

APPENDIX A

Applicants name	Musette Café Limited
Name and address of premises	Musette Café Church Farm, Station Road, Aldbury, Hertfordshire HP23 5RS
Ward	Aldbury and Wigginton

1. **Current Licence**

- 1.1 This is a new application.

2. **Application**

- 2.1 The application seeks to authorise the following licensable activity:

Sale by retail of alcohol: 11:00 – 23:00 Monday to Sunday
Premises opening hours: 8:30 – 23:00 Monday to Sunday

A copy of the application is set out at Annex A.

The plan of the site is set out at Annex B

3. **Details of Representations**

- 3.1 One representation against the application, and five representations in support of the application have been received within the prescribed consultation period. These representations are set out at Annexes C1 to C6.

The applicant's agent requested the opportunity to mediate with the objector, and this correspondence is set out at Annex D

- 3.2 The following responses have been received from the Responsible Authorities
- Police – no representations
 - Fire Officer – no representations
 - Environmental and Community Protection (noise) – no representations
 - Planning – comments relating to Planning permissions but no representations
 - NHS – no representations
 - Licensing – no representations
 - Children's Board – no representations

4. **Observations**

- 4.1 It should be noted that Planning is a completely separate legislative regime from Licensing – planning decisions are based on the impact of the amenity of the area, whereas Licensing is based on the activities applied for. Premises licence applications may be granted without the need for specific planning permissions, and vice-versa. For this reason, any written representations made in respect of the need for planning permission cannot be considered by this Sub-Committee.
- 4.2 Recordings supplied by the objector as part of his written representation are not considered to be relevant, as they refer to noise from the premises in 2019. Photographs of rubbish at the premises do not relate to the provision of licensable activity, and are, again, not relevant.
- 4.3 Observations from Local Policy and Statutory s.182 National Guidance are set out at Annex E.

ANNEX A
APPLICATION FOR GRANT OF PREMISES LICENCE

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Musette Café Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Musette Café Church Farm Station Rd Aldbury Tring			
Post town	Aldbury	Postcode	HP23 5RS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10,250.00 - Band B

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate.**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
-

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales. please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England. please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name. Musette Café Ltd
Address Church Farm, Station Rd Aldbury. Tring. HP23 5RS
Registered number (where applicable) 11396367
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company.
Telephone number (if any)

- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed				
Thur			<u>Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Fri				
Sat				
Sun				



D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed			Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur				
Fri			Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	1100	2300	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	1100	2300			
Wed	1100	2300			
Thu	1100	2300	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the columns on the left, please list (please read guidance note 6)		
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	[REDACTED]
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Not applicable

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0830	2300	
Tue	0830	2300	
Wed	0830	2300	
Thur	0830	2300	
Fri	0830	2300	
Sat	0830	2300	
Sun	0830	2300	

Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

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

a) General – all four licensing objectives (b, c, d, and e) (please read guidance note 10)

The Premises Licence Holder has carefully considered the Councils Statement of Licensing Policy and the four licensing objectives and will fully take on board advice offered by any of the Responsible Authorities in order to uphold the licensing objectives.

The following documents/policies will be used to ensure that we uphold the licensing objectives:

- Challenge 25 policy
- Staff training and operations manual
- DPS Authorisations
- A Refusals log

b) The prevention of crime and disorder

CCTV has been installed, operated, and fully maintained at all times; images will be retained for at least 31 days and be produced on request of any Responsible Authority.

The CCTV will be operational at all times whilst the premises are open and trading.

CCTV warning notices will be displayed in public areas of the premises advising that CCTV is in operation, in accordance with GDPR.

A Refusals log will be maintained at all times, this will be checked and signed by the DPS at the end of each week, this log will be made available for inspection by any Responsible Authority, upon reasonable request.

Any staff directly involved in selling alcohol to consumers, staff who provide training, and all managers, will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

All staff directly involved in selling alcohol must be authorised to do so in writing by the DPS. A record of the authorisation for each member of staff will be kept on the premises and made available for inspection by police and relevant authorities upon request.

c) Public safety

The premises licence holder or DPS will carry out pre-opening checks of the café, to ensure that there are no risks to patrons and that all safety precautions are in place.

