

SUBJECT:	APPLICATION FOR A NEW PREMISES LICENCE at: 74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN
REPORT OF:	Application under section 17, Licensing Act 2003
Responsible Officer	Charlie Robinson – Licensing Manager
Report Author	Charlie Robinson – Licensing Manager
Ward/s Affected	Denham

1. Purpose of Report

To provide Members with information enabling the determination of an application for a new Premises Licence, in respect of which relevant representations have been received. The Application has been submitted by Solomons Solicitors, North Office, 16 Finchley Road, London, NW8 6EB, on behalf of their client; Mr Ashok Kumar Selvaraj, 4 Rosary Close, Hounslow, Middlesex, TW3 4NS (“The Applicant”) in respect of 74 Oxford Road, New Denham, Denham, Buckinghamshire, UB9 4DN (“the premises”).

2. Background

- 2.1. The premises consist of a 17th Century Grade 2 listed building which has been extended over the years and is located to the north west of the A4020 Oxford Road in Denham. Historically the premises have been known as the Dog and Duck Pub, Turpins, Tiger Cubs and Maya, trading as either a public house or restaurant. Most recently, the premises was known as Soin Lounge and would have been best described as a shisha lounge/club which opened in August 2020. A location plan showing the premises location is attached to this report marked **Appendix 1**. As shown on the location plan, the premises is located on a main road (Oxford Road A4020) and is in close proximity to a number of residential dwellings located directly opposite, neighbouring to one side and also diagonally behind the premises.
- 2.2. The premises previously benefited from a premises licence issued under the Licensing Act 2003 which was revoked by the Licensing sub-committee on 10th November 2020 following a review application and hearing. The application to review the premises licence was submitted by the Buckinghamshire Council Environmental Health department following an extensive multi-agency investigation of the premises pursuant of evidence of non-compliance and significant concerns raised by local residents in relation to all of the licensing objectives.

3. The Application

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

3.2. The licensable activities sought are as follows:

Proposed activity	Proposed hours	
Supply of alcohol (On the premises only)	Sunday – Thursday	12:00 – 00:00
	Friday – Saturday	12:00 – 01:00
	Christmas Eve & New Year’s Eve	12:00 – 02:00
Live Music (Indoors only)	Friday	20:00 – 01:00
	Saturday	20:00 – 02:00
	Sunday	20:00 – 00:00
	Christmas Eve & New Year’s Eve	20:00 – 02:00
Recorded music (Indoors & outdoors)	Monday – Sunday	12:00 – 01:00
	Christmas Eve & New Year’s Eve	12:00 – 02:00
Performance of dance (Indoors only)	Friday – Saturday	19:00 – 00:00
	Sunday	19:00 – 23:00
Late night refreshment (Indoors & outdoors)	Sunday – Thursday	23:00 – 01:00
	Friday – Saturday	23:00 – 02:00
	Christmas Eve & New Year’s Eve	23:00 – 02:00

* The Panel should note that the playing of recorded music and performance of live music are de-regulated between the hours 0800 and 2300 hours and therefore fall outside of the jurisdiction of The Licensing Act 2003 unless part of a Review application under section 51.

4. Relevant Representations

4.1. Responsible Authorities:

4.1.1. The Chief Officer of Police: Response received – representation in relation to reports of anti-social behaviour and crime **Appendix 3**.

4.1.2. The Licensing Authority: Response received – representation in relation to the promotion of all licensing objectives. **Appendix 4**.

4.1.3. The Local Environmental Health Authority (Head of Environmental Health): Response received – representation in relation to public nuisance and crime and disorder. **Appendix 5**.

4.1.4. The relevant enforcing authority under the Health and Safety at Work etc Act 1974: Response received – representation in relation to public safety and crime and disorder, **Appendix 6**.

4.1.5. The Fire and Rescue Authority: Response received – representation in relation to public safety. **Appendix 7.**

4.1.6. The Local Planning Authority (Head of Sustainable Development): No response received.

4.1.7. Weights and Measures Authority (Trading Standards Officer): No response received.

4.1.8. The Safeguarding and Child Protection Unit: No response received.

4.1.9. The Primary Care Trust: No response received.

4.1.10. No responses were received from any other Responsible Authority.

4.2. **Any other persons:** Forty-five (45) objections were received during the 28 day consultation process a copy of which are attached marked **Appendix 8.**

4.3. No letters of support were received.

5. Licensing Officer's Observations:

5.1. The Relevant Representations received raise the follows issues:

5.2. The prevention of public nuisance

Residents living nearby have expressed significant concerns in their representations about the late hours of the premises and the noise from patrons both whilst on the premises and when leaving the premises as well as noise from music and various other aspects associated with a late night premises of this nature.

