

*Please reply to:*

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Date: 6 August 2014

## **Notice of Meeting**

### **Licensing Sub-Committee**

**Date:** Monday, 11 August 2014

**Time:** 2.00pm

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

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

**Councillors: R.W. Sider (Chairman), C.A. Bannister and M.W. Rough**

**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.

# AGENDA

## **1. Disclosures of Interest**

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

## **2. To consider an application for a Temporary Event Notice at the Lucan Pavilion, The Broadway, Laleham TW18 1BB in light of a representation from a Responsible Authority.**

The procedure to be followed at the hearing. (Cream)	1 - 4
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## Licensing Act 2003

### Hearing procedure for Licensing Sub-Committee – Premises Licence applications

#### Responsible Authorities Only

	<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 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.
5.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
6.	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).
7.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager
8.	The Council's Licensing Manager may respond to any new issues raised.
	<b>The Applicant's Case</b>
9.	The Applicant or their representative will present their case.
10.	Any Responsible Authorities may ask any relevant questions of the Applicant or their representative.
11.	The members of the Sub-Committee may ask relevant questions of the Applicant or their representative.
12.	The Applicant may respond to any new issues raised.

	<b>The Responsible Authorities case</b>
13.	The Responsible Authorities will present their case, in turn.*
14.	The Applicant or their representative may ask relevant questions of the Responsible Authorities.
15.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
16.	The Responsible Authorities may respond to any new issues raised.
	<b>Summing Up</b>
17.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
18.	The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish.
19.	The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish.
20.	The Chairman will then ask all parties if they are satisfied they have said all they wish to.
	<b>Decision</b>
21.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's Solicitor and Committee Manager.
22.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with reasons (summary or full) for the decision.
23.	Meeting closed.
24.	The Council's Solicitor 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 9. 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

## 11 August 2014



<b>Subject</b>	Objection to Temporary Event Notices served under the Licensing Act 2003 for proposed event at Grounds of Lucan Pavilion, The Broadway, Laleham		
<b>Purpose</b>	To consider whether to grant or reject a Temporary Event Notice (TEN) in the light of an objection notice served by the local authority exercising environmental health functions.		
<b>Report of</b>	Assistant Chief Executive	Ward	Laleham and Shepperton Green
<b>Contact</b>	Dawn Morrison, Licensing Manager, (01784) 446432		

<b>Description and Location</b>	The Lucan Pavilion is a licensed Club with grounds comprising of a large field. Plan at <b>Appendix A</b>
<b>Temporary Event Notice</b>	<p>A notice has been served of a proposed event to take place on Saturday 16 August 2014. The proposal in the notice is to permit regulated entertainment (disco) in a marquee in the grounds of the Club until 1am for a wedding.</p> <p>A copy of the Notice is attached at <b>Appendix B</b>.</p>
<b>Objection Notices</b>	An objection Notice has been received from Environmental Health. Attached at <b>Appendix C</b>
<b>Options</b>	<p>Having had regard to the objection notices, and in order to promote any of the four licensing objectives, the Sub-Committee may</p> <ul style="list-style-type: none"> <li>• <b>Serve a counter notice, or</b></li> <li>• <b>Not serve a counter notice</b></li> </ul>

## **1. Background**

- 1.1 The Lucan Pavilion is a private members' club permitted to sell alcohol to its members and their bona fide guests until 11pm Monday to Saturday and until 10.30pm on a Sunday. Regulated entertainment in relation to members and guests has to take place in the licensable area, inside the clubhouse. Therefore for any events involving licensable activities outside and/or involving the sale of alcohol to people other than members or bona fide guests would have to be authorised by the serving of a Temporary Event Notice.
- 1.2 Four TENs were served for events in 2013. Three were for music and extensions for the sale of alcohol inside the Clubhouse. One was for an outdoor event until 1am. There were no complaints made to Environmental Health in relation to these events.
- 1.3 A notice was served by Mrs Pratt, the Club Steward, for an outdoor event to be held on 26 July 2014. Environmental Health was consulted on the TEN but did not object on the basis that a similar event the year before had not caused any complaints. However contact was made with the organisers and advice was given in an effort to minimise disturbance to local residents. The event held on 26 July 2014 attracted eight complaints to Environmental Health. We were subsequently advised that complaints were also made to Shepperton Studios and Thorpe Park, as well as police, as some people thought it might be an illegal "rave".

## **2. Application Summary**

- 2.1 The notice server is Mrs Janice Pratt, who is the Club Steward. The notice is to permit regulated entertainment (a disco) in a marquee in the grounds of the Club until 1am. This has attracted a representation from Environmental Health, on the basis that the event was again proposing outdoor music until 1am. Efforts have been made to persuade the notice server to revise the terms of the notice, including a meeting on site held on 7 August 2014. At the time of writing this report, agreement had not been reached.

## **3. Temporary Event Notices**

- 3.1 The system of permitted temporary activities is a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice of the event (a "temporary event notice" or "TEN").
- 3.2 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and local authority exercising environmental health functions at least ten working days before the event (although a premises user may give a limited number of TENs to the licensing authority less than 10 days before the event to which they relate).
- 3.3 The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements. The licensing authority only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.



3.4 The TEN was received by the Licensing Authority, EHO and Police on 28 July 2014.

#### **4. Making a decision**

4.1 If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions that is not withdrawn, it must hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The Licensing Sub-Committee may decide to allow the licensable activities to go ahead as stated in the notice.

4.2 If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.

4.3 In this case, the notices are not in connection with a premises licensed for the sale of alcohol because the event is proposed to be held in a marquee outside the clubhouse. The current Club Certificate is attached at **Appendix D**.

4.4 Alternatively, the Sub-Committee can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

4.5 Government Guidance issued under section 182 of the Licensing Act 2003 has the following in relation to objections to TENs by the police or Environmental Health authority:

*“If the police or local authority exercising environmental health functions believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN”*

*“... the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, local authority exercising environmental health functions and the premises user may make representations to the licensing authority.*

*“The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice”.*

4.6 In addition to this, Section 7.6 of the guidance says that “A temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required”.

#### **Appendices:**

**Appendix A – Location Plan**

**Appendix B – Temporary Event Notice**

**Appendix C – Objection Notice from Environmental Health**

**Appendix D – Club Certificate for Lucan Pavilion**

# Lucan Pavilion, The Broadway, Laleham



Reference: AF1008016

**Application for a temporary event notice**

Please complete each section of the form before submitting it to the Council. Note that some fields are mandatory and these are marked with a red asterisk.

Once you have completed the form you will be provided with a unique reference number, which you should note for your records.

To find out how the information on this eform will be used, please read our Privacy Policy: <http://www.spelthorne.gov.uk/privacy>