



*Please reply to:*

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Date: 4 January 2019

## **Notice of meeting**

### **Licensing Sub-Committee**

**Date:** Monday, 14 January 2019

**Time:** 10.00 am

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

#### **To the members of the Licensing Sub-Committee**

Councillors:

R.W. Sider BEM (Chairman)

M.M. Attewell

R.O. Barratt

**Note:** In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## AGENDA

Page nos.

**1. Disclosures of Interest**

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

**2. To consider an application for a Premises Licence at The Thames Club, Wheatsheaf Lane, Staines-upon-Thames TW18 2PD, in the light of representations**

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The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

## Licensing Act 2003

### Hearing procedure for Licensing Sub-Committee – premises licence applications

	<b>Introductions</b>
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	The Applicant or their representative will introduce themselves to the Sub-Committee.
3.	Any Responsible Authorities and/or Other Persons will introduce themselves to the Sub-Committee.
	<b>Summary of Application and Representations</b>
4.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
5.	The Applicant or their representative may ask the Licensing Manager <b>QUESTIONS</b> arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
6.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager.
7.	Any Other Persons may ask relevant questions of the Council's Licensing Manager.
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	<b>The Applicant's Case</b>
10.	The Applicant or their representative will present their case.*
11.	The Responsible Authorities may ask relevant questions of the Applicant or their representative.
12.	Any Other Persons may ask relevant questions of the Applicant or their representative.

13.	The members of the Sub-Committee may ask relevant questions of the Applicant or their representative.
14.	The Applicant may respond to any new issues raised.
	<b>The Responsible Authorities case</b>
15.	The Responsible Authorities will present their case, in turn.*
16.	The Applicant or their representative may ask relevant questions of the Responsible Authorities.
17.	Any Other Persons may ask relevant questions of the Responsible Authorities.
18.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
19.	The Responsible Authorities may respond to any new issues raised.
	<b>The Other Persons Case</b>
20.	Any Other Persons will present their case, in turn.*
21.	The Applicant or their representative may ask relevant questions of the Other Persons.
22.	The Responsible Authorities may ask relevant questions of the Other Persons.
23.	The members of the Sub-Committee may ask relevant questions of the Other Persons.
24.	The Other Persons may respond to any new issues raised.
	<b>Summing Up</b>
25.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
26.	The Chairman will invite the Other Persons to briefly summarise their case if they so wish.
27.	The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish.
28.	The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish.
29.	The Chairman will then ask all parties if they are satisfied they have said all they wish to.

	<b>Decision</b>
<b>30.</b>	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
<b>31.</b>	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision.
<b>32.</b>	Meeting closed.
<b>33.</b>	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

### **GUIDANCE NOTES**

\*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Applicant questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 10. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.



# Licensing Sub-Committee

14 January 2019



<b>Subject</b>	Application for a new Premises Licence at The Thames Club, Wheatsheaf Lane, Staines-upon-Thames TW18 2PD		
<b>Purpose</b>	For determination		
<b>Report of</b>	Deputy Chief Executive	Ward	Riverside and Laleham
<b>Contact</b>	Lucy Catlyn, Licensing Enforcement Officer (01784 444295)		

<b>Description and Location</b>	The premises are a health and fitness club with function rooms for hire. The Site Plan denotes several areas for licensable activities: Lounge, Swans Meeting Room, Mind and Body Studio and STFC Sports Bar. Location Plan at <b>Appendix A</b>
<b>The Application</b>	<p>The application is for a new Premises Licence and seeks to have the following licensable activities:</p> <p><b>Films:</b> Monday-Sunday: 10.00-22.30 (with non-standard timings – from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s day. Regulated entertainment events, late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23.30 on those 8 occasions).</p> <p><b>Indoor sporting events, Boxing or Wrestling entertainments, Live Music, Recorded Music, Performance of Dance and supply of alcohol:</b> Monday-Thursday &amp; Sundays: 10.00-22.30 Friday-Saturday: 10.00-23.00 (with non-standard timings – from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s day. Regulated entertainment events, late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23.30 on those 8 occasions).</p> <p><b>Late night refreshment:</b> Friday and Saturday 23.00-23.30 (with non-standard timings – from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s day. Regulated</p>

	<p>entertainment events, late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23.30 on those 8 occasions).</p> <p>The application form is attached in full at <b>Appendix B</b>.</p>
<p><b>Representations</b></p>	<p>Relevant representations have been received from:</p> <p>Senior Environmental Health Officer, Leslie Spearpoint (<b>Appendix E</b>)</p> <p>5 Letters of representation from other persons are also attached at <b>Appendix E</b></p>
<p><b>Options</b></p>	<ol style="list-style-type: none"> <li>1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.</li> <li>2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives: <ul style="list-style-type: none"> <li>• <b>To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions;</b> or</li> <li>• <b>To grant the application and modify the conditions of the licence, by alteration, addition or omission;</b> or</li> <li>• <b>To exclude from the scope of the licence any of the licensable activities to which the application relates;</b> or</li> <li>• <b>To refuse to specify a person in the licence as the premises supervisor;</b> or</li> <li>• <b>To reject the whole or part of the application.</b></li> </ul> </li> </ol>



