

Licensing Sub-Committee

14 January 2019



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

Description and Location	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 Appendix A
The Application	<p>The application is for a new Premises Licence and seeks to have the following licensable activities:</p> <p>Films: 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>Indoor sporting events, Boxing or Wrestling entertainments, Live Music, Recorded Music, Performance of Dance and supply of alcohol: Monday-Thursday & 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>Late night refreshment: 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 Appendix B.</p>
<p>Representations</p>	<p>Relevant representations have been received from:</p> <p>Senior Environmental Health Officer, Leslie Spearpoint (Appendix E)</p> <p>5 Letters of representation from other persons are also attached at Appendix E</p>
<p>Options</p>	<ol style="list-style-type: none"> 1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits. 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"> • To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or • To grant the application and modify the conditions of the licence, by alteration, addition or omission; or • To exclude from the scope of the licence any of the licensable activities to which the application relates; or • To refuse to specify a person in the licence as the premises supervisor; or • To reject the whole or part of the application.

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 13th 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