



Public Document Pack

**Licensing of
Alcohol and
Gambling Sub-
Committee**

TUESDAY 7 DECEMBER 2021 AT 2.00 PM

Council Chamber, The Forum

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Bhinder
Councillor P Hearn (Chairman)

Councillor Link

For further information, please contact Corporate and Democratic Support on 01442 228209

AGENDA

- (a) Premises Licence application under the Licensing Act 2003 - Additional information (Pages 2 - 32)

Musette Café - Noise Management Plan

1. Purpose of the Noise Management Plan

This noise management plan to consider the management and control of noise from activities at Musette Café.

The management team of this premises are committed to proactive management of noise and the purpose of this document is to identify and implement procedures, which will minimise disturbance to residents and other noise sensitive receptors. The intentions of those responsible to manage noise is shown in this commitment.

This plan should be considered to be a “live document” which will evolve as the planning for future events progresses and the operational requirements become clearer. Any review will be undertaken in full consultation with the relevant regulatory authorities to ensure compliance with the relevant Licensing Objectives in the longer term.

Premises Licence

The premises will benefit from a premises licence. It will always ensure that it upholds all of the Licensing Objectives.

The Licensing Act 2003

The Act introduced a single integrated system for regulating the sale by retail of alcohol, the supply of alcohol in a club, the provision of entertainment and late-night refreshment. The provision of regulated entertainment to the public is relevant in terms of noise and in doing so those responsible must conduct their functions with the view to promoting the Prevention of Public Nuisance being relevant in this instance.

In Summary

Overall, the approaches set out above are designed to balance the potential disturbance in the local community against the enjoyable experience of the audience. The Regulated Entertainment will always be conducted to allow customers to hold a conversation, without the need to raise their voices – therefore the music will always be ambient background music.

Noise Monitoring Procedure

Throughout the time that any Regulated Entertainment takes place, staff will ensure that they conduct regular noise monitoring; and these will be recorded at the Annex to this document . This will be carried out by conducting subjective / objective measurements at predetermined locations both internally on the site, and externally at the boundaries.

People / Crowd Noise

Whilst there is no formal mechanism for evaluating or controlling crowd noise, consideration will be given to minimising such as critical points such as during arrival and dispersal from the venue.

Staff will always monitor the entrance and egress from the premises including the behaviour of those within the vicinity of the premises. This will help achieve orderly arrival and departure of persons and will reduce the risk of nuisance occurring.

Signage will also be in place requesting that patrons leave quietly and respect neighbours.

Procedure for Responding to and Dealing with Enquiries

Those responsible for the day-to-day management already engage with the community to communicate details of the events and listen to local concerns. Should any noise complaints be received, a member of staff will investigate the complaint and if noise levels are deemed unacceptable, immediate action will be taken to reduce the levels of the noise source.

Conclusion

The implementation of this Noise Management Plan is a pragmatic way of bringing the venue to life, understanding its relationship with neighbours. Likewise, it also looks to proactively engage with the community and relevant Responsible Authorities.

Musette Café – Noise Monitoring Form

Annex

Noise Observation Reporting

| Monitoring Location | Date and Time | Subjective Assessment Measurements | Remedial Action Required and Taken |
|-----------------------------------|------------------------|--|---|
| E.G., opposite main site entrance | 01/07/2021 2130 hrs | <i>Noise from the venue, largely inaudible, occasional noise from outside conversation detectable between lulls in traffic noise – unlikely to be audible to residential units</i> | <i>No action taken, but will continue to monitor at intervals</i> |
| | | | |
| | | | |

Complaints received

| Complainants address | Date and Time | Nature of complaint | Subjective assessment | Time of Visit | Remedial Action Required and Taken |
|------------------------------------|------------------------|---|-----------------------|---------------|--|
| E.G 100 metres along the main Road | 01/07/2021 2210 hrs | What are they hearing, when and how affecting property ? If this is regular, how long has it been happening | | 1. 2210 hrs | No action taken; action taken to reduce noise levels to minimise any potential impact as levels at source can accommodate such reductions. |
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From: Rob Edge. (Agent for the applicant)
Licence Leader Ltd
rob.edge@licence-leader.co.uk
Mob. 07982917819

To: Mr. M Pearce 16 November 2021
CC: Licensing Authority

Dear Mr. Pearce,

Premises Licence Application- Licensing Act 2003. Musette Cafe

Thank you for your email in relation to the above application, dated 1 November 2021. I am sorry that you felt the need to object, as I am sure you will see below and in the attached document that this premises will not give you any reason for concern.

Just to give you a flavour to the background for this application:

Evening events

They have trialled a number of restaurant evenings. These events have helped to generate additional revenue in the evening and also give locals a place to come with their families. There have been 3 such evenings in total and they have all been a success. They are also planning a couple of talks which proved extremely popular before the pandemic. The first one will be with Ed Clancy, OBE, he is a highly decorated professional cyclist (3 x Olympic Champion, 6 x World Champion track cyclist). The next one will be an interview with Dean and Russell Downing, brothers and professional cyclists who were the best in the UK when they raced. They also have an event planned for the New Year, which is specifically for women cyclists, helping to develop effective training programs.

They have hosted around 6 events for people in the village, including baby showers, book launches and a wedding reception (a daytime one).