## 1. Premises Application

- 1.1 A new premises licence application was submitted on 14 November 2018. The proposed Designated Premises Supervisor is Peter Williams. A copy of the application form is at **Appendix B**.
- 1.2 The Licensing Authority sent the application to the responsible authorities as required by the Act on 14 November 2018. The notice of application was displayed at the premises during the representation period and a copy of the notice was published in the Chronicle & Informer on 23 November 2018.
- 1.3 On 28 November 2018 the Senior Environmental Health Officer, Leslie Spearpoint and Licensing Enforcement Officer, Lucy Catlyn agreed that amendments to the proposed conditions on the operating schedule should be put to the applicant for consideration. The proposed conditions were sent to the applicant's Solicitor on 28 November 2018. Mrs Catlyn asked for an update on 4 December 2018. A response was received from the applicant's Solicitor advising that they were looking at the conditions. Mrs Catlyn emailed on 10 and 12 December 2018 to ask the applicant's Solicitor for an update. On 13 December the applicant agreed to some of those conditions being included on the licence. These are detailed at **Appendix C**. The Conditions regarding a noise limiter and dispersal which were put forward to the applicant were not agreed and Environmental Health have submitted a representation. It is noted that a condition regarding a noise limiter was included in the operating schedule of the application, but Environmental Health have expressed that they consider a more detailed condition is required.

## 2. Premises History

- 2.1 The Thames Club made an application for a new premises licence in 2009 as it had been undergoing substantial refurbishment. Relevant representations were made and residents attended a sub-committee hearing on 10 September 2009, convened to decide that application. The licence was granted and the decision is available on the [Council's website](#).
- 2.2 The premises licence was held by The Thames Club Limited until it was transferred to Staines Town Football Club (FC) on 17 May 2017. The Thames Club Limited submitted a Notification of Interest on 16 May 2017, however this expired on 15 May 2018. A copy of the premises licence for Staines Town FC is attached at **Appendix D**.
- 2.3 The applicant's Solicitor advised on 13 December 2018 "the Thames Club is applying for a second premises licence for the premises, as authority to trade the current premises licence was removed by Staines Town Football Club (the holders of their licence) in writing on 24 October 2018. As such, the second licence is needed by the applicants to undertake licensable activities at their club on a day-to-day basis until or unless the authority to trade under the current licence is given or the licence transferred."
- 2.4 The Licensing Department has been informed by The Thames Club Limited that Staines Town FC do not have use of the Sports Bar on match days for selling alcohol as the Bar is owned and operated by The Thames Club Limited. A room is made available for the football club to use as their "Boardroom" but this is separate to the Sports Bar and has no facility to sell alcohol within it.

- 2.5 If this application is granted there will be two applicable premises licences which can be used in respect of the premises therefore the following two conditions, proposed by the Police, have been agreed with the applicant:
- (a) whilst more than one premises licence is in effect at the premises a register will be held on the premises detailing a list of events that are held and outlining which premises licence is being used for each event. This is for clarity under the Licensing Act 2003 and so that that a single point of responsibility can clearly be identified; and
  - (b) whilst more than one premises licence is in effect at the premises for the duration of each event, a notice will be displayed on the premises which is clearly visible to the public detailing which premises licence is authorising the event being held.

### 3. Noise Complaints received

- 3.1 The Environmental Health department received a complaint on 18 October 2018 which is detailed as: "Noise and commotion from people coming out of the Thames Club late at night/early hours of the morning. The gates to the premises are not closed sometimes until 2am (once they stayed open all night) and youths mill about causing a disturbance, fighting and urinating in people's gardens. The Police are often called. Complainant thinks that the Club are staying open and serving alcohol after hours. They are also having events, this also causes lots of disturbance. He also said that the gym often opens at 05:30am and not 06:00 as per their planning conditions and often stay open later than they should. This also causes residents lots of noise issues and disturbances."
- 3.2 The above complaint was passed to the Licensing Team on 18 October 2018 and the Thames Club were informed. See below the complaint as detailed to the Thames Club, and the Thames Club response to the complaint is in bold after each section of the complaint for ease of reference:

- Saturday 13<sup>th</sup> October there was a lot of commotion going on – cars driving in and out and cars driving up and down the road. There was a lot of shouting. Apparently this is not the first time it has happened and they allege that you are lax getting people out of the club and shutting the gates.

**"On this date there was also a home football match, which could account for a high volume of traffic going in and out around 7.00 pm and then people arriving for the function around 7.30 -8.00 pm. In regard to people leaving the party. I have personally checked our CCTV cameras and there were, indeed, cars arriving and leaving (taxis') with guests around 1.00 a.m but I did not see any people in the driveway or the entrance at all other than getting in taxi's. Once the event has finished, the staff do then need to remain and clear away and make sure the club is secure before setting the alarm and locking the gates when leaving - but this is purely the staff doing so."**

- They have also said that the Club opens at 5.30am on some occasions (I can only assume they mean the gym?)

**“On weekdays, the club opens at 06.00 and we have our early morning staff shifts starting at 05.30, so that the club can be prepared for opening at 06.00”**

- People have been urinating in peoples gardens late at night  
**“I cannot possibly comment on this as these people could have come from anywhere.”**
- Gates are allegedly not being shut on time and the complainant feels they should be shutting at 11.30  
**“As I said above, the gates are normally shut at 10.30 -10.45 pm Monday – Thursday and at 9.30 pm on Friday. The gates are closed at 7.45 pm on weekends, unless there is a function, or cleaners sometimes stay behind to do deep cleaning work, then lock up and close the gates afterwards.”**
- Apparently one night quite a while ago the club was open all night.  
**Very occasionally it is necessary for essential maintenance works to be carried out all night, in which case the gates would be open, but this is extremely rare.**
- There was a further complaint received after this regarding noise in the car park, although it’s difficult to distinguish whether the Club or Staines Town FC was responsible for this. However it is important to note that you are the landowner. In addition, any complaints we received could be used at any Licensing Sub Committee for the consideration of a premises licence application & /or subsequent licence review.
- **“We do our utmost to control any noise from the car park, and we always have a duty manager in attendance, and on football days and larger events we have stewards and extra licensed security.**