The premises licence holder will ensure that all staff receive appropriate staff training, and the training records remain on site for a period of three months. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained, and their certificates will be displayed accordingly.

d) The prevention of public nuisance

The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will be 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.

e) The protection of children from harm

A "Challenge 25" policy shall be adopted and adhered to. "Challenge 25" & "No proof of age - No sale" Signage to be displayed at point of sale. The only recognised forms of ID that will be accepted are PASS accredited ID, passport, or photo driving licence.

A till prompt (Electronic or visual) will be used for all alcohol sales.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.

- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	October 2021
Capacity	Agent on behalf of the applicant (Licence Leader Ltd)

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Rob Edge
Licence Leader Ltd
25, Hemyock Road
Selly Oak

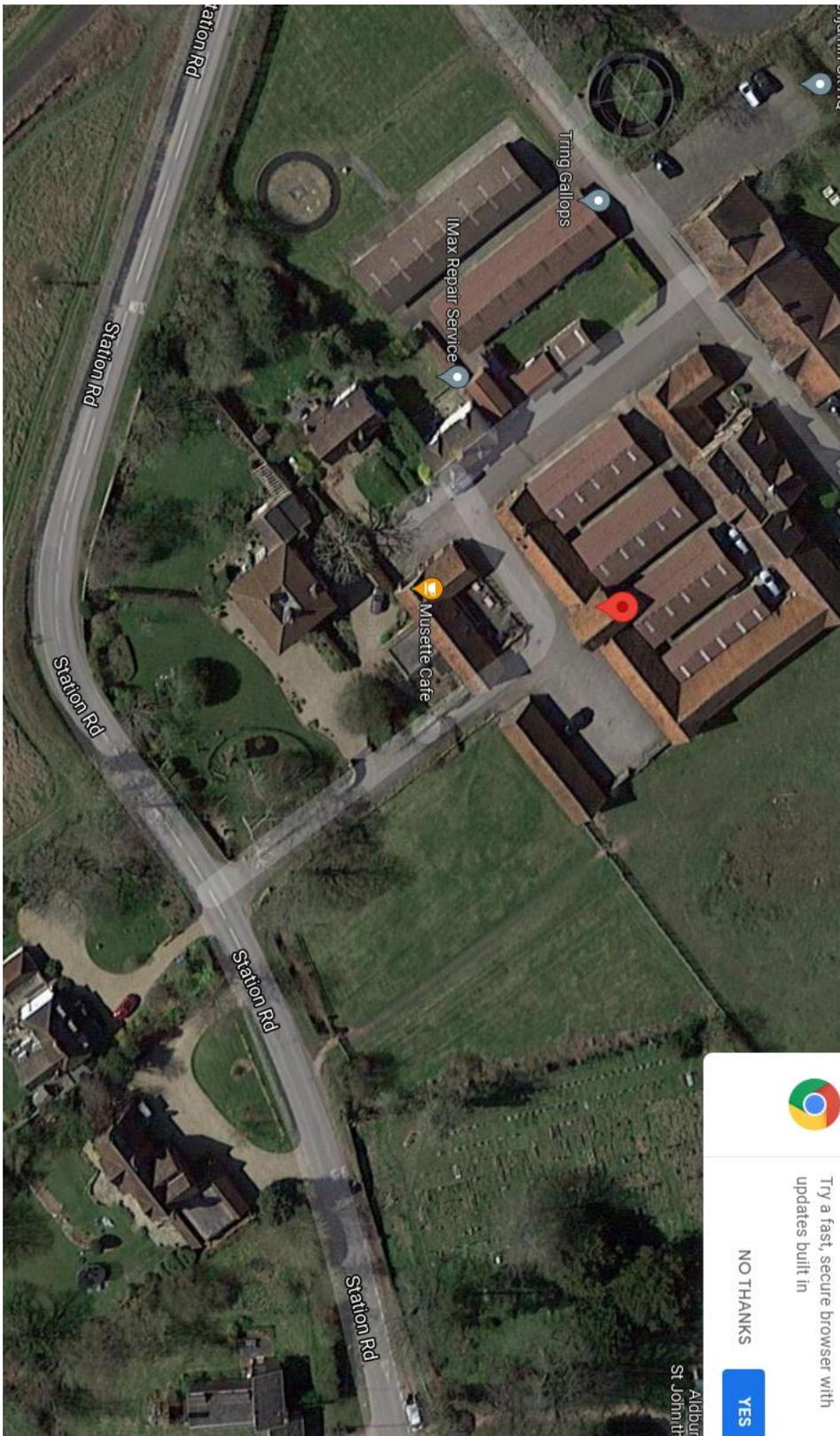
Post town	Birmingham	Postcode	B29 4DG
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Telephone number (if any)	07982917819
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

