

Minutes of the Licensing Sub-Committee

11 August 2014 10am

Present:

Councillor R.W. Sider (Chairman)

Councillors: C.A. Bannister and R.A. Smith-Ainsley

In attendance for the applicant:

Andrew Woods, Solicitor, Woods Whur, representing the applicant
John Walsh, President, London Irish Amateur Club
Nicola Browne, Office Manager, Hazlewood Centre

Representees:

Mrs Elleke Carling, interested party

In attendance for the local licensing authority:

Reba Danson – Licensing Enforcement Officer

217/14 To consider an application for a Premises Licence under the Licensing Act 2003 by Hazlewood Centre LLP at Hazlewood Centre, Croysdale Avenue, Sunbury-on-Thames TW16 6QU

The Chairman introduced members and officers present and welcomed everyone to the meeting.

The Chairman asked the applicant and the other parties to introduce themselves. He then explained the procedure to be followed at the hearing.

The Council's Licensing Enforcement Officer summarised the application which was set out in full in the report of the Assistant Chief Executive.

The hearing continued in accordance with the procedure.

The Council's Principal Solicitor asked the applicant's representative to clarify the conditions on the operating schedule, in view of the mention in his outline submission that the applicant proposed a number of conditions including a noise limiter and CCTV to promote the licensing objectives. Mr Woods confirmed, having consulted with Mr Walsh and Miss Browne, that the applicant would be installing a noise limiter at the premises.

Having heard the evidence presented, the Sub-Committee retired to consider and determine the application, having regard to the licensing objectives on prevention of crime and disorder and prevention of public nuisance.

Upon reconvening, the Chairman gave the Sub-Committee's summary decision.

The full decision with reasons would be notified to the applicant and other interested parties within five working days of the hearing.

Resolved that the application for a Premises Licence at the Hazlewood Centre, Croysdale Avenue, Sunbury-on-Thames TW16 6QU be granted, subject to modification by addition of a condition, for the reasons set out in the attached Decision Notice.

Please reply to:

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Our ref:
Date: 15 August 2014

SPELTHORNE BOROUGH COUNCIL DECISION NOTICE

in accordance with the LICENSING ACT 2003 s.23

Date of Licensing Sub-Committee: 11 August 2014
Application of: Hazlewood Centre LLP
In respect of: Hazlewood Centre,
Croysdale Avenue, Sunbury-on-Thames, TW16 6QU

REASON(S) FOR HEARING: Relevant representations received from local residents concerning: -
1) Crime and Disorder – Anti-social behaviour from people leaving late at night
2) Public Nuisance – noise from cars, noise from people leaving premises

D E C I S I O N

GRANTED subject to modification by addition of a condition

With effect from 11 August 2014

Licensable activities	Sale and supply of alcohol Provision of regulated entertainment: - live & recorded music Provision of facilities for making music
Licensable Hours:	
Sale of alcohol	Sunday to Thursday 07.00 to 23.00 Friday and Saturday 07.00 to 01.00
Regulated entertainment, including live or recorded music and performances of dance	Sunday to Thursday 07.00 to 23.00 Friday and Saturday 07.00 to 01.00
Late night refreshment	Friday and Saturday 23.00 to 01.00
Opening Hours	Premises to close 30 minutes after the finish of the licensable hours of the sale of alcohol.
Conditions For the sake of clarity, the steps set out in the Applicant's Operating Schedule, which they intend to take to promote the licensing objectives, will become conditions on the licence and are reproduced here.	<p>Prevention of crime and disorder</p> <ol style="list-style-type: none"> 1. 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. 2. Staff will be trained in all aspects of relevant legislation and records of the training will be held at the premises. 3. CCTV to be installed at the premises. Tapes or recordings shall be kept for a minimum of 28 days and made available to the Licensing Authority and the Police upon request. The equipment to be maintained in working order and continually record during the operating hours and for one hour after. 4. No glassware will be allowed outside the building. Plastic/polycarbonate glassware will be provided to customers consuming drinks outside the clubhouse. <p>Prevention of Public Nuisance</p> <ol style="list-style-type: none"> 1. Clear notices will be displayed at prominent points requesting patrons to leave the premises quietly to respect the needs of local residents and to behave in a quiet and orderly manner. 2. A mini cab number will be available at all times for customers. <p>Prevention of Public Nuisance</p> <ol style="list-style-type: none"> 3. Noise levels resulting from regulated entertainment within the premises will be
Additional conditions agreed following Licensing Hearing	

	<p>monitored and controlled using a proprietary noise limiter installed in the area where regulated entertainment is to take place. The noise limiter shall be linked to all electrical sockets used to power amplification equipment used for the purposes of the regulated entertainment and shall be capable of switching off the power to those sockets in the event that the agreed noise limit is exceeded.</p> <p>Reference levels for the noise monitoring equipment will be established and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council. Once the agreed limit has been established, the noise limiter shall be locked and the settings shall not be altered without the consent of a representative of Spelthorne Borough Council.</p>
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REASONS FOR DECISION

1. The Sub-Committee has before it an application for a premises licence in respect of the Hazlewood Centre, Croysdale Avenue, Sunbury-on-Thames.