**I should also mention, that we had a lady who complained to one of our duty managers about the same date (13 October). We sent a written reply and apology and I offered to personally meet the lady in the club and discuss her complaint. She did not accept this invitation.”**

- 3.3 The Licensing Department spoke to the above complainant again on 23 October 2018 and they agreed to complete log sheets. However, the complainant stated that it may be some time before we get them back as there appears to be a pattern where they go a couple of months without issue and then have a few disturbed weekends. The Environmental Health team have confirmed that log sheets were sent on 24 October 2018 however they have not yet been returned.
- 3.4 The Environmental Health team received a complaint on 25 October stating that on Saturday the noise from youths hanging around the car park and on the street was particularly bad. They were also advised that the Police attended and this is not the first time this has happened and it is becoming more frequent. The complainant stated that they thought it was the Football Club and not The Thames Club and did not want to complete log sheets.

3.5 Prior to the above two complaints being received Environmental Health have not received a complaint since 2016.

#### **4. Promotion of the Licensing Objectives**

4.1 The Licensing Objectives together with examples from Government Guidance are set out below for information:

##### **Prevention of crime and disorder**

- Criminal behaviour on, or directly attributable to, the premises.
- Under age sales
- Anti-social behaviour on, or directly attributable to, the premises.

##### **Public safety**

- E.g. overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

##### **Prevention of public nuisance**

- Noise/light or odour nuisance
- Litter

##### **Protection of children from harm**

- In relation to off sales of alcohol, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s

#### **5. Representations**

##### **5.1 i) Representations from Responsible Authorities**

Relevant representation has been received from Spelthorne Borough Council's Leslie Spearpoint, Senior Environmental Health Officer and is attached at **Appendix E**. It is based on the prevention of public nuisance – specifically with reference to noise. Mr Spearpoint has offered two conditions in order to resolve the likelihood of a public nuisance.

No relevant representations have been received from Surrey Police.

##### **ii) Representations from 'other persons'**

Five relevant representations have been received from other persons and are also attached at **Appendix E**.

5.2 The grounds for objection are summarised below in relation to each Licensing Objective.

##### **General – all four licensing objectives**

- Alleged disregard for existing opening hours and excessive number of events

##### **Prevention of crime and disorder**

- Anti-social behaviour, including shouting & singing
- Public urination in residents gardens
- Alleged serving of 'drinks' long past their closing time.
- Drug Taking

## Public safety

- Public urination trespassing into resident gardens

## Prevention of public nuisance

- Concern over the additional noise & disturbance from people leaving late at night.
- Rowdiness in the car park
- Loud music during functions
- Patrons leaving the club are often rowdy & noisy as they go into Wheatsheaf Lane and awaken residents.
- Patrons making a noise whilst waiting for transport
- Increased traffic
- Increased litter, including broken glass

5.3 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell alcohol
- Parking, or other issues relating to general amenity rather than licensing objectives

## 6. Planning Permissions

6.1 Mrs Catlyn has liaised with Spelthorne Borough Council's, Liz McNulty, Planning Enforcement Officer and Matthew Clapham, Senior Planning Officer. They have advised that Thames Club have a planning condition which permits the premises to be open during the following hours:

6.30am – 10.30pm Monday – Thursday

6.30am – 11.00pm Friday

8.00am – 11.00pm Saturday

8.00am - 10.30pm Sunday.

The Thames Club held a temporary planning permission to hold 8 events per year at a later opening time, however this expired on 21 July 2015.

6.2 The Applicant, Licensing and Environmental Health have already agreed the following condition in relation to the licence applied for (included in **Appendix C**):

“Regulated Entertainment events and the sale and supply of alcohol can take place on 8 occasions per year until midnight. The dates of such events must be notified to the Licensing Manager and the Environmental Health officer and local residents, 28 days in advance of the event taking place. Live and recorded music will cease at 11.30pm during the events permitted under this condition with the exception of New Year's Eve, where it will be permitted as set out in the non-standard hours of this licence.”

6.3 It is noted that if this premises licence is granted with the opening hours, the hours for late night refreshment (Friday and Saturday) and the non-standard timings as applied for, it would be in breach of the current planning permission. However, the planning regime is distinct from the licensing regime and the applicant would need to ensure separately that they meet all planning requirements.

## **7. Licensing Policy**

7.1 The following sections of the Council's Licensing Policy are relevant.

- 9.0 ADMINISTRATION & DECISION MAKING
- 24.0 CRIME & DISORDER
- 24.5 PUBLIC SAFETY
- 24.7 PUBLIC NUISANCE
- 24.8 PROTECTION OF CHILDREN FROM HARM

## **8. National Guidance**

8.1 The relevant section from the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 is attached at **Appendix F**.

## **9. Making a decision**

9.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.

9.2 The Sub-Committee must give reasons for its decision.

9.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

9.4 Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

9.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, public safety and crime and disorder that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

### **Appendices:**

**Appendix A – Location Plan**

**Appendix B – Application Form and Site Plan**

**Appendix C – Agreed Conditions**

**Appendix D – Staines Town FC Premises Licence**

**Appendix E – Representations from responsible authority and other persons**

**Appendix F – National Guidance**



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**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 The Thames Club Limited

*(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 Wheatsheaf Park, Wheatsheaf Lane			
<b>Post town</b>	Staines	<b>Postcode</b>	TW18 2PD
Telephone number at premises (if any)		01784 463100	
Non-domestic rateable value of premises		£302,500	

**Part 2 - Applicant details**

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

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | 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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**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)	
<b>Surname</b>			<b>First names</b>		

<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current postal address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(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.