rob.edge@licence-leader.co.uk

ANNEX B
PLAN OF SITE AND MAP OF AREA





Scale: 1:1000
Date: 15/11/2021

**ANNEX C – REPRESENTATIONS
ANNEX C1**

Tring
Herts

1st November 2021

Dear Sirs,

**Musette Café
New licence application - LA2003 s.17:
Premises licence Reference - M053291**

Please accept this letter as my formal objection to the above application. I am the owner of Church Farm House, Aldbury ("CFH") which is the property immediately adjacent to the premises which is the subject of the application. I have carefully considered the licensing objectives explained in the notice of the application. The objective with which I am particularly concerned is "preventing a public nuisance". My chief concern is noise. Although it is a fact that CFH is the closest property to Musette Café, it is not the only property in the vicinity and not the only property which will be affected by the noise generated by the proposed licensed activity. I have had regard to Lord Denning's definition of a public nuisance in *Attorney General v PYA Quarries Ltd* (1957) in which he said that "a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large." I consider that the potential noise nuisance which would be created by the granting of the proposed licence would be so widespread and indiscriminate that it would be unreasonable to impose the burden on myself and my family to abate any disturbance by way of an individual action in private nuisance.

I set out my objection as follows:

1. The café premises is some 13 metres from the back door of CFH. The back wall of the café forms part of the boundary of CFH, and the drive to our house is frequently used by cycle and foot visitors to the café.
2. The café is operated pursuant to a planning permission (4/01348/1/FUL).
The following conditions were imposed in the planning permission:
 - 2.1. The premises shall only be open to customers between 8.00 am and 5.00 pm on Tuesdays to Sundays, and not at all on Mondays. Any customers remaining on the premises after those hours shall leave the premises not later than 5.15 pm.
 - 2.2. The use of the premises for evening meetings or events is permitted on no more than 12 occasions per year, and visitors shall leave the premises by no later than 10.30 pm.
 - 2.3. No tables or chairs for customer use shall be placed outside the building except as indicated on the Proposed Floor Plan.
3. The applicants rely in the application upon the fact that they have carried out approximately 10 events and state that "none of these have caused any issues or had any adverse effect on the Licensing Objectives." If this statement is intended to indicate that no public nuisance has occurred as a result of those temporary events or that the absence of issues arising from the temporary events means that no issues will arise from the granting of permanent licence, then I disagree with these propositions for three reasons:
 - 3.1. The absence of complaints by us in respect of the temporary events does not indicate that we have not been adversely affected by them. I set out below the instances in which we have been affected by use of the café pursuant to the existing planning permission, including permission for temporary events. The fact that we have not objected to the late evening events is precisely because we knew that they were temporary disturbances. We have been prepared out of good neighbourliness to put up with occasional noise late into the night. That does not mean that we should now be expected as a result of our forbearance to put up with this on a permanent basis.

- 3.2. The residents of all of the other neighbouring properties are all tenants of the same landlord as the café premises. If they have not objected formally to the temporary disturbance then this might well reflect simply a desire not to mar their relations with their landlord rather than being an indication that no disturbance has occurred at all.
- 3.3. The events held over the past 2 years are unlikely in any event to be indicative of how the proposed licenced premises would operate in normal circumstances since for most of the past 2 years the use of the café will have been restricted due to obligations imposed as a result of COVID-19.
- 3.4. Furthermore, the operation of the premises with the benefit of a permanent alcohol licence is likely to be of a wholly different character to the temporary events which have so far been tolerated by us. The occasional restaurant evening or birthday party will by its nature tend to attract guests invited for that event only. If the premises were to have a permanent alcohol licence, then it is likely to become a known night spot which will attract a wider class of public, the nature and identity of which will be more difficult to control than would be the case in respect of a one-off organised event.
4. The year 2019 was the last "normal" year which was not affected by COVID restrictions. During that year we experienced disturbances on a number of occasions as a result of activities in and around the café. I would refer in particular to the following events:
 - 4.1. Sunday, 6th May a birthday party was held in the evening which did not finish until after 23.30. A recording of the sound heard (at CFH) late in the evening is attached.
 - 4.2. On 1st June, 3rd August, 31st August and on many other dates the sounds from the café were loud. Sound recordings from these dates are attached.
 - 4.3. On Saturday 29th June, an evening event (birthday party) finished at 23.30. (MOV file attached – for sound).

