not the intended recipient(s) please note that any form of distribution, copying or use of this email or the information contained is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to informationsecurity@thamesvalley.police.uk and to the sender. Please then delete the email and destroy any copies of it. DO NOT use this email address for other enquiries as it will not be responded to, nor any action taken upon it. If you have a non-urgent enquiry, please call the Police non-emergency number 101. If it is an emergency, please call 999. Thank you.

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BUCKINGHAMSHIRE COUNCIL

MEMO

To: Licensing Services

From: Catriona Crelling

Tel Ext: 5875

Date 21.02.24

Ref: PR202401-339789

Ref: PR202401-339789

Application for a New Premises Licence

Ohana, 1-2 BURKES COURT, STATION ROAD, BEACONSFIELD, HP9 1QR

I have reviewed this application and can confirm that having taken into consideration the promotion of the four licensing objectives, the Buckinghamshire Council Statement of Licensing Policy and the Secretary of State Section 182 Guidance the Licensing Authority have no objections.

Yours sincerely



Catriona Crelling
Senior Licensing Officer

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THE LICENSING ACT 2003 SECTION 5(3) CONSULTATION

LICENSING REFERENCE:		FOR ATTN: Licencing Team	
PLANS NO:	Yes		
DATE RECEIVED:	29/01/2024		
PREMISES ADDRESS:	1-2 Burkes Court, Station Road, Beaconsfield		
	HP9 1NZ		
OUR REF. (FILE NO).	S4178	FSEC Cat.	Licensing

SECTION A – THIS AUTHORITY DOES NOT WISH TO MAKE “RELEVANT REPRESENTATION” UNDER THE FOLLOWING SECTION OF THE ABOVE ACT

- Application for a premises licence under section 18(6) and 18(6)b
- Variation of a premises licence under section 34 and or section 35(5) or 36(6)
- Application for a club premises certificate under section 72(3)
- Application for variation of a club premises certificate under section 85(3)
-

THE GROUNDS FOR “RELEVANT REPRESENTATION” ARE: -

Copy of Fire Risk Assessment requested from applicant - this does not constitute 'relevant representation'.

Signature and Role of officer: Katie Kolb Date 09/02/24

Correspondence address: Buckinghamshire Fire & Rescue Service
Marlow Fire Station
Parkway, Marlow
SL7 1RA

Telephone Number	Office	01628 470640	Mobile	07919 057880
Email address	kkolb@bucksfire.gov.uk			

Prevention & Protection Policy Manager: Phill Mould

Buckinghamshire Fire and Rescue Service
Brigade Headquarters, Stocklake, Aylesbury, Bucks HP20 1BD
Tel: 01296 744400 Fax: 01296 435799

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From: [Helen Walters - Beaconsfield Town Council](#)
To: [Stacey Bella](#)
Subject: RE: [EXTERNAL] Application to vary a premises licence - Ohana, 1-2 BURKES COURT, STATION ROAD, BEACONSFIELD, HP9 1QR
Date: 22 February 2024 11:59:44
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

You don't often get email from admin@beaconsfieldtowncouncil.gov.uk. [Learn why this is important](#)

Dear Stacey

Reference: [PR202401-339789](#)

Proposal: Licence Variation

Location: 1-2 BURKES COURT, STATION ROAD, BEACONSFIELD, HP9 1QR

Comments and observations by 22/02/2024

The Committee RESOLVED to state they OBJECT, stating that the opening hours are too late, and they are concerned about the noise impact on the residents who reside in the properties above the neighbouring commercial units.

The main objection from the Committee was the expansion of this business to the first floor and the impact on the neighbours who reside above the neighbouring commercial units. Although it appears that the applicant's representative wishes to assure the Committee that there have been no complaints from the neighbours to date, it is not possible to make assurances for the expansion as the impact is unknown at present and as such the representations still apply.

Kind regards,

Helen Walters

Assistant Clerk & Mayoral Administrator

Beaconsfield Town Council,
Penn Road,
Beaconsfield, HP9 2PP
Tel: 01494 675173
E mail: admin@beaconsfieldtowncouncil.gov.uk



Beaconsfield
Town Council

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Peter Conisbee
4 Beacon Close
Huntingdon
Cambridgeshire
PE29 6GB

**Re;
Ohana
1-2 Burke's Court
Station Road
Beaconsfield
HP9 1QR**

15th February 2024

To Members of Beaconsfield Town Council,

I write on behalf of my client Steak Shell Ltd in relation to the full variation application submitted for the premises above.

Thank you for your comments, hopefully the following will explain a little more and allay any concerns that you have.

As you will be aware, this venue is already permitted licensable activity until midnight Sunday to Thursday and to 1am on Fridays and Saturdays. Currently there is no restriction on the opening hours of the premises, as the current licence states it is 'at the licence holders' discretion'. My clients have been operating this premises without single complaint since the grant of this licence in June 2021.