<b>Name</b> The Thames Club Limited
<b>Address</b> St Magnus House, 3 Lower Thames Street, London, United Kingdom, EC3R 6HD
<b>Registered number (where applicable)</b> 06574957
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Private Limited Company
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start? ASAP

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
┆┆	┆┆	┆┆┆┆

Please give a general description of the premises (please read guidance note 1)  
 The premises trades as a health and fitness club and also as a sports club attached to a sports stadium. There are external terraces and other external areas associated with the club that at certain times are governed by other laws and rules, such as when the stadium is used to host FA mandated football matches.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A
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What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- 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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed			<b><u>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</u></b> (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 indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	22:30	<b>Please give further details here</b> (please read guidance note 4)		
Tue	10:00	22:30			
Wed	10:00	22:30	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur	10:00	22:30			
Fri	10:00	23:00	<b>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</b> (please read guidance note 6)		
Sat	10:00	23:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	
Sun	10:00	22:30		Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions	

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	22:30	
Tue	10:00	22:30	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	10:00	22:30	
Thur	10:00	22:30	<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	10:00	23:00	
Sat	10:00	23:00	Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions
Sun	10:00	22:30	

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
Day	Start	Finish		Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Mon	10:00	22:30		<b><u>Please give further details here</u></b> (please read guidance note 4)				
Tue	10:00	22:30						
Wed	10:00	22:30	<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)					
Thur	10:00	22:30						
Fri	10:00	23:00	<b><u>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</u></b> (please read guidance note 6)					
Sat	10:00	23:00				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	10:00	22:30				Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions		



## E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	22:30	<b><u>Please give further details here</u></b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	10:00	22:30			
Wed	10:00	22:30	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur	10:00	22:30			
Fri	10:00	23:00	<b><u>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</u></b> (please read guidance note 6)		
Sat	10:00	23:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	
Sun	10:00	22:30	Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions		

## F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	22:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	10:00	22:30			
Wed	10:00	22:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	10:00	22:30			
Fri	10:00	23:00	<u>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</u> (please read guidance note 6)		
Sat	10:00	23:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	10:00	22:30	Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions		

## G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	22:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	10:00	22:30			
Wed	10:00	22:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	10:00	22:30			
Fri	10:00	23:00	<u>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</u> (please read guidance note 6)		
Sat	10:00	23:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	10:00	22:30	Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions		

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>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</u></b> (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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri	23:00	23:30	<b>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</b> (please read guidance note 6)  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sat	23:00	23:30			
Sun					
			Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions		

## J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	22:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	Both	<input checked="" type="checkbox"/>
Tue	10:00	22:30			
Wed	10:00	22:30			
Thur	10:00	22:30		<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Fri	10:00	23:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	
Sat	10:00	23:00		Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions	
Sun	10:00	22:30			

**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 Peter Williams
Date of birth _____
Address   
Postcode _____
Personal licence number (if known) _____
Issuing licensing authority (if known) _____

□□□□

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).**  
 Nothing applied for by way of this application gives rise to concerns in respect of children

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	05:00	23:00	
Tue	05:00	23:00	
Wed	05:00	23:00	
Thur	05:00	23:00	
Fri	05:00	23:30	
Sat	05:00	23:30	
Sun	10:00	23:00	

**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)  
 At the start of British Summertime, the terminal hour to be extended by one hour  
  
 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day  
  
 Regulated entertainment events, Late night refreshment and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23:30 on those 8 occasions. Premises to close to the public 30 minutes thereafter.

**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)**

1. A risk assessment ('the Assessment') will be undertaken in relation to any functions at the premises where 60 or more persons are expected to attend. The Assessment will determine whether SIA registered door supervisors are deemed appropriate to promote the licensing objectives. SIA door supervisors will be employed in the numbers and for the times identified as appropriate in the Assessment. At all other times SIA door supervisors will be employed at the discretion of the Manager/ DPS.

2. Regulated Entertainment events and the sale and supply of alcohol can take place on 8 occasions per year until midnight. The dates of such events must be notified to the Licensing Manager and the Environmental Health officer and local residents, 28 days in advance of the event taking place. Live and recorded music will cease at 11.30pm during the events permitted under this condition with the exception of New Year's Eve, where the hours will be as permitted under the licence.

**b) The prevention of crime and disorder**

3. An incident and complaints book ('the Book') shall be maintained and completed detailing any incidents or complaints that the manager or staff have been made aware of that have taken place at the premises, whether they involve the police or not. The book must contain details of any actions taken in relation to complaints received from the public about the operation of the premises. The Book shall be available for inspection upon reasonable demand by the Licensing Authority and any Responsible Authority.

4. The management/ DPS will carry out a risk assessment of the operation of the premises in relation to the licensing objectives once every 12 months to ensure that as far as practicable best practice is employed to promote the licensing objectives.

**c) Public safety**

5. No open containers to be taken from the premises.

**d) The prevention of public nuisance**

6. The phone number for a pre-order taxi service is to be provided to customers on request to prevent (as far as practicable) those customers waiting outside the club causing any nuisance to local residents.

7. The premises licence holder will install and maintain a noise limiter or regulator at the premises, which will be controlled from behind the bar. Music levels are to be agreed with the Environmental Health officers at the Council.

8. Windows and doors must be closed and remain closed at all times during regulated



entertainment except for access and egress.

9. The Designated Premises Supervisor (or any reasonable substitute) will, whenever there is recorded or live music at the premises, carry out regular checks on the volume levels at the boundaries of the premises and on the opposite side of the road, to ensure that it the levels are unlikely to cause a public nuisance to the neighbours.