4.4. 7th December evening party. A sound recording from shortly after 22.30 is attached.

5. The application states that the applicants "will fully take on board advice offered by any of the Responsible Authorities in order to uphold the licensing objectives." If this is the genuine intention of the applicants, then I would question their ability to control their staff and customers sufficiently to fulfil these objectives. As noted above, the operation of the café is currently regulated by planning conditions. The applicants have been unable or unwilling to control their staff and customers sufficiently to comply with the existing planning conditions. The licensing authority can therefore have no confidence that they will be any more successful in this regard in ensuring compliance with the licensing objectives. I refer to the following instances in which the applicants have failed to achieve compliance with existing planning conditions:

- 5.1. It is a condition of the planning permission that "No tables or chairs for customer use shall be placed outside the building except as indicated on the Proposed Floor Plan." I attach a copy of the floor plan showing the area in which tables and chairs should be placed. I also attach a photograph showing tables and chairs spilling out onto the front of the café building. This was not a one-off occurrence. The applicants have clearly been unable or unwilling to regulate this breach of the planning conditions.
- 5.2. The café has permission to open "on Tuesdays to Sundays, and not at all on Mondays." The café was nevertheless open on Bank Holiday Monday 6th May 2019.
- 5.3. The temporary permission for evening events requires that "visitors shall leave the premises by no later than 10.30 pm." As noted above, we have suffered inconvenience from noise well after this time in the past, for which we have sound recordings. Not only is the applicant apparently unwilling or unable to control the activity in the café in order to comply with this permission, I note that the licence which is currently

sought is a licence to sell alcohol between Mondays and Sunday until 23.00 in flagrant breach of the existing planning permission.

6. Finally, the application states that "Staff will ensure that the frontage of the premises is inspected regularly for litter and rubbish, clearing any debris away" and that "No rubbish, including bottles, shall be moved, or placed in outside areas between the hours of 2200hours and 0800hours." This appears to be a commitment with which the applicant is unable or unwilling to comply. For the last several months there has been an old fridge and several large plywood boards sitting outside the back door of the café awaiting removal. These unsightly items are obvious when walking up the drive to CFH. I attach photographs to illustrate the location and extent of the refuse which has been left outside the premises.

For all of the above reasons, I would respectfully ask the licensing authority to refuse the application.

Yours faithfully,

ANNEX C2

From:

Sent: 02 November 2021 21:30

To: Licensing Mailbox <Licensing@dacorum.gov.uk>; hello@musettecafe.co.uk

Subject: Musette Cafe premises licence application

Dear Licensing Authority.

I write in support of this application for a premises licence. I have carried out a thorough investigation into the application, the agent who submitted it and the history of the premises.

I therefore wish to write in support of the grant of this licence. I have every reason to believe that the owner will uphold the licensing objectives 100%. This appears to be a very high-class venue, offering quality local produce and demonstrating a great community spirit. It will add to the mix and can only be good for our community.

I am also not happy about an ex-parish councillor knocking doors and canvassing for objections to the licence.

I am willing to attend the licensing hearing and give my full support to this application, especially after reading the full application on your website.

I think this will be well run, because I see how well organised the other events are and how precise the details are on social media. This makes me believe they will be respectful of the licensing objectives.

I am not prepared to give my home address as there are people in the parish council who are stirring things up and would not take kindly to me being on the side of small business.

ANNEX C3

From:
Sent: 03 November 2021 21:20
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application Ref :M053291

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I'm writing to give my support to the Musette Cafe licence application. The cafe is a great little local business and provides a social hub to the area, personally strolling out to the cafe during lockdown has provided a welcome break from staring at the computer screen. The owners are friendly and have always welcomed the locals to the farm conscientiously. My understanding is the application will allow a level of flexibility and remove red-tape, something that any business owner would support. The evening events are communicated well and go un-noticed, whilst a full licence gives the ability to run more evening events, I believe they will continue to run focused events, of which the frequency considers the locals.