5.3. The prevention of crime and disorder

Objectors have outlined their concern and opposition of the premises receiving this licence due to the anticipated anti-social behaviour and other related crime and disorder that had previously been experienced prior to the premises having its licence revoked. Residents provide details of incidents of alcohol and drug misuse as well as public order offences and violence being witnessed on a regular occurrence, all of which were attributed to the premises and its patrons.

5.4. Public Safety

Similarly to the representations in relation to the prevention of crime and disorder objective, many residents have raised concerns relating to feeling unsafe with the premises being operated for the use suggested and the potential for anti-social behaviour and violence to affect residents late into the evening once patrons have been consuming alcohol.

6. Policy Considerations

6.1. Regard must be given to the Council's Licensing Policy (last published 10th December 2018) when determining this application. Of particular relevance (but not limited to) is section 3

which details the concept of attaching condition to licences and section 4 which details the Council's approach to licensing hours.

- 6.2. Section 3.2 refers to conditions being imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents. In making decisions in respect of hours (section 4.4) consideration will be given to representations made by residents in the vicinity of the premises as well as the applicant.
- 6.3. The Council's Licensing Policy recognises that noise nuisance problems can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.
- 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.

In relation to Prevention of Public Nuisance the Statutory Guidance states:

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

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

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

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

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

In relation to the Prevention of Crime and Disorder the Statutory Guidance states:

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

In relation to Public Safety the Statutory Guidance states:

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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.

8. Resources, Risk and Other Implication

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

Human Rights

8.2. The Panel should consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents. Any decision taken must be appropriate and proportionate to the objective being pursued. In particular, the following should be taken onto consideration: Article 6 - the right to a fair hearing Article 8 - respect for private and family life Article 1, First Protocol - peaceful enjoyment of possessions (which can include the possession of a licence).

8.3. Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and cannot be interfered with.

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

8.5. By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998. 8.6 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

9. Determination by the Licensing Sub-Committee

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

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

9.2. Regard must also be had to the Council's Statement of Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing. 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

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

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

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

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

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

9.4.4. Reject the whole of the Application.

9.4.5. Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate

and proportionate to promote the four licensing objectives and in response to the representations received).

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

10. Conditions

THE SCHEDULE

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

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

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

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

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

Mandatory Condition - s19 of the Licensing Act 2003 - Supply of Alcohol

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

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Mandatory Condition - s21 of the Licensing Act 2003 - Door Supervision

Where a condition of this licence requires one or more individuals to be present to carry out a security activity (as defined by the Private Security Industry Act 2001 as amended from time to time) must be licensed with the Security Industry Authority.

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

Mandatory Condition 1

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise); .
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

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

Mandatory Condition 3

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

Mandatory Condition 4

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: " pint; .
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
 - (iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

"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.

Proposed conditions

Admission and control of entry control of entry

1. The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained on the footway to allow safe passage by pedestrians.

2. An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

3.All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].

4.No patron shall be admitted or readmitted to the premises unless they have been searched using hand-held electronic search wands and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Thames Valley Police, which must include a 'pat down search' and a full bag search. Search equipment must be kept in working order.

5.No customer will be permitted to enter or re-enter the premises between the hours of 12.00am and 1 am save for persons who have temporarily left the premises (e.g. to smoke).

6.Between the above times no customer will be permitted to enter or leave the Premise.

7.No more than 80 customers will be permitted on the premises at any one time.

8, The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.

Door supervisors

9.Door supervision must be provided on Monday through to Sunday from 12.00 until 3.00. Door supervisors must be on duty from opening until the close and must remain on duty until the premises are closed and all the customers have left.

10.On all days from opening time to close at least 5 SIA registered door supervisors must be on duty at the premises.

11.Door supervisors shall be employed at the ratio of 10 door supervisor for every 100 customers (or part thereof).

12.Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:

- (i) Size of the venue
- (ii) Expected attendance
- (iii) Type of event taking place
- (iv) Location of the premises
- (v) Time of year
- (vi) Special occasion (New Year, Halloween, Local events etc.)
- (vii) Premises Licence Conditions 18. At least 2 female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.