10. Notices to be placed in prominent places both externally and internally at the premises to ask customers to leave the premises quietly.

11. The licence holder is to ensure that there is an open means of dialogue with residents, as required, to address their concerns in respect of the activities taking place at the premises.

12. The licence holder will make a mobile telephone number for the Duty Manager available to residents when a function is taking place. That number is to be made available to residents upon request.

**e) The protection of children from harm**

13. A Challenge 21 Policy will be drawn up and implemented and all staff responsible for sales of alcohol will be trained in the policy. Signs will be displayed at the bar informing customers of the policy.

**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 (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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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, if appropriate (please see note 15)</li> </ul>
Signature	
Date	14/11/18
Capacity	SOLICITOR TO THE APPLICANT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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) Piers Warne TLT Solicitors 1 Redcliff Street			
Post town	<b>Bristol</b>	Postcode	<b>BS1 6TP</b>
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Piers.warne@tltsolicitors.com			

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

- relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official

document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **full birth** or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
  - (i) working e.g. employment contract, wage slips, letter from the employer,
  - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

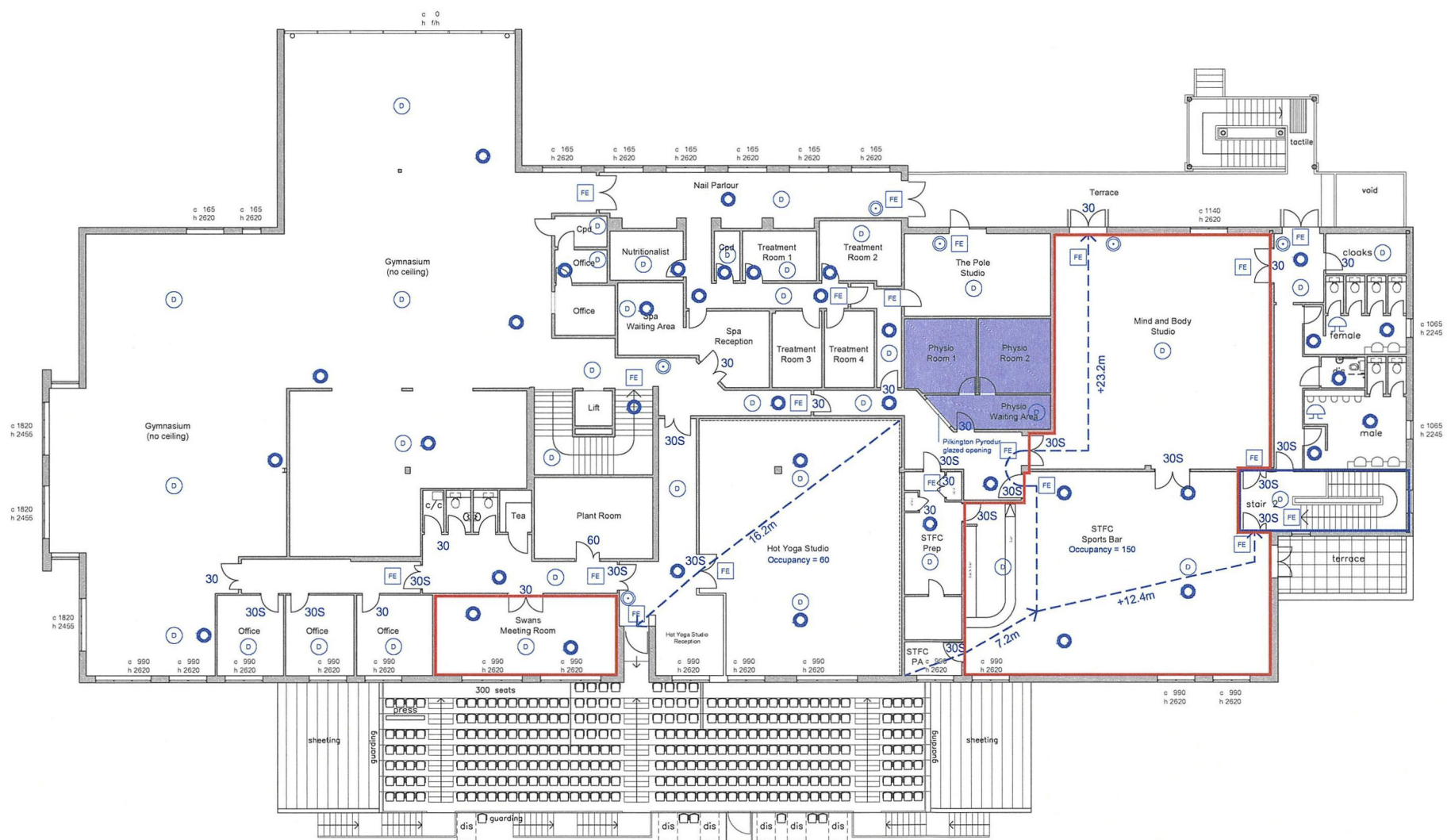




NOTES  
 1. No dimensions are shown from the drawing.  
 2. All dimensions are in metres.  
 3. Where necessary, dimensions shall be given in millimetres.  
 4. DIMENSIONS: The drawing shall be read in accordance with the British Standard BS 1191:2013.

REVISION  
 REV DESCRIPTION DATE BY IAD

Appendix B2

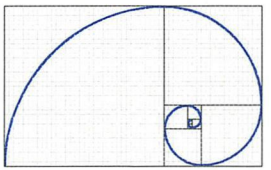


**LEGEND** *Licensing area*

- 1 HR Fire rated construction.
- 30 30 min Fire door fitted with positive self-closing device (FD30)
- 30S 30 min Fire door fitted with positive self-closing device and smoke seals (FD30S)
- Break glass call point.
- 🔊 Fire Alarm - Audible warning device.
- FE Fire Exit.
- Emergency Lighting Points.
- Smoke / Heat Detector.