Other events have included:

- 1st birthday party
- Famous cycling commentator
- Travel event for cyclists run by companies that design holidays for cyclists

Musette accolades, awards

- Musette was recognised as the best cycle cafe in the Chilterns (Hertfordshire Life Magazine, 2021)
- Musette is in the top 10% restaurants in the world according to ratings on TripAdvisor, 2 years running
- Nominated for best cafe in Hertfordshire by Muddy Stilettos
- Chilterns Chapter House for Hot Chillee - global cycle network that supports World Bicycle Relief, a charity that provides bikes to impoverished areas of Africa
- Supporter of Macmillan Cancer Charity

- Base for Prostate Pedallers, Prostate Cancer Charity
- Support local causes including Friends of Aldbury, Aldbury Primary School, The Aldbury 10 year survey

I can assure you that when this application was made, my client had agreed to fully work with the Licensing Authority and all of the Responsible Authorities and be willing to act on their advice, this is and always will be the case.

The upholding of the licensing objectives is something that is taken very seriously by the applicant, as the Premises Licence Holder and Designated Premises Supervisor, the applicant has attended the Personal Licence Holders course (Level 2 Award for Personal Licence Holders (APLH) and therefore received full training in the Licensing Act 2003.

There is a strong management team at the premises, as well as robust measures and policies in place to support the licensing objectives.

The application contains a robust operating schedule to support the premises licence conditions offered, and strong well written policies and procedures are in place to support a well-run establishment. The applicant will always demonstrate due diligence in all it does to uphold the licensing objectives.

This is a new application for a licence and should not be pre-judged before it has a chance to operate.

When completing the submission of this application, I have given full regard to:

- The licensing objectives as set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy
- The guidance issued by the Home Office, under Section 182 of the Act.

The premises will incorporate the following documents into its day to day running:

- Noise Management Plan.
- Challenge 25 Policy and signage
- Refusals log
- DPS Authorisation form
- Staff training and operations manual
- Customer signage

I hope I have answered all of the points raised by you in relation to the Licensing Act 2003. I note that your objection cites the licensing objective of Prevention of Public Nuisance – namely Noise. It is my belief that this licensing objective has been fully met by the applicant, and that the application and supporting documents demonstrate due diligence on his part.

Please also note the attached document, explaining some of the elements in play to assist the premises in the Prevention of Public Nuisance (Annex A).

ANNEX B

If you feel that I have answered your concerns in the points laid out above, I would appreciate you notifying the Licensing Authority that you are willing to withdraw your representation.

If you would like to discuss the matter in more detail, please don't hesitate to contact me.

Kind regards



Rob Edge (Director)
Licence Leader Ltd

Enc.
Annex A.

Prevention of Public Nuisance measures

Preventing Public Nuisance is an essential part of our business and is being achieved by creating an environment that controls nuisance by training staff to increase their awareness and training so they can assess potential risks and work towards minimising disturbances.

The premises will always show due diligence on the four specific areas associated with licensed premises that need to be addressed in order to prevent public nuisance:

- Noise
- Odour
- Litter, waste, and street fouling
- Light Pollution

As well as routine activities, we will always bear in mind temporary activities such as parties or events which may not involve any extra cost but could require greater management control.

Noise Control

As a part of our routine for events, we use a Noise Management Plan, this is supervised by the DPS.

This effectively covers the following elements:

- Ensuring noise is not audible at sensitive locations such as nearby dwellings, local receptor points.
- Ensuring noise does not cause unreasonable disturbance to the wider public, such as passers-by and people using local facilities.
- Whilst allowing us to follow any current Covid recommendations, keeping windows, doors are closed when entertainment takes place
- Keeping speakers inside the premises, and do not position them near to openings such as doors or windows.
- Designating a specific taxi firm for staff and customers to use and ensure that taxi drivers do not use the vehicle horn to attract attention.
- Arrange for deliveries to be made at reasonable times.
- Carry out regular monitoring checks to ensure noise is being adequately controlled.
- Develop methods to control queuing outside premises and control of congregations of patrons outside premises on arrival and departure.

Challenge 25 Poster for prominent display at the premises, as A4 poster.



REFUSALS LOG BOOK – Musette Café

Page 10

| DATE | PRODUCT | TIME | NAME OF PERSON OR DESCRIPTION | OBSERVATIONS | STAFF MEMBER |
|------------|---------------------|----------|---|---|--------------|
| 01/09/2021 | 2 x glasses of wine | 1900 Hrs | Female blond 175 cm tall, approx. 17 years of age | Nervous and refused to show ID – refused sale | Nicki Jay |
| | | | | | |
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DPS Authorisations

I am the Designated Premises Supervisor (DPS), and the holder of a Personal Licence and I am the person in a position of authority at the premises.

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the Licensing Act 2003.

