

Appendix 4

BUCKINGHAMSHIRE COUNCIL

MEMO

To: Licensing Services

From:

Catriona Crelling

Tel Ext: 5875

Date 02.01.2024

Ref: PR202312-336902

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Application for a Premises Licence

Choice of Taste, London Road, Wooburn Moor, High Wycombe HP10 0NJ

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

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

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

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

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

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

- *the layout of the local area and physical environment including... proximity to residential premises...;*
- *any risk posed to the local area by the applicants' proposed licensable activities..."*

At paragraph 8.43, *"Applicants are expected to include positive proposals in their application on how they will manage any potential risks."*

Finally, the Guidance states at paragraph 8.43, *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what*

effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives,”

Paragraph 3.11 of Buckinghamshire Council’s Policy states:

“in line with the duty to promote the licensing objectives, the Licensing Authority’s Policy is to respect the right of residents to peace and quiet. In general, the Licensing Authority will take a more stringent approach to licensing hours in areas of higher residential density where there is greater risk of public nuisance.”

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

“In considering all licence applications, the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance having regard to all circumstances of the application, are adequate. In preparing applications, applicants are strongly encouraged to consider the measures set out below. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.

Particular Measures include:

Noise Escape

The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music.... Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices. In appropriate circumstances and where not included in the operating schedule, a condition may be imposed requiring the assessment by the applicant (either with or without the involvement of Environmental Health), of potential noise sources which could cause disturbance to those in the vicinity and to identify and implement appropriate control measures.”

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

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

Yours sincerely



Catriona Celling
Senior Licensing Officer