ALL INFORMATION BASED UPON RECORD DRAWINGS FROM THE ORIGINAL BASE BUILD COMPLETED IN 2003, AND A VISUAL INSPECTION WHERE LAYOUT HAS BEEN ALTERED. NO INSPECTION WAS UNDERTAKEN OF CONCEALED SPACES INCLUDING CEILING VOIDS.

NOT SURVEYED  
NO ACCESS



**FIBONACCI-ARCHITECTS**  
 Milton Heath House - Westcott Road - Dorking - Surrey - RH4 3NS  
 Tel: 01306 886289 www.fibonacci-architects.co.uk

PROJECT  
**THE THAMES CLUB**  
 WHEATSHEAF LANE, STAINES  
 TW18 2PD

DRAWING  
**FIRST FLOOR LICENCE PLAN**

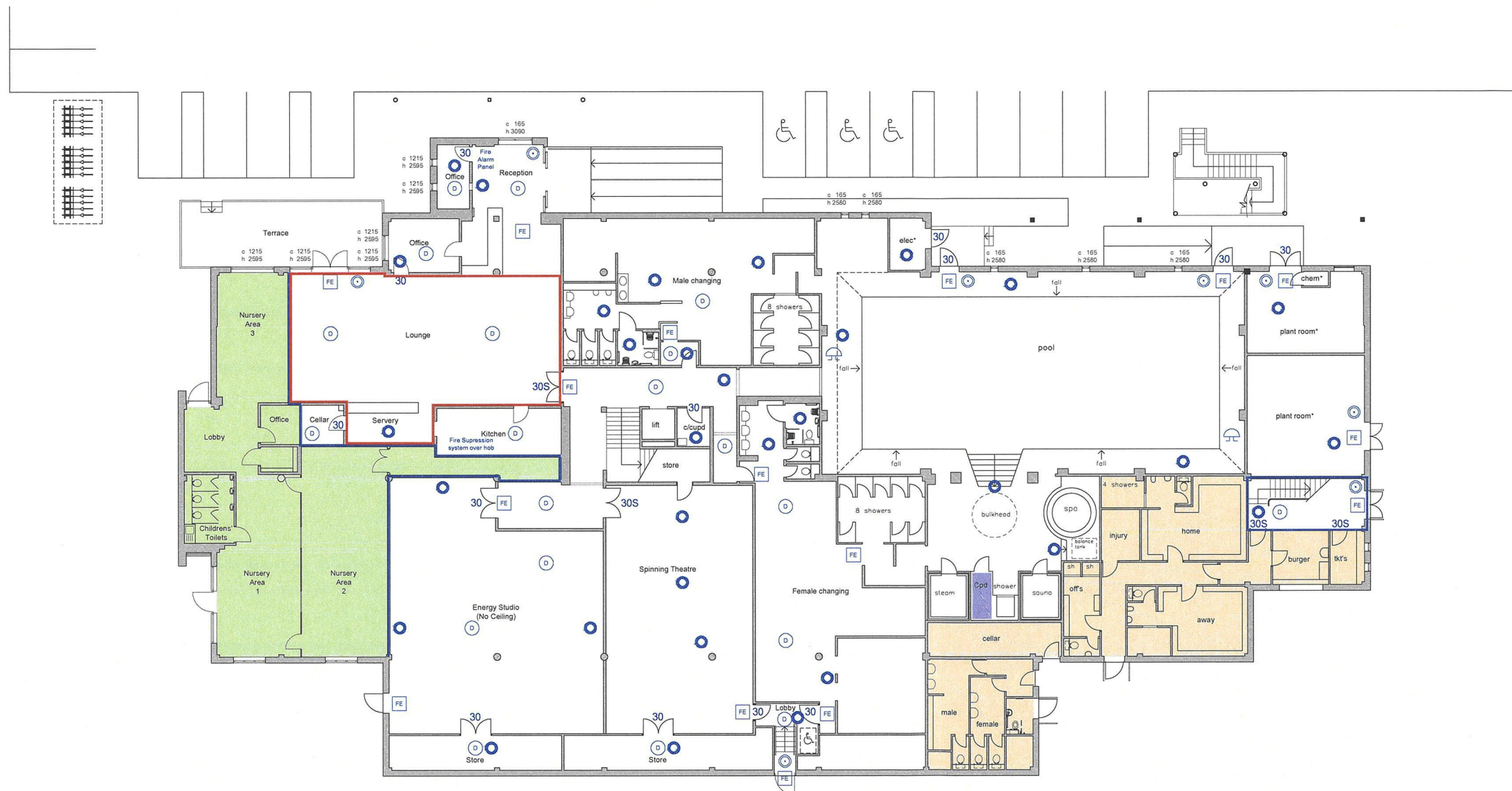
DRAWN: DMH  
 DATE: Nov 2018  
 SCALE: 1:100 @ A3  
 6195 L 002

NOTES  
 1. No amendment to existing drawings  
 2. No amendment to existing drawings  
 3. Where necessary, check for compliance and amend drawings accordingly  
 4. COPROFIT: The contents of this document are the property of the client and shall not be used for any other purpose without the prior written consent of the client.