This being either when I am present on the premises or in my absence. I can always be contactable on the following telephone number:

Names of Authorised Persons:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing laws and the premises licence conditions attached to the premises licence.

| Name | Personal Licence Number (If Applicable) | Date | Signature |
|------|---|------|-----------|
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Designated Premises Supervisor (DPS) Authorisation.

| | |
|--------------------------|------------|
| Name | S P Voysey |
| Personal Licence Number: | DAC053200 |
| Signature: | Redacted |

Staff Training for Licensed Premises



**Rob Edge (Director)
Licence Leader Ltd**
www.licence-leader.co.uk
rob.edge@licence-leader.co.uk
Tel. 07982917819

Contents

- Introduction
- Alcohol
- Strength of intoxicating drinks
- Units of alcohol
- How alcohol affects the body
- Alcohol sales Underage customers
- Adults buying for minors
- Refusing sales
- Test purchasing and responsible retailing
- Licensing Act 2003
- Licensing Objectives
- Premises Licences
- The Designated Premises Supervisor
- Mandatory Conditions for Premises Licences
- Authority to Sell
- Review of Premises Licences
- Duties and Responsibilities of Premises Licence holder
- Additional Responsibilities of the DPS
- Personal Licences
- Duties and Responsibilities of Personal Licence holder

How else can I help you?

As well as providing you with this Operations manual, Licence Leader Ltd will provide you with the help to navigate the minefield of the legislation and associated guidance; as a licensing specialist, I am there to assist you with any issues you have with the Council, Local Police, or other authorities, in relation to premises licensing.

Whether you are a business who wants to obtain or vary a premises licence or change the DPS; or possibly extend your trading hours.....Get in touch.

Rob Edge (Director)
www.licence-leader.co.uk
rob.edge@licence-leader.co.uk

Introduction.

This manual has been produced by **Licence Leader Limited** licensing team and is designed to be a reference and training tool for the licensed premises and their staff and employees.

Please ensure that you have a good working knowledge of your responsibilities with regard to the responsible retailing of alcohol, always promote best practice and ensure compliance with the law in relation to alcohol sales. You must be extremely careful how and to whom you sell such products. Poor staff training and lack of knowledge are a major contributing factor in failed test purchases conducted by the police and trading standards.

Remember if your premises are associated with underage drinking or sales, your trade can be adversely affected. You or a member of staff may face prosecution or even a review of your premises licence which allows you to sell alcohol. A review hearing can result in your licence being suspended or even revoked.

You and your staff also have an obligation towards your customers and people living in the vicinity to be a responsible retailer. Make sure that you train your staff and also family members who may help you in the premises from time to time. This booklet will be as useful to employees who have worked in the licensed trade for a number of years, as it will be to new employees.

How to use this booklet

The booklet contains a comprehensive overview of the basic information you and your staff should have and understand in order to sell alcohol and other age restricted products in a responsible fashion. This staff training manual should readily be available in your store to be referred to (if necessary) at a later date.

.....Alcohol

Alcohol is classed as a drug. It alters the physical, mental, and emotional state of the drinker. Moderate drinking can be part of a healthy lifestyle and often contributes to sociability and relaxation. However, drinking too much on one occasion (binge drinking) or drinking heavily on a regular basis can lead to anti-social behaviour and can damage health, in the long-term. Those in the licensed retail trade should have an understanding of the products they sell and should perform their duties responsibly

.....Strength of intoxicating drinks

A drink is classed as intoxicating if it contains more than 0.5% abv. The amount of alcohol in a product is expressed as a percentage of alcohol by volume, or abv. The Version 3_Nov 21_RVE.

label will state the strength of the product as alc % volume or %vol. For example, a wine labelled as 13% vol or alc 13% vol means that 13% of any given quantity is pure alcohol. Most spirits are around 40% and beers and ciders are typically range from 3% to 9% abv. To be classed as alcohol free, a drink must contain no more than 0.05% abv, and to be classed as low alcohol, no more than 1.2% abv. It is most important that someone asking for alcohol free drink is not given a low alcohol product

.....Units of alcohol

The amount of alcohol in a drink can also be expressed by using the unit measurement. One unit of alcohol weighs 8 grammes (g) or measures 10 millilitres (ml) of liquid. Half a pint of beer of strength 3.6% abv contains 8g of alcohol, therefore, is equal to one unit. One 25ml measure of whisky of strength 40% abv also contains 8g of alcohol. Therefore, in terms of alcohol intake, half a pint of beer is equivalent to one 25ml measure of whisky (a measure used in pubs).

The Department of Health issue the following recommended weekly alcohol consumption limits: Men - 21 units per week Women - 14 units per week The Government advises that men should not regularly drink more than three to four units a day and women not more than two to three. Consistently drinking four or more units for men, and three or more for women, isn't advisable because of the progressive health risks it carries. After an episode of heavy drinking, it is advisable to refrain from drinking for 48 hours. And of course, in some situations like pregnancy, it is better to drink less and avoid intoxication.

How alcohol affects the body

The effect alcohol has on the body depends on how much alcohol is in the bloodstream – the blood alcohol concentration (BAC).

BAC is measured in milligrams (mg) of alcohol in millilitres (ml) of blood. A BAC of 80mg of alcohol in 100ml of blood is the level above which it is an offence to drive.

The amount of alcohol, which gets in to the bloodstream is dependent on several factors:

- How many drinks the person has consumed and of what strength
- The size of the person. A small person has less blood than a large one, therefore the same amount of drinks will produce a larger concentration
- Gender – a drink will produce a higher concentration in women than men
- Food eaten – Food in the stomach slows the rate at which alcohol enters the bloodstream.