The premises recently underwent an internal facelift with slight amendments to the floor plan, a new bar installed on the ground floor and a name change, all of which was granted without issue.

This full variation seeks to increase the time the venue can carry out licensable activity along with amending two conditions and adding a number of

safeguarding conditions. If you have not had sight of the full application, please see the amendments below and reasoning in red.

Conditions being amended;

8 to read;

The internal ground floor of the premises shall only operate as a restaurant where the supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal, save for a maximum of 6 persons at the bar area. **Essentially the ground floor continues to operate exactly as it always has done but, as with any restaurant the venue has a bar on the ground floor now and we are limiting the amount of people able to sit and drink there to 6.**

15 to read:

Delivery of alcohol will only be permitted when:

- a) Accompanied by an order for a meal
- b) Delivered to a verified or registered address occupied by the customer
- c) Payment for off sales only to be accepted by means of card transaction or through bona fide on-line payment services prior to delivery. There shall be no cash payments on delivery.
- d) Deliveries will cease at 2300 hours

On the current licence there is no specific end time to when deliveries can be made. For clarity the licensee wanted to condition this as they are applying for late night refreshment to be extended on the premises – and do not intend to offer such off the premises.

New conditions;

When the premises is operating beyond 0100 hours, a SIA licensed door supervisor shall be on duty at the premises from 2200 hours to 15 minutes after close. **Despite the venue currently opening till 1am, there is no security condition. However, the inclusion of SIA is for two reasons, firstly they will act more as a type of concierge door staff welcoming guests and assisting on exit. Secondly it adds a layer of additional security to the licence. The reasoning for 'after 0100 hours' is as stated, the venue currently does not require them before this time. That said, you may have noted that the venue is already operating with door staff currently, despite them not being required.**

The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of

employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months. **This is a standard safeguard for any venue operating with SIA.**

Across the entire premises the volume levels of recorded music played will not exceed that of background levels. **Previously there were concerns that the level of music played within the venue may disturb neighbours. This is another addition for safeguarding. The venue is currently open to midnight during the week and 1am at weekends and during the last two and a half years has continuously played music at this level without complaint. If there has been no complaint thus far, we do not expect to get any in the future. For your information music played at a volume of 'background level' is that at which someone can easily have a conversation without raised voice, effectively the voice of conversation will be louder than the music!**

A noise management plan for the entire venue will be in place at all times and reviewed annually. **This does not just cover music, but any form of noise and is offered as an assurance that the venue will continue to review the noise levels and ensure that they do not cause disturbance.**

Food will be available at all times the premises is open for licensable activity.

Supply of alcohol for consumption on the premises in the exterior seating area will be by table service only, to a maximum of 24 persons. **The licensee has set the area out for tables and chairs and offers this to show that there is no intention of vertical drinking in the area.**

The ground floor outside area to be closed by 21:30hours to minimise any disturbance. **Again, this is to reduce the possibility of any disturbance.**

There shall be no vertical drinking on the ground floor internal or external. **This is a restaurant, and such a condition commits the licensee to operate as such, and also future proofs the licence.**

The first floor of the premises shall at all times be restricted to members (and their guests) only and operate as a bar/restaurant. As such, the following shall apply;

A membership scheme will be in existence for access to the first floor which shall record the following;

- a. The name, address, email and contact telephone number of each member.
- b. Membership details will be held on the premises and available at all times to an officer of the council & Thames Valley Police.
- c. Food will continue to be available at all times to members and their guests.

There is no current membership scheme operating at the venue. There was demand from local residents and business owners to have a place locally where work meetings could take place, private social time with family and friends or to act as just a meeting spot. The membership does not only give an ownership to those willing to pay the fee for the venue, but it also acts as a deterrent from problematic customers. Adding such details to a premises licence shows due diligence in the running of a late night venue and also adds a level of ownership to each member. It is effectively their bar, and having their details held and available to the authorities adds an additional layer of security and further future proofing which is not currently present.

We appreciate that seeing a venue that has operated without concern in that past now asking for later opening hours can be worrying. But, the same venue, same operators, same responsibility and with the same respect to the area – the licensee is committed to ensuring that the good name of Tarrus switches seamlessly to that of the rebrand Ohana.

If you have any further questions, please do not hesitate to contact me on the details below. If the details of this letter have allayed your concerns, please inform the licensing authority.