REVISION  
 REV. DESCRIPTION DATE BY DDD

Appendix B2

Page 42

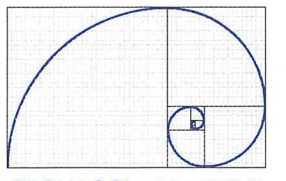
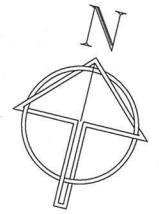


**LEGEND** Lic. area.

- 1 HR Fire rated construction.
- 30 30 min Fire door fitted with positive self-closing device (FD30)
- 30S 30 min Fire door fitted with positive self-closing device and smoke seals (FD30S)
- Break glass call point.
- A Fire Alarm - Audible warning device.
- FE Fire Exit.
- Emergency Lighting Points.
- Smoke / Heat Detector.

ALL INFORMATION BASED UPON RECORD DRAWINGS FROM THE ORIGINAL BASE BUILD COMPLETED IN 2003, AND A VISUAL INSPECTION WHERE LAYOUT HAS BEEN ALTERED. NO INSPECTION WAS UNDERTAKEN OF CONCEALED SPACES INCLUDING CEILING VOIDS.

NOT SURVEYED STAINES TOWN FC  
 NOT SURVEYED PLAYTIME NURSERIES  
 NOT SURVEYED NO ACCESS



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PROJECT  
**THE THAMES CLUB**  
 WHEATSHEAF LANE, STAINES  
 TW18 2PD

DRAWING  
**GROUND FLOOR**  
 LICENCE PLAN

DRAWN: DJM  
 DATE: Nov 2018  
 SCALE: 1:100 @ A2  
 1:200 @ A3

ORIG. NO.  
**6195 L 001**

REVISION

**From:** Piers Warne  
**Sent:** 14 December 2018 09:36  
**To:** Catlyn, Lucy <L.Catlyn@spelthorne.gov.uk>  
**Cc:** Spearpoint, Leslie <L.Spearpoint@spelthorne.gov.uk>; Thomas, Robert <R.Thomas2@spelthorne.gov.uk>  
**Subject:** RE: The Thames Club: Reason for application

Dear Lucy

My client is happy to agree the conditions listed below.

Leslie, are you available to discuss the 2 outstanding conditions?

Kind regards

Piers

Piers Warne  
Associate  
for TLT LLP

**From:** Catlyn, Lucy  
**Sent:** 13 December 2018 16:38  
**To:** Piers Warne  
**Cc:** Spearpoint, Leslie; Thomas, Robert  
**Subject:** RE: The Thames Club: Reason for application

Thank you Piers

Just to confirm, do you agree the below conditions. If you do then I will include these in my report, along with the conditions you have agreed with Police. Environmental Health do not agree with all of the amendments you made to conditions (7 and 12) and I attach their representation.

1. A risk assessment ('the Assessment') will be undertaken in relation to any functions at the premises where 60 or more persons are expected to attend. The Assessment will determine whether SIA registered door supervisors are deemed appropriate to promote the licensing objectives. SIA door supervisors will be employed in the numbers and for the times identified as appropriate in the Assessment. At all other times SIA door supervisors will be employed at the discretion of the Manager/ DPS. The risk assessment will be recorded in writing, and to be made available upon request by the Licensing Authority and Responsible Authority.
2. A pre-order service for taxis is provided to prevent customers loitering outside the club causing any nuisance to local residents.
3. Customers who are waiting for a taxi, shall be encouraged to wait inside the premises until the taxi arrives.

4. No open containers, containing alcoholic drinks, shall be permitted to be taken from the premises.
5. An incident and complaints book ('the book') shall at all times be held at the premises and must detail all incidents that have taken place at the premises relating to licensable activities being provided, whether they involve the police or not. The book must contain details of action taken in relation to complaints received from the public about licensable activities or during the provision of licensable activities at the premises and in the immediate vicinity, relating to the club. The book shall be available for inspection by the Licensing Authority, all responsible authorities at all reasonable times in line with data protection law.
6. The management will carry out a risk assessment of the premises every 12 months in relation to the provision of licensable activities.
7. Staff will check prior to the commencement of entertainment (being live and/or recorded music) and periodically during such entertainment that all windows and doors are closed at all times in the room providing regulated entertainment or any adjoining space it opens on to, except for access and egress.
8. No noise from music, television or other means of amplification (with the exception of announcements during sporting events at the stadium) will be audible at the boundary of the nearest residents' property.
9. The Designated Premises Supervisor (or any reasonable substitute) will, whenever there is recorded or live music at the premises, carry out regular checks on the volume levels at the boundaries of the premises, to ensure that it will not cause a nuisance to the neighbours. If the level of the recorded or live music is such that it is deemed likely to be causing a public nuisance, to take the appropriate action by requiring the sound level to be reduced. The level of music is to meet with the following:
  - (a) From opening until 23:00 hrs. - To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise in at the boundary of the nearest residential property. (You should not be able to identify the tune above normal background noise, although you may still be able to hear something).
  - (b) Between 23:00 hrs and the event finishing. - Noise emanating from the regulated entertainment should not be audible outside the premises.
10. Notices to be placed in prominent places both externally and internally at the premises to ask customers to leave the premises quietly.
11. The licence holder is to ensure consultation and dialogue with residents, as required, to address their concerns in respect of the activities taking place at the premises.
12. The licence holder will make a mobile telephone number for the Duty Manager available to residents when a function is taking place. The telephone number is to be made available to residents upon request.

13. Regulated Entertainment events and the sale and supply of alcohol can take place on 8 occasions per year until midnight. The dates of such events must be notified to the Licensing Manager and the Environmental Health officer and local residents, 28 days in advance of the event taking place. Live and recorded music will cease at 11.30pm during the events permitted under this condition with the exception of New Year's Eve, where it will be permitted as set out in the non-standard hours of this licence.