There is no simple way of knowing how to stay within the legal limit for driving, or how the same amount of alcohol will affect different people. It takes approximately one hour to eliminate one unit of alcohol from the body. There is no way of speeding the process up.

Alcohol Sales

Selling an alcohol product to a person under the age of 18 years is unlawful.

Most responsible retailers operate a Challenge 25 Policy. This means that anyone who appears to be under 25 must be challenged to produce valid proof of age. This must contain a photograph and date of birth and the only ID we can accept is a photographic driving licence, a passport, or a PASS approved Proof of Age card.

- If you suspect somebody to be intoxicated (drunk or under the influence of drugs) it is illegal for you to serve them.
- Alcohol can only be sold during the hours permitted by your Premises Licence. Selling alcohol outside these times is unlawful. (The permitted hours for your store are stated on the Premises Licence Summary, which must be prominently displayed in the premises where anyone can read it.)

.....Underage customers

You may find the following points useful in spotting those who are attempting to buy age restricted products whilst underage. Remember such people will be nervous, as they know they are committing a criminal offence. Please note that if you are subject to a test purchase, the minor may not exhibit these traits. A test purchase is different to a 'real life' situation because the child is doing something he or she has been instructed to do by a Police officer or a Trading Standards officer. Therefore, he or she may not exhibit the following signs of nervousness.

- **Body Language.** Look out for signs of nervousness such as stuttering and becoming pale. Over confidence and giggling is sometimes a give-away clue.
- **Physical Appearance** in boys, ask yourself: Are they shaving? Look at how they are dressed. Do they have an adult hairstyle? With girls, look for evidence that they have tried to make themselves look older by using excessive make up, high heels to make them appear taller and wearing more mature clothing.
- **Product** What is the person buying? If it is a product which is age restricted and is likely to be favoured by underage (e.g. – alco pops, cider etc.), be particularly careful.
- **Payment Method** Payment with large quantities of loose change can be an indication of an underage person as it may be the result of a collection. Money obtained from a wallet or purse is a more normal practice amongst adults. People who pay by credit or debit card are, perhaps, less likely to be underage but you cannot be certain.

.....Adults buying for minors (Proxy sales)

Adults buying alcohol for underage persons or proxy purchasing is a big problem as youths try to find ways to get around producing their ID. You have a responsibility to refuse the sale if you suspect that an adult is buying alcohol to pass on to persons under 18.

Legislation does not prevent parents buying alcoholic products and then allowing their children over 5 years of age to drink them at home under supervision. In any other circumstances both the adult who buys an alcohol product and the person who

serves them may commit a criminal offence. This is therefore a difficult area. There can be no doubt that the bulk of alcohol that falls into the hands of children is supplied to them by adults. You can only do the best you can to prevent it. There have been occasions when parents have brought their children into the premises to choose which alcohol products they want. In such cases you cannot be sure that the alcohol will be consumed in the home, therefore you should refuse service. Likewise, children have produced notes from their parents authorising the supply of alcohol and other age restricted products to the child.

These should be ignored, and service refused. If you suspect that an adult is buying to give to a child the following course of action should be adopted:

- Question the person politely as to the eventual destination of the purchase
- Explain to them that they commit a criminal offence if they purchase the product with the intention of giving it to a person underage.
- Let them know that they are on CCTV and that the footage can be supplied to the Police should they request it.

If you serve the customer and later find that the alcohol has been given to underage persons, speak to your employer about barring them so that the other staff can be given the information also.

Refusing sales

If in doubt - Don't Sell

Take special care during busy periods. The standard procedure for age-restricted products must be followed no matter how busy you are. Be vigilant but remember to be calm and understanding. Be aware that if you break the law, you will be liable, as well as the management and any supervisor in the premises at the time you made the sale. After the customer has chosen, but before they pay for the age-restricted product you must:

Look at them

Remember the Challenge 25 Policy, your store has chosen to adopt. You should request ID from anyone who appears to be under 25. This should be easier to judge than whether they are under 18. If you are in any doubt about their age in relation to the age restriction of the product,

Don't ask questions

Once you have a doubt about their age you must not serve them until they have provided adequate identification. DO NOT ASK THE PERSON'S AGE, SIMPLY ASK IF THEY HAVE ID. When asking for proof of age documentation you may only accept those which contain a photograph and a date of birth, from which you can discover the person's age.

This must ONLY be: -

- A passport
- A photocard driving licence

- A Proof of Age card with a PASS hologram logo (The PASS hologram has to our knowledge not been successfully forged).

Therefore, only accept cards carrying the logo). If the identification is given and the sale is made, you may be able to log the fact that ID was checked on some tills by keying in a code. Do not just accept the ID given. Make sure that you check the details. Look at the photograph and check the date of birth to ensure that the holder is the correct age to purchase the product. There are a number of different schemes in existence which makes forgery relatively easy. Many websites offer fake identity cards. However, if you are satisfied that the card is genuine, you are entitled to accept it (provided it is not an obvious forgery i.e., details crossed out and others written in).

If the identification is given and the sale is made, you may be able to log the fact that ID was checked on some tills by keying in a code.

Do not just accept the ID given. Make sure that you check the details. Look at the photograph and check the date of birth to ensure that the holder is the correct age to purchase the product.