Kindest Regards

Peter

Peter Conisbee Q.Inst.Pa
Licensing Consultant and Independent Commercial Energy Broker
www.pclicensing.co.uk
07877 851 048

WWW.PCLICENSING.CO.UK

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OHANA
1-2 Burkes Court,
Station Road,
Beaconsfield,
HP9 1NZ

NOISE MANAGEMENT PLAN
February 2024

SITE DESCRIPTION

The premises is known as 'Ohana' of 1-2 Burke's Court, Station Road, Beaconsfield, HP9 1QR. The property fronts onto the pavement of a busy traffic junction of a High Street setting. There are residential properties above and opposite the venue, and would be the most at risk of noise disturbance from the operations of the premises.

INTENDED USE OF THE PREMISES

The venue is a restaurant and members lounge bar licensed to sell alcohol and late night refreshment. The ground floor will operate as a restaurant, the first floor a members lounge and bar.

INTRODUCTION

The venue is committed to develop and maintain good relations with local residents, neighbours and local authority. The objective of this policy is to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the venue are being upheld. This policy sets out the measures which have been considered and will be adopted.

GENERAL

The premises will be open to the public from 11am Monday to Sunday, closing at 2am Sunday to Thursday and 3am Friday to Saturday and any day preceding a bank holiday. Customers will not be admitted to premises outside of opening hours.

When the venue is open for trade on any day beyond 1am, registered SIA door staff will be in attendance.

The licence holder shall make available and regularly promote a contact number for local residents to contact the premises to discuss any specific incidents or concerns and displayed in the window at the premises. The number will be manned at all times the premises is open for business, and any action taken as a result of the complaint should be recorded and kept.

Customers will be permitted to use the front of the premises and the first floor balcony if they wish to smoke. This will give staff vision on the numbers gathered and allow constant monitoring. To prevent unsatisfactory numbers gathering outside, staff will

make requests for customers to return inside. Steps will be taken to educate regulars on the limited area for smokers.

The outside dining areas will be limited to a maximum of 24 persons and will be closed at 9.30pm each day.

MUSIC

The provision of background music shall be permitted at any time the premises is open to the public. By definition this is music or other audio played whose main function is to create an atmosphere suitable to a restaurant environment rather than to be listened to and is incidental to speech and conversation which can be heard clearly without raised voice.

DISPERSAL OF CUSTOMERS

Staff will actively encourage the gradual dispersal of customers to minimise nuisance. All licensable activity ceases 15 minutes before the venue closes. This acts as a reminder to patrons that the venue is due to close and permits for finishing their evening. It also encourages a natural gradual dispersal of patrons.

Members of staff will monitor the exit to oversee the end of night departure period. Customers will be encouraged to be considerate upon leaving the premises. Customers shall not leave the premises other than by the doors to the front of the premises. Customers will be asked not to stand around talking in the street outside the premises. Staff will offer assistance to obtaining transport from the premises if required by patrons.

TRAINING

All staff will be trained to be conversant with the noise management policy along with the requirements of the premises licence training. Staff will be notified of any changes to this policy and training shall be refreshed every 12 months.

PROVISION OF INFORMATION

Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly.

WASTE MANAGEMENT

The movement of bins and rubbish outside the premises will not take place between 9pm and 7am the following day.

The removal of empty kegs or bottles to external areas shall not be permitted between the hours of 9pm and 7am the following day.

Refuse collections will be in line with other businesses operating in the area.

MANAGEMENT OF DELIVERIES

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to avoid causing disturbance to nearby residents. Such deliveries shall not be permitted between 9pm and 7am the following day.

Air Conditioning

EXTRACTION UNIT

The extraction unit runs from the 1st floor of the building to the roof. The construction and operation of the unit is in line with planning decision notice PL/20/3992/FA and is regularly serviced.

PREMISES ALTERATIONS

No significant structural alterations shall be made to the premises without due consideration of its potential impact on noise management.

Security Alarm

The security alarm has been professionally installed and is monitored. In the event of the alarm being activated, the police and key holders will be notified immediately. The alarm can be silenced remotely.

Complaints

Any complaints in relation to noise escape will be dealt with as soon as practicable by the licensee. The complainant will be responded to and informed of action taken to resolve. The complainant will be continually updated during any due process of rectifying issues raised. Details of the complaint, complainant and resolution will be logged and kept on file at the premises.

PROCEDURAL

The noise management plan will be reviewed at least annually or as agreed appropriate to ensure that it is streamlined and effective. New and innovative approaches to problem solving or incidents and any lessons learnt will be incorporated accordingly. We should consider this a live document which evolves by experience in agreement with the authority.

COMMITMENT

The premise has been operating without complaint since 2021. The licensee is satisfied in the venues ability to operate in a manner which does not give rise to disturbance. The controls and limitations of the venue are reflected in this noise management plan. The licensee commits to ensuring this noise management plan is implemented and

maintained at all times for the duration of operation of our premises. We understand that it forms a key part of our Licence to operate.