On the basis of the above, and in the interest of supporting someone looking to make a success of a exercise-focused cafe. I fully support the application.

Yours Truly,

ANNEX C4

From:
Sent: 07 November 2021 20:45
To:
Subject: Church farm - Resident

Good Evening,

Both myself and partner, XXXX, live in XXXXXX 6 Hp23 5rs. We believe there is an application for licensing for musette, we are more than happy for this to go ahead and it will definitely not create any sort of nuisance.

This place is incredible and is run amazingly! It is a great asset to the village. We live in XXXXX in XXXXXX and are more than happy for the licensing to go ahead.

From the few evenings that have taken place at musette, we have heard zero noise and musette has been extremely respectful to all surrounding residents. We, in fact, went to one of the evenings and was so happy with how well it was and relaxing the atmosphere was too.

Thank you for taking the time to read this, we hope you have a delightful week ahead of you.

Keep well,

ANNEX C5

From:

Sent: 15 November 2021 09:40

To: Licensing Mailbox <Licensing@dacorum.gov.uk>; rob.edge@licence-leader.co.uk

Subject: Application for alcohol licence - Musette Cafe, Aldbury

To whom it may concern

I am writing to offer my support for the alcohol licence at Musette cafe situated in Aldbury. Since opening its doors a few years ago Musette has been a real asset to the village. Not only has it brought a much needed food offering but also hosts fun events for the community such as the Christmas dog walk and contributes to village fundraising projects.

My family and I have been resident in Aldbury for around 16 years. I have been a regular at the cafe since it's opening, enjoying its fine fare. I was saddened by the lack of business for both XXXXX and their staff during Covid lockdown and was mightily relieved when they reopened. My children were especially happy as the staff are so kind to the kids, they love after school cafe visits where nothing is too much trouble.

My husband and I have also been to a number of their evening events including a restaurant night where alcohol was served. There was no rowdy behaviour it was all very civilised, the cafe has a great family feel. To my knowledge there has never been any nuisance behaviour at any of their occasional evening openings. When the jockeys were at Church farm racing stables it was more lively.

My husband and I, like several of our friends in the village, enjoy a glass of wine with our food but sadly this is not a general option at the moment for Musette special pizza evenings. We are all generally far too old and boring to behave raucously. It would just be nice to have the odd civilised evening meal in the village, with good food and company.

Yours sincerely

ANNEX C6

From:
Sent: 15 November 2021 16:53
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: rob.edge@licence-leader.co.uk
Subject: Letter of support - Musette cafe M053291

To whom it may concern,

Please find below a letter of support for the application Musette cafe, Albury M05329.

We are residents of Albury Village, we frequently go the Musette cafe with our young family for breakfast and lunch and more recently attended the fantastic pizza evening with some friends.

Having moved from London, we know how important reinvention of local businesses can be to bring communities together and positively bring vibrancy to an area. Musette certainly feels like one of them.

There is a real lack of family-friendly dining experiences with the ability to have an alcoholic drink in Albury. Having experienced a very quiet and relaxed evening at the pizza night event, it felt like a welcome addition to the current village pub offer. It was a different type of dining experience to a pub and one more suitable for the growing number of young families in the village.

We do feel it is important we encourage local businesses, in walking distance to our homes, keeping the village relevant and attractive to new families, rather than driving further afield to Tring and Berkhamsted for this type of dining and wine experience.

The premises appears to have strong policies and practices in place that will ensure that all four of the licensing objectives are upheld. In particular Public nuisance is effectively dealt with by the owners and they always show full regard to neighbours and those operating within the proximity of the café when we have visited.

King regards
XXXXXXXXXXXXXX
Albury Village

ANNEX D
MEDIATION LETTER TO OBJECTOR

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

To: Mr. [REDACTED]
CC: Licensing Authority

16 November 2021

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 Stiletto's
- 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 McMillan 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).