There are a number of different schemes in existence which makes forgery relatively easy. Many websites offer fake identity cards. However, if you are satisfied that the card is genuine, you are entitled to accept it (provided it is not an obvious forgery i.e., details crossed out and others written in).

Normally poor forgeries are easy to detect. If, after proof of age is provided, you are still unhappy about either the age of the person or the document provided, you are entitled to refuse service. You are, in fact not obliged to serve anybody, provided you can show that you have refused service for the right reasons. If you have done all you can to establish the customer's age and you are still unhappy you must not serve them with an age-restricted product. Draw their attention to the notices in the premises, which govern the sale of that particular product. You should be polite but firm.

You should, for example, say: -

**"If you are over 18, I apologise, but in my opinion, you do not look 25
and I cannot serve you"**

Don't let yourself be drawn into an argument or into discussing your decisions. Your decision is final. It is your responsibility, not that of any other person in the premises. Once you have made the decision the premises manager, DPS (Designated Premises Supervisor) or any other supervisor should not interfere to overturn it. If the customer queries your decision, inform them that your policy follows the recommendations of police and trading standards officers as well as the Home Office. It shows that you are simply doing your job.

Drunk or intoxicated

If a potential customer appears to be under the influence of drink or drugs you must refuse to serve without any further discussion. But please remember that some symptoms of drunkenness such as slurred speech can be a symptom of a medical condition. You need to establish also that they are unsteady on their feet, their eyes appear glazed, and they smell of alcohol.

BE FIRM BUT POLITE

Refusal in this situation can sometimes lead to conflict if handled incorrectly. Point out to them that you could lose your job by serving them in their present condition and advise them to return at another time. If they do claim a medical condition ask them to bring a letter from a doctor or pharmacist.

Refusals - General

When a refusal has taken place you should record this fact either by completing a refusal or incident book and by recording it on the till, if it has this facility. This is recognised as best practice; it shows that you are a responsible retailer and can be given in evidence at a later stage should you be accused of selling an age-restricted product to an underage person. This is, therefore, a very valuable system for you to use and affords both you and the store some protection. You can write a brief description of the incident in the book with the name or description of the person refused. If the premises is busy at the time the incident occurs, make the entry in the log as soon as you can.

You must ensure that the entry is always made, Trading standards, police or council licensing officers will expect to see your incident log if they visit your store. It is a vital piece of **due diligence** to prove that you are upholding the law.

Test purchasing and responsible retailing

Police and trading standards officers are authorised to send youths under 18 years of age into your store at any time in order to check that you are complying with the law. For anyone else to send in youths under age is an offence. The youths will attempt to purchase an age restricted product from you and if it is an alcoholic product and the sale is made, the sales assistant can receive an on the spot fine. The fine can be recorded as an offence relating to the Violent Crime Reduction Act.

The assistant, DPS and the premises licence holder may all be called for an interview to check that all steps to avoid such sales are taken – e.g., staff training, refused sales and accepted ID logged in the incident book etc. Premises which fail more than one test purchase may have their premises licence reviewed by the local authority licensing committee. This could result in your licence being revoked or suspended and/or additional conditions being placed on your licence to prevent further incident of underage sales. Reviews of licensed premises usually attract local press interest which will reflect badly on your business and may affect custom

Licensing Act 2003

Licensing Objectives

The implementation of the Licensing Act 2003 means that the licensing authority at the local Council deal with all licensing matters.

The Act has four principles, called the Licensing Objectives. These are:

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

Anyone working in the licensed trade **must** promote these objectives.

Licences

There are two types of licence – premises licences and personal licences. A premises licence is required to sell alcohol from a particular site. A personal licence allows the holder to sell alcohol from premises covered by a premises licence.

Premises Licence

- All licences are granted by the local council licensing authority instead of magistrates courts
 - A premises licence is required to sell alcohol, however -
 - The word 'licensee' is no longer used
 - The designated premises supervisor is the point of contact for the authorities
- Your premises must have a premises licence to enable you to sell alcohol. The owner of the business should apply for the premises licence either as an individual or a limited company. You must make the application to the council licensing authority and other relevant authorities such as the police, fire authority and child protection authority. Application forms and guidance notes are available from your council licensing department.

Any of these authorities have the right to object to the licence being granted. The licence application must also be advertised on the premises and in a local newspaper, to give local residents the opportunity to raise their concerns. If relevant representations are made to the licensing authority, a hearing will be held to discuss the concerns, sometimes a hearing can be avoided through mediation with the interested parties. Once granted, the premises licence does not expire, but can be surrendered by the licence holder if the business closes, or revoked by the licensing authority should concerns arise regarding the running of the premises. An Annual Fee is payable to the Council to cover the costs of their licensing functions under the 2003 Act.

Designated Premises Supervisor

The designated premises supervisor is the person who is in day-to-day control of the licensed premises. They must give their consent to taking on the role. Their name and address will be stated on the premises licence. It is a condition of every premises licence that NO sale of alcohol can be made unless there is a designated premises supervisor appointed in respect of the premises. Remember if the DPS leaves, resigns, or changes for any reason you MUST apply to the licensing authority to vary the licence a copy of your application must be given to the police. You will be unable to sell alcohol and may be liable to prosecution if you continue to sell without a DPS. The DPS must hold a personal licence and is responsible for ensuring that staff are aware of their responsibilities relating to licensing law.