Attendance

2. Four people attended the Sub-Committee hearing to make representations. They were:
 - a. Andrew Woods, Solicitor, Woods Whur Solicitors, representing the applicant
 - b. John Walsh, President of London Irish Amateur Club
 - c. Nicola Browne, Office Manager for Hazelwood
 - d. Of the six parties who objected in writing to the application, Ms Carling, appeared and spoke before the Sub-Committee.

Evidence

3. The Licensing Sub-Committee has considered all of the relevant evidence made available to it and in doing so has taken into account the regulations and national guidance under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

Responsible Authorities

4. No representations were received from any responsible authorities.

Interested parties

5. The Sub-Committee received written representations from six interested parties. In summary the relevant concerns were as follows:

Crime and Disorder

- Potential for anti-social behaviour from people leaving the premises late at night.

Public Nuisance

- Noise from cars leaving the premises
- Noise caused by people leaving the premises on foot

Background to Application

6. The Hazelwood Centre, Croysdale Avenue, Sunbury-on-Thames, is a new building which has been constructed on the site of the demolished Hazelwood Golf Club.
7. The Centre is located in a residential, but not overly built-up, area of Sunbury. There is one main access road to and from the site, down Croysdale Avenue which is a residential road.
8. The application for the grant of a new premises licence was received at Spelthorne Borough Council on 23 June 2014.
9. The public was consulted in accordance with the Licensing Act 2003, by way of a blue poster detailing the application, which was displayed at the premises for 28 consecutive days from 24 June 2014 to 22 July 2014.
10. A newspaper public notice advertising the application was also published in the Herald and News on Thursday 26 June 2014.
11. On receipt of the first representation, Mr Andrew Woods of Woods Whur Solicitors, acting on behalf of the applicant, was provided with a copy of the representation, which made reference to the premises being used as a 'night club'.
12. As the application made no reference to the use of the premises as a night club, Mr Woods sought to reassure residents that the applicant did not propose to operate the premises as a nightclub, and that they sought to establish themselves as part of the community, both in terms of promoting the licensing objectives, and generally.
13. Mr Woods offered to arrange a meeting to discuss the application with local residents to reassure them regarding the intentions for the business.
14. One representee responded but declined Mr Woods' offer to meet to discuss the premises licence application. The representee stated that although he had

submitted a written representation he did not wish to be involved in the process any further.

Evidence

Applicant

15. The applicant's solicitor, Mr Woods, stated that the Hazelwood Centre will become the new home of the London Irish Rugby Club and, aside from the sporting facilities, the centre will include both bar and catering facilities.
16. Mr Woods advised that it was intended to hire the facility out to the community for social functions such as wedding and birthday parties, in the same way that the existing premises operated. A new full time professional management team had been appointed to run this facility and deal with any concerns that residents might have. All events would be carefully vetted by the management team. He gave an example of a request for a booking at The Avenue for a 21st birthday party which was rejected because there were concerns over lack of parental control.
17. He explained that the existing premises for London Irish in The Avenue, Sunbury, which was bordered on two sides by residential properties, had operated as the same type of facility as that proposed at Croysdale Avenue for many years. He stated that there had been no issues at the existing premises and the Licencing Enforcement Officer confirmed that no complaints had been received from local residents as a result of functions held there.
18. London Irish did not anticipate any issues with the operation of the new facility but was keen to be a good neighbour and work with the residents. Mr Woods advised that a letter had been sent to over 2,000 local residents inviting them to attend the premises on 20 August to view the facilities, meet the Management Team and be given contact details so they may lodge complaints.
19. The Council's solicitor sought clarification on a statement in the applicant's outline submission which referred to a noise limiter condition being on the operating schedule, although this was not actually the case. Mr Woods confirmed that a noise limiter would be installed at the premises and that this should be a condition on the operating schedule.
20. In response to a question from a member of the Sub-Committee, Mr Woods confirmed that anyone organising an event would be made aware of the expected conduct by those attending relating to noise and leaving the premises quietly. Any person accepted to use the premises would be made aware prior to booking what was required of them and told that this was a sporting club with function room – not a nightclub centre. He agreed to the request that this information be given as a written instruction to all hirers in advance of their booking.