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.
-

**ANNEX D CONTINUED:
RESPONSE BY OBJECTOR TO APPLICANT'S AGENT**

[REDACTED]
Aldbury
Tring
Herts HP23 5RS
[REDACTED]
[REDACTED]
[REDACTED]

Rob Edge
Licence Leader Ltd
CC: Licensing Authority

18th November 2021

Dear Mr Edge,

**Musette Café
New licence application - LA2003 s.17:
Premises licence Reference - M053291**

I refer to your letter dated 16th November 2021. My letter of objection set out very specific concerns regarding the operation of the Musette café, the failure of the operators to ensure compliance with existing planning conditions relating to the use of the premises and the disturbance which has been caused to us as neighbours of the café. Whilst your letter and the Annex thereto set out general aspirations for the good management of the premises, there is no attempt at all to address the specific complaints set out in my letter of objection to the licence application. I therefore do not agree to withdraw my objection.

By way of example of the failure of your letter to address my specific objections, it is stated in the document at Annex A to your letter that your client uses a Noise Management Plan which amongst other matters "effectively covers" "ensuring noise is not audible at sensitive locations such as nearby dwellings". In my letter of objection, I cited numerous instances in which noise generated by the operation of the café was in fact audible from my property and I provided sound recordings of that noise. There is nothing in your letter to explain why the Noise Management

Plan which you claim that your client has been using failed on those occasions, and you make no proposals at all to ensure that such failure will not occur in future if the licence is granted, or any proposals for noise attenuation measures that can be taken.

More generally, I have set out in my letter of objection evidence of numerous occasions on which your client has breached current planning restrictions. There is nothing in your letter whatsoever which acknowledges these breaches, or which contains any proposals for steps which can be taken, and which can be properly enforced, to ensure that planning and licensing restrictions are not breached in the future. My wife and I have tolerated late evening events in the past because of the temporary nature of these disturbances. We are however very concerned that the granting of the licence will result in more regular disturbances and interference with our enjoyment of the property later in the evenings, either as a result of your client seeking a relaxation of planning restrictions in that regard, or as a result of your client being unable or unwilling to abide by the existing restrictions. There are no proposals in your letter which address these specific concerns which have been raised in my letter of objection.

I confirm that I am willing to engage in discussions or mediation regarding your client's licence application. Before I agree to any such discussions or mediation, I require specific proposals from you to address my objections, rather than the outlining of a general scheme which you suggest could, if adhered to, go some way to ameliorating the effect of the operation on the enjoyment of our neighbouring property.

I look forward to hearing from you.

Yours sincerely,

A thick black horizontal bar redacting the signature of the sender.A thick black horizontal bar redacting the name of the sender.

**ANNEX D CONTINUED:
AGENT'S RESPONSE TO OBJECTOR'S REPLY DATED 18/11/2021**

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

To: Mr. [REDACTED]
CC: Licensing Authority (Phil Wortley)

24 November 2021

Dear [REDACTED]

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 be 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.

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

A black rectangular redaction box covering the signature of Rob Edge.

Rob Edge (Director)

ANNEX E

LOCAL POLICY CONSIDERATIONS AND NATIONAL GUIDANCE

Local Policy considerations

5. Public nuisance

5.12 The licensing authority will interpret the term ‘public nuisance’ widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.

5.13 This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The licensing authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.

5.14 The authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance. However, the licensing authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

5.15 Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council’s Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

26. Planning and Building control

26.1 The planning and licensing regimes involve the consideration of different (albeit partly-related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council’s Development Control Committee – the licensing authority is not bound by the decisions made by the planning authority, and vice versa.

26.2 The granting by the licensing authority of a licence or a variation thereof, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate. In particular, where licensable activities are proposed to be carried on at listed buildings,

no works should be undertaken without first applying to the Local Planning Authority for listed building consent, where required.

- 26.3 There are also circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different from the permitted licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.
- 26.4 The planning, building control and licensing regimes of the licensing authority will be properly separated to avoid duplication. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority, or simultaneously.
- 26.5 The planning authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and are not solely based on a failure to adhere to planning or building control legislative requirements
- 26.6 The Council as a planning authority has adopted planning policies which relate to planning concerns, including the development and use of buildings and land. They contain criteria related to such matters as the size of premises and the use of premises, rather than to individual licensable activities.
- 26.7 Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, will not prevent the licensing authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 26.8 The Council regards licensing as a key means of controlling nuisance and anti-social behaviour and part of the holistic approach to the management of the evening and night time economy.

National Statutory Guidance

Planning and building control

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the

earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Public nuisance

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.

2.21 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.