Mandatory Conditions

There are two mandatory conditions on all premises licences. These are:

- No supply of alcohol can be made unless there is a designated premises supervisor appointed in respect of the premises. The designated premises supervisor must hold a current personal licence
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This means that if an individual is not a personal licence holder, that person can only sell alcohol in licensed premises if permission to do so has been given by a personal licence holder.

There may be additional conditions on your premises licence, which are unique to your premises, for example, a requirement for CCTV. These conditions are enforceable by law and must be adhered to at all times. Enforcement visits are conducted by police and local authority officers to ensure you are complying with your licence conditions.

Authority to Sell (by the DPS)

So, how do you comply with the condition above which states that sales must be made or authorised by a personal licence holder?

If you do not hold a personal licence, any sales of alcohol that you make must be authorised by the DPS or another personal licence holder in order for you to serve alcohol. Best practice advises that the authority to sell should be recorded in writing. An example of this can be found in Appendix 1 of this manual. The form should then be kept on file as evidence of your ongoing authorisation. If you are asked by a police officer or local authority officer who has authorised a sale you have made you should be able to tell them who that person is.

Review of Premises Licences

The Licensing Act 2003 allows for the conduct of licensed premises to be scrutinised when the licensing objectives are not being addressed. Any responsible authority or interested party may apply for the review of a licence, for example if there have been failures during test purchase exercises. The applicant must give a notice containing details of the application to the holder of the premises licence and to each responsible authority. The licensing authority must advertise the application and invite Version 3_Nov 21_RVE.

representations from authorities and interested parties. If the application does not relate to one of the licensing objectives or is repetitious, vexatious, or frivolous, it can be rejected. If the licensing authority rejects the application, they must notify the applicant and give reasons for their decision. If the application is not rejected, a hearing must be held.

The licensing authority can:

- modify the conditions
- exclude a licensable activity from the licence
- remove the designated premises supervisor
- suspend the licence for up to 3 months
- revoke the licence

Duties and responsibilities of the Premises Licence Holder

As a premises licence holder, you must:

- Inform the licensing authority of any change in your name or address
- Notify the licensing authority of any change in the name or address of your designated premises supervisor, if the DPS has not already done so.
- Notify the DPS if they are being replaced or that an application to replace them has been made and refused (i.e., the premises licence holder cannot change the DPS without their knowledge)
- Send the premises licence to the licensing authority within 14 days of your DPS giving notice that they wish to give up the role. This is so that the DPS details on the licence can be updated
- Notify the DPS of an application to transfer the premises licence
- Notify the DPS of the existence of an interim authority notice for the premises
- Produce the premises licence to the licensing authority for updating within 14 days of a requirement to do so
- Keep the premises licence or a certified copy at the premises
- Ensure that a summary of the licence or a certified copy is prominently displayed at the premises
- Produce the premises licence for inspection by a constable or authorised person upon request.

Personal Licences

A personal licence allows the holder to sell alcohol from any premises which has a premises licence. The licence does not relate to a particular store and is therefore portable. Once granted, the licence allows the individual to sell alcohol from on or off licensed premises. The process of applying for a personal licence should not require you to instruct a Solicitor, except in some circumstances.

