



Hertsmere Borough Council Premises Licence Summary

Premises Licence No.

LIQ/675

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Cacao Tree Restaurant & Bar, 157 Shenley Road Borehamwood Hertfordshire WD6 1AH

Telephone number

Date of Commencement of licence

3 December 2022

Licensable activities authorised by the licence

Live Music Recorded Music Late Night Refreshment Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Live Music	Sunday to Wednesday	23:00 – 00:00
Live Music	Thursday to Saturday	23:00 – 01:00
Recorded Music	Sunday to Wednesday	23:00 – 00:00
Recorded Music	Thursday to Saturday	23:00 – 01:00
Late Night Refreshment	Sunday to Wednesday	23:00 – 00:00
Late Night Refreshment	Thursday to Saturday	23:00 – 01:00
Supply of Alcohol	Sunday to Wednesday	08:00 – 00:00
Supply of Alcohol	Thursday to Saturday	08:00 – 01:00

Non Standard timings and Seasonal Variations.

Live Music	New Years Day	00:00 – 01:00
Recorded Music	New Years Day	00:00 – 01:00
Late Night Refreshment	New Years Day	00:00 – 01:00
Supply of Alcohol	New Years Day	00:00 – 01:00

The opening hours of the premises

Sunday to Wednesday	08:00 to 00:15
Thursday to Saturday	08:00 to 01:15
New Year's Eve	08:00 to 01:30

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

ON/OFF

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

Kushan Ranga Marthelis Appuge Cacao Grill & Restaurant 17 Leeming Road Borehamwood WD6 4EB

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Name: Kushan Ranga Marthelis Appuge
Licence No: PER-1355
Issuing Authority: Hertsmere Borough Council

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

Annex 1 – Mandatory Conditions

Mandatory conditions applied by Section 19 and Section 19A of the Licensing Act 2003.

Section 19 of the Licensing Act 2003.

Where this licence authorises the supply of Alcohol

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Section 20 of the Licensing Act 2003 - Films

1. Where [this] premises licence authorises the exhibition of films the admission of children to the exhibition of any film to be restricted in accordance with the following:
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification)

Section 21 of the Licensing Act 2003 – Door Supervisors/ Security

1. Where [this] premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection 1. Requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.
3. For the purposes of this section:
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Conditions under The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

Age Verification Policy –

Where the premises licence authorises the sale and or supply of alcohol

1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Irresponsible drinks promotions

Where the premises licence authorise the sale and supply of alcohol for consumption on the premises

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Prohibition on a person dispensing alcohol directly into the mouth of another

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Requirement to provide free tap water

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Permitted measurements of alcohol to be served

5. The responsible person shall ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

Permitted pricing for the sale of alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$
 where
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence.
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule.

- 1: The premises shall install and maintain a comprehensive CCTV system;
- 2: CCTV shall continually record whilst the premises are open for licensable activities;
- 3: All CCTV recordings shall be stored for a minimum period of 31 days with date and time stamping;
- 4: CCTV viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the licensing authority;
- 5: Notices shall be prominently displayed within the premises stating that CCTV is in operation;
- 6: The supply of alcohol shall be by waiter or waitress service only;
- 7: Firefighting equipment shall be installed and to be maintained;
- 8: Fire exits shall be clearly marked as per plan of the premises;
- 9: The supply of alcohol on the premises shall only be to persons seated taking a table meal and for consumption by such persons as ancillary to their meal;
- 10: All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises;
- 11: The placing of waste including bottles into receptacles outside the premises shall only take place between 07:00 and 23:00 to minimise disturbance to any residential properties;
- 12: A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram;

Annex 3 - Conditions attached after hearing by the licensing authority.