13.All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).

14.Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

15.The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

16. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.

17. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty,

CCTV

17. The premises licence holder must ensure that:

CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence.

- (ii) The system records clear images permitting the identification of individuals.
- (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (iv) The CCTV system operates at all times while the premises are open for licensable activities from 12.00 until 2,00am
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Preventing illegal drug use

There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Thames Valley Police for appropriate disposal. Any person seen to be using controlled drugs on the premises will be reported to the police and barred from the premises.

Incident reporting

18. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details.

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (viii) Any faults in the CCTV system, searching equipment or scanning equipment
- (ix) Any visit by a responsible authority or emergency service

The times on duty, names and the licence numbers of at licensed door supervisors employed by the premises.

Staff training

19a) All staff authorised to sell alcohol shall be trained in (delete as appropriate):

- (i) Relevant age restrictions in respect of products
- (ii) Prevent underage sales (iii) Prevent proxy sales
- (iv) Maintain the refusals log
- (v) Enter sales correctly on the tills so the prompts show as appropriate
- (vi) Recognising signs of drunkenness and vulnerability
- (vii) How oversight-vice of alcohol impacts on the four objectives of the Licensing Act 2003
- (viii) How to refuse service
- (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
- (xi) The conditions in force under this licence.

19b) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

19c) Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by Thames Valley Police or Buckinghamshire Council.

Preventing and dealing with drunkenness and vulnerability

20. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff

21. The premises shall display prominent signage indicating that it is an offence to sell alcohol to anyone who is drunk.

22. A Personal licence Holder must be present at the premises to supervise all sales of alcohol

23. A minimum of 3 persons must be employed and on duty at the premises between Monday and Sunday at the hours of 12400 through to 2am who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.

24. The premises shall provide facilities for customers to securely recharge their mobile phones.

Glassware

25. Drinks must only be served in polycarbonate glasses to be used at specified events,

26. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) In open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].

27. Spirit, Champagne and all other glass bottles greater than [70cl) are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle, or be permitted to drink directly from the bottle,

Preventing underage sales,

28.The Challenge 21 scheme must be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

29.The premises shall display prominent signage indicating in all areas where alcohol is located that the Challenge 21 scheme is in operation.

30.The premises shall display prominent signage indicating in all areas where alcohol is located that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.

31.A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

Alcohol deliveries

32. The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):

- (i) The trading name of any company that will operate under the licence
- (ii) All telephone numbers that will be used to accept orders
- (iii) The URL/website address that will be used to accept orders.

33. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business,

34.All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

Emergencies

35. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment. The competent person will be registered first aider.

36. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

37. All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than every month. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Council.

Preventing noise and Public nuisances.

38. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

39. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance,

40. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council].

41. The location and orientation of loudspeakers must be as specified on the attached premises plan.

42. An [acoustic lobby / acoustic door, acoustic door seats automatic door closer must be installed

43. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

Deliveries (nuisance)

44. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

45. No deliveries or collections relating to licensable activities at the premises will take place between the hours of 23.00 through to 08.00. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

46. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

Smoking and external areas

47. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as (specify location / mark on plan). No more than

[insert number] of customers will be permitted to remain in the designated smoking area at any one time.

48. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

49. No more than 80 customers will be permitted to remain in the Shisha area at any one time.
Litter and cleansing Litter and cleansing

50. At all times outside the premises, all areas to be swept and/or washed, and litter and sweepings collected and stored.

51. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name,

52. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.

53. Empty bottles which have been collected must be placed into locked bins when deposited outside.

54. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

55. Between the hours of 12.00 until 8am no waste/glass bottles will be moved or deposited outside. Children on the premises.

56. No person under the age of 18 years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.

57. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.

58. Between the hours of 11pm and 2 am customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

Dispersal

59. The dispersal of customers from the premises must be managed in accordance with the following:

- (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents
- (iii) A 23.00 hrs between Sunday to Thursday and 1.00am on Friday and Saturday period where [music volume is reduced and alcohol sales cease.].
- (iv) A suitable member of staff or a Door Supervisor(s) will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

60. From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

Officer Contact:	Charlie Robinson (01494 432 056) – email address: charlie.robinson@buckinghamshire.gov.uk
Background Papers:	Application reference 21/00813/LAPRE Licensing Act 2003, as amended Licensing Policy - South Bucks Area Published 2018. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.