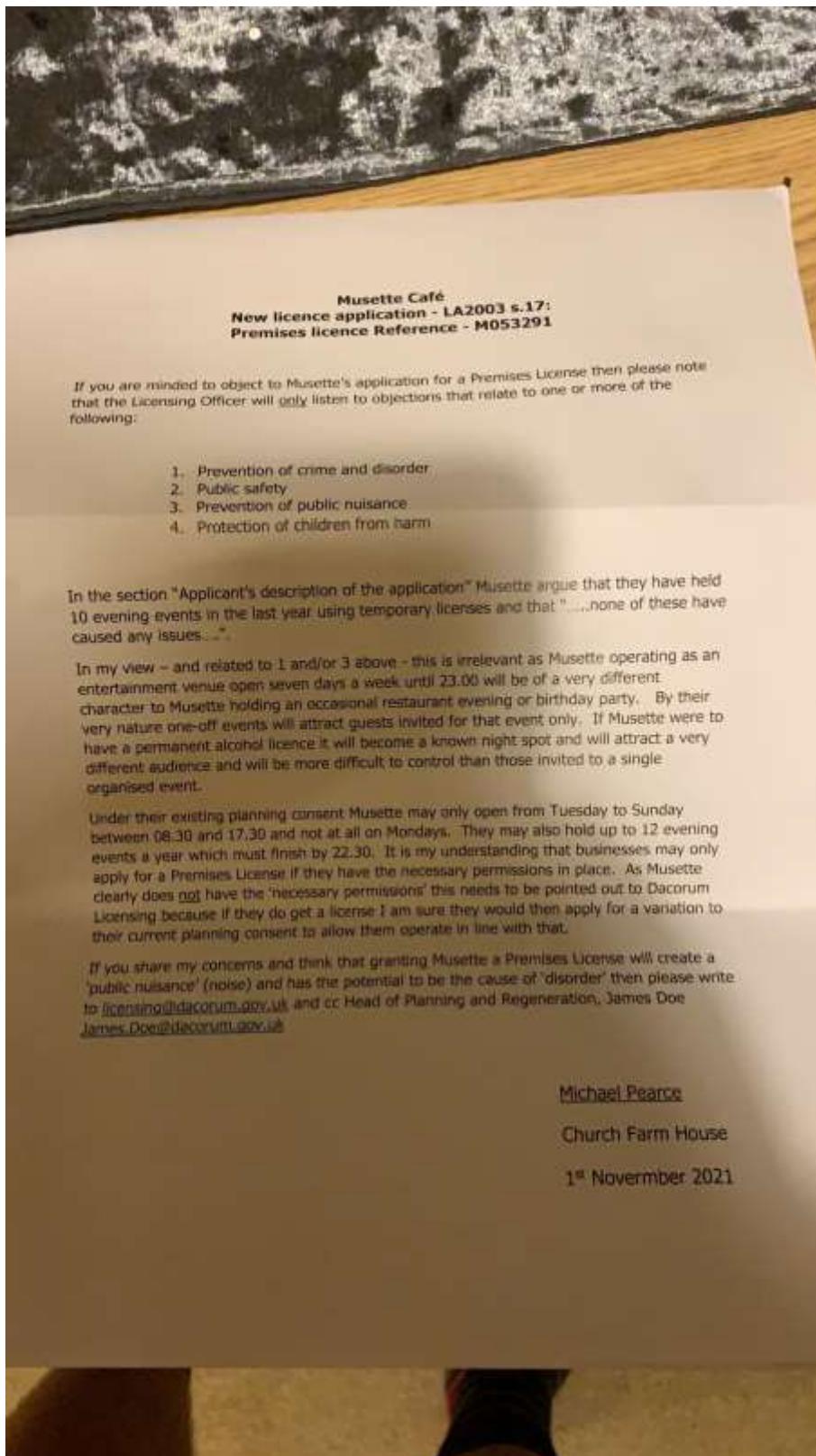
In order to apply for a personal licence, the applicant must possess a recognised qualification. This is called the National Certificate for Personal Licence Holders. The application for a personal licence is made to the licensing authority for the area in

which you live, NOT where you work unless they are the same. You are also required to notify the issuing authority of any change of address, failing to do so is an offence. A personal licence does not expire. Personal licences can be suspended, or revoked, upon conviction of a relevant offence. If you are convicted of a relevant offence you must notify the issuing authority of this, you are also required to notify the court during the hearing that you are the holder of a personal licence. Failure to do this is an offence

Customer Signage – in support of the prevention of Public Nuisance



Objectors letter sent to local residents canvassing objections.



Standard email content sent to objector and neighbours prior to most events at the premises.

From: Simon Voysey

To: Michael Pearce

Subject: Birthday celebrations at Musette Cafe

Hi Michael, We have a birthday celebration this evening for a local lady (its a 50th). There will be some music just to let you know, but we will keep it to reasonable levels and of course, finishing up at our normal time.

Best Simon

=====

Subject:

Re: Birthday celebrations at Musette Cafe

To: Simon Voysey sv@musette.cafe

Simon

Thank you for letting us know.

Michael Pearce

From: Rob Edge. (Agent for the applicant)
 Licence Leader Ltd
rob.edge@licence-leader.co.uk
 Mob. 07982917819

To: Mr. M Pearce
CC: Licensing Authority (Phil Wortley)

24 November 2021

Dear Mr. Pearce,

Premises Licence Application- Licensing Act 2003. Musette Cafe

Thank you for your email in relation to the above application, dated 18 November 2021.

I thank you for confirming your willingness to engage in discussions and mediation for this application.

I must start by saying that I will not engage in any dialogue in relation to 'planning,' the subject matter open for discussion and mediation is the application for a premises licence. We must both adhere to the parameters of the Licensing Act 2003 and not get drawn into planning, as this is outside of the remit for the Council's subcommittee hearing.

As and when a planning application to amend any conditions is submitted, the owners will of course be happy to enter discussions on this matter.

The measures listed within the operating schedule to address the licensing objective of Public Nuisance are:

- The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will placed in prominent places asking customers to respect public places.
- Staff will ensure that the frontage of the premises is inspected regularly for litter and rubbish, clearing any debris away.
- No rubbish, including bottles, shall be moved, or placed in outside areas between the hours of 2200hours and 0800hours.

The applicant has agreed to offer an additional 'voluntary condition' to the operating schedule in the form of noise attenuation.

Additional voluntary condition - Public Nuisance.

1. Except for access and egress, all doors and windows shall be kept closed during periods of Regulated Entertainment associated with the Premises Licence.

As previously stated, there is a strong management team at the premises, and there will be robust measures and policies in place to support the licensing objectives moving forward. Effective management can and will resolve any areas of concern and ensure that the conditions within the operating schedule are fully met.

ANNEX J

In respect to the sound recordings provided by you, some of which are more than two years old, and the remainder do not, in my opinion demonstrate noise that might be considered excessive or from this specific premises.

I now feel that I have fully answered all of the points raised by you relating to the premises licence application.

Unless you inform the Licensing Authority that you are willing to withdraw your representation, I believe we will leave the final decision to the Licensing Subcommittee to determine this application.