21. Nicola Browne confirmed that CCTV would be installed inside and outside the premises and over the bar area and that they were making arrangements for appropriate areas for smoking.

Interested Parties

22. Mrs Carling explained on behalf of the other interested parties that the residents' main concern centred on the fear that people leaving the premises on foot would cause anti-social behaviour and noise late at night. Residents had experienced problems from young people congregating at the bus stop at the end of Croysdale Avenue and engaging in anti-social behaviour in the past and in particular when events were held at the golf club.
23. She was also concerned about the impact of noise from the premises when the terrace doors were open, on the residents of the adjacent mobile home site located at the rear of the pitches.

Findings

24. The Sub-Committee has considered the representations made by the applicant and the interested parties both in writing and at the hearing and finds as follows:
25. In considering the promotion of the licensing objective on prevention of public nuisance, the Sub-Committee focused on any disproportionate or unreasonable effect the licensable activities at the premises may have on persons living and working in the area around the premises.
26. The Sub-Committee finds the representations made by the interested parties are merely speculative and there is no evidence to suggest that their concerns will be realised by this premises holding a premises licence. In coming to this decision it took into account the fact that the existing premises at The Avenue, Sunbury, ran a similar function room without any problems for residents.
27. The Sub-Committee noted National Guidance which states that behaviour of customers beyond the immediate area surrounding the premises is a matter for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. Therefore the Sub-Committee makes no findings relating to problems caused by youths at the bus stop at the end of Croysdale Avenue as this is beyond the control of the Hazlewood Centre.
28. The Sub-Committee is persuaded that the applicant has a strong management structure in place to ensure the promotion of the licensing objectives and address any concerns raised by residents.
29. The Sub-Committee finds that there is no evidence to support the assertion of the interested parties that the proposed licensable activities will undermine the licensing objectives on prevention of crime and disorder and prevention of public nuisance.

Child protection

30. No interested party made representations in this regard. It is not necessary for the Sub-Committee to consider any conditions. The Sub-Committee noted the applicant proposes to operate a Challenge 25 proof of age scheme.

Agreed Conditions

31. In coming to its decision the Sub-Committee notes the conditions suggested in the applicant's operating schedule and its willingness to provide a contact number for residents in case of any complaints and written instruction for hirers on prevention of public nuisance.

32. Additionally, the applicant agreed a further condition that a noise limiter will be installed at the premises. For clarification, the condition wording on the operating schedule shall read:

“Noise levels resulting from regulated entertainment within the premises will be monitored and controlled using a proprietary noise limiter installed in the area where regulated entertainment is to take place. The noise limiter shall be linked to all electrical sockets used to power amplification equipment used for the purposes of the regulated entertainment and shall be capable of switching off the power to those sockets in the event that the agreed noise limit is exceeded.

Reference levels for the noise monitoring equipment will be established and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council. Once the agreed limit has been established, the noise limiter shall be locked and the settings shall not be altered without the consent of a representative of Spelthorne Borough Council.”

Decision

33. The Sub-Committee confirms that the application for a Premises Licence is granted subject to modification by addition of a condition as described above.

Conclusion

34. The Sub-Committee would like to remind interested parties that if any issues arise once the premises is operating then these ought to be brought promptly to the attention of the designated premises supervisor and/or the Hazlewood Centre Management Team, and the responsible authorities (Police and Environmental Health), since otherwise it is impossible for resident's concerns to be properly considered and dealt with.
35. If the concerns are not resolved and issues continue to occur, then the Premises Licence may be called in for Review.

Informative

36. The Sub-Committee notes that, whilst it does not wish to impose the following as a condition, the applicant is willing to provide all hirers of the premises with written instruction about conduct and the promotion of the licensing objectives during a function.

Councillor R.W. Sider - Chairman
Councillor C.A. Bannister
Councillor R.A. Smith-Ainsley

Date of Decision: 11 August 2014
Date of Issue: 15 August 2014

RIGHT TO APPEAL

You have a right to appeal this decision to Staines Magistrates' Court, within 21 days of receipt of this Notice of Decision. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court which runs the administration for the courts in Surrey. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Guildford Magistrates Court can be contacted on 01483 405 300