Thanks

Lucy

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames  
TW18 1XB  
Tel: 01784 444295

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**SPELTHORNE BOROUGH COUNCIL**  
Council Offices, Knowle Green, Staines, TW18 1XB.



**PREMISES LICENCE**

<b>Premises licence number</b> 16/00044/LAPRE
<b>Issue Date</b> 25 September 2009
<b>Latest Revision</b> 24 October 2018 (18/00749/LAPRE)

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
Staines Town Football Club Wheatsheaf Lane			
<b>Post town</b>	Staines	<b>Post code</b>	TW18 2PD
<b>Telephone number</b>	01784 463100		

**Licensable activities authorised by the licence**

- Sale and supply of alcohol
- Provision of regulated entertainment, to include: - indoor sporting events, live & recorded music, performances of dance, & anything of a similar description
- Provision of late night refreshment

**The times the licence authorises the carrying out of licensable activities**

**Sale and supply of alcohol**

Sunday to Thursday 10.00 to 22.30; and Friday & Saturday 10.00 to 23.00

**Provision of regulated entertainment**

Sunday to Thursday 10.00 to 22.30; and Friday & Saturday 10.00 to 23.00

**Provision of late night refreshment**

Friday and Saturday 23.00 to 24.00 – during 8 events per year permitted for regulated entertainment

**Non standard times:**

Regulated Entertainment events and the sale and supply of alcohol can take place on 8 occasions per year until midnight. Live and recorded music to finish at 23.30 on those 8 occasions.

New Year's Eve from the end of permitted hours on new Year's Eve to the start of permitted hours on New Year's Day

**The opening hours of the premises**

30 minutes later than the above (to 23.00 Sunday to Thursday and to 23.30 Fridays and Saturdays except for the 8 events permitted to midnight when premises will close at 00.30)

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

For consumption on and off the premises

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Staines Town Football Club Ltd  
Wheatsheaf Park  
Wheatsheaf Lane  
Staines  
TW18 2PD

**Registered number of holder, for example company number, charity number (where applicable)**

03533349

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Manuel de Jesus Hermano Da Camara  
81 Vicarage Farm Road  
Hounslow  
TW3 4UU

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

H04603 – London Borough of Hounslow

Signed \_\_\_\_\_

Principal Licensing Officer

Dated 6 November 2018



**Annex 1 - Mandatory conditions****Mandatory Condition: where a premises 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.

**Mandatory Condition: door supervision**

1. Where a 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 be licensed by the Security Industry Authority.
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.

For the purposes of this section, “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and paragraph 8(5) of that Schedule (interpretation of references to and occasion) applies as it applies in relation to paragraph 8 of that Schedule

**The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2010**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
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-

- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- 2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) 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 either-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

4. The responsible person must 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 supplies 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 whiskey: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014  
(Below Cost Selling Order)**

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—

P is the permitted price,

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 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 the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(c) “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 N/A**

#### **Annex 3 - Conditions attached after a hearing by the licensing authority**

1. At least two SIA registered door staff will be employed at functions where 60+ guests are attending and where the Club Manager deems it appropriate for the type of function. At all other times door security will be present at the discretion of the Club Manager.
2. A pre-order service for taxis is provided to prevent customers loitering outside the club causing any nuisance to local residents.
3. No open containers to be taken from the premises.
4. An incident and complaints book shall at all times be held at the premises and must detail all incidents that have taken place at the premises, whether they involve the police or not, and must contain details of action taken on all complaints received from the public about the premises and the vicinity. Such an incident book shall be available for inspection by the Licensing Authority, all responsible authorities and the public at all reasonable times.
5. The management will carry out a risk assessment of the premises every 12 months.
6. The licence holder to install a noise limiter or regulator at the premises, which will be controlled from behind the bar. The levels to be agreed with the Environmental Health officers at the Council.
7. Windows and doors must be closed and remain closed at all times during regulated entertainment except for access and egress.
8. The Designated Premises Supervisor (or any reasonable substitute) will, whenever there is recorded or live music at the premises, carry out regular checks on the volume levels at the boundaries of the premises and on the opposite side of the road, to ensure that it will not cause a nuisance to the neighbours.
9. Notices to be placed in prominent places both externally and internally at the premises to ask customers to leave the premises quietly.
10. The licence holder is to ensure consultation and dialogue with residents, as required, to address their concerns in respect of the activities taking place at the premises.
11. The licence holder will make a mobile telephone number for the Duty Manager available to residents when a function is taking place.
12. Regulated Entertainment events and the sale and supply of alcohol can take place on 8 occasions per year until midnight. The dates of such events must be notified to the Licensing Manager and the Environmental Health officer and local residents, 28 days in advance of the event taking place.
13. Live and recorded music will cease at 11.30pm during the events permitted under condition 12 with the exception of New Year's Eve.

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# National Guidance under s182 of the Licensing Act 2003

## 9. Determining applications

### General

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### Where no representations are made

9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

### Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### Relevant, vexatious and frivolous representations

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

## **The role of responsible authorities**

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

## **Representations from the police**

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local areas<sup>5</sup>. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

<sup>5</sup> Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

## **Licensing authorities acting as responsible authorities**

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.

9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.

9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.

9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

## **Health bodies acting as responsible authorities**

9.20 Where a local authority's Director of Public Health in England (DPH)<sup>6</sup> or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.

9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

<sup>6</sup>This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well-being.

9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.

9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

## **Home Office Immigration Enforcement acting as a responsible authority**

9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

## **Disclosure of personal details of persons making representations**

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.



9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## Hearings

9.31 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.

9.33 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.34 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule.

Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Considering cases where licensing and planning applications are made simultaneously**

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.