Kind regards



Rob Edge (Director)

**Dacorum Borough Council
Council Chamber, The Forum,
Marlowes, HP1 1DN
7 December 2021 at 1400 hrs**

**Documentation lodged on behalf of Musette café
for a premises Licence.**

Application for a premises licence.

Acting for the Premises Licence Holder, I have given full regard to:

- The licensing objectives set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The Guidance issued under Section 182 of the Act.
- Those 'Other Persons' who have objected or supported this application.

Attached to this pack are the following Annexes in support of the application for this premises licence :

- A. Noise Monitoring Plan.
- B. Response letter to the individual that has objected to this application.(In the form of mediation)
- C. Challenge 25 policy
- D. Refusals log
- E. DPS Authorisation form
- F. Premises Licence Operations Manual
- G. Customer signage
- H. Objectors letter sent to residents canvassing objections dated 01/11/2021
- I. Standard email content from premises sent to neighbours prior to each, and every event held.
- J. Response #2 to objector_24.11.21

Rob Edge (Director)
Licence Leader Ltd.
Email. rob.edge@licence-leader.co.uk
Web. www.licence-leader.co.uk
Tel. 07982917819

Noise Management

Musette Café.

Church Farm, Station Rd.
Aldbury, Tring
HP23 5RS

Consideration of Noise Management

The premises has operated for a number of years without due concern or intervention by the Local Authority for Public or Statutory Noise Nuisance. There is indeed no intended change in the type of event and style of operation which will take place at the premises, and the applicant intends to continue to manage noise accordingly and seek professional assistance where necessary.

With regard to any events, these typically take place with background music to provide ambience which is arguably unregulated. However, it is acknowledged on occasions that some infrequent events may be louder and can be heard at residential boundaries. This is apparent from the recordings submitted by the Local Resident and whilst two of these demonstrate that music can be heard emanating from the premises (*at an unknown monitoring location*), the other recordings predominantly contain speech, chatter and background music which is unlikely to be heard internally within neighbouring residents properties. Indeed, on the basis of these recordings alone, arguably the level of disturbance is akin to any other similar venues or licensed premises across the UK and considered an acceptable balance against the benefits such venues bring to the wider communities. Such observations are supported by guidance and are considered perfectly acceptable providing that a reasonable balance is maintained, and matters are dealt with proactively.

However, the applicant taking on board the residents' concerns has produced a noise management plan which is applicable to the venue to provide reassurance that they continue to look for improvements and control of noise emissions. It is intended that this document will be updated frequently by the applicant and in conjunction with specialist advisors where necessary, who will also be instructed should matters be brought to the attention of the Premises Licence Holder and indeed be something which is beyond their capabilities.



Statement of Michael Pearce as joint owner of Church Farm House

I make this statement in support of the objections set out in my formal letter of objection dated 1st November 2021.

Our family – that of my wife and I - home is immediately adjacent to the Musette Café and it is the property which is most affected by the activities in and around it. The noise and disturbance from the café already impact on our lives and on the enjoyment of our home. I would like the Sub-Committee to understand the following facts regarding the situation of our house:

1. If you were to stand outside our back door and take thirteen paces you reach the large doors of the café, (15ft by 15ft) and two further stable doors which are frequently used by customers as the entrance to the café. In warm weather these are opened for ventilation, allowing the noise from within the café to be clearly audible in our garden, which we also wish to enjoy in warm weather and on summer evenings.
2. The back wall of the café is our boundary wall and it has two partially covered windows. The café building is situated in converted stables with no sound insulation so noise from within the building can be clearly heard in our garden.
3. If we are in our garden we can smell the cooking coming from the commercial kitchen.

Although the applicants claim that the operation of the café can be managed so as to comply with any regulations which are imposed to minimise its impact on surrounding properties, our experience is that this is not the case. Events have occurred in the past which have continued outside the hours permitted by planning consent and tables and chairs have been set up outside the café in breach of planning conditions.

By an email dated 15th November, the Leading Licensing Officer forwarded to us a letter from the applicant's agent saying that "the agent for the applicant of the Musette Café has requested the opportunity to mediate with you to establish if there is a way to resolve your concerns". The email attached a letter from the agent which was addressed to us but which contained no mention of the particular concerns that had been raised by us in our letter of objection. It nevertheless asked us to withdraw our objection. We responded by a letter dated 17th November in which we said that we would be willing to discuss the matter upon receipt of any proposals which the applicant might have to address our objections. There has been no response to this letter. We are therefore very concerned that the applicant has no intention at all of taking any steps to mitigate the further impact which the granting of a permanent alcohol licence will have on the enjoyment of our house and garden.

The existing use of the café already causes a nuisance to us because of the noise that is generated within and outside the building. We believe that if a permanent licence is granted then the café will become a regular drinking venue and night spot for customers, which is likely to generate a wholly different character of event to the one-off birthday parties or evening talks with guest speakers which are said to have been the subject of the temporary licences up to now. We do not believe that it would be fair to treat the escalation from a temporary licence to a permanent licence as being simply "more of the same". The proposal would be likely to significantly increase the nuisance to which we are currently subjected, which is already beyond what it is reasonable to expect good neighbours to tolerate. We therefore ask that the Sub-Committee does not subject us to further nuisance by granting the alcohol licence to the café.

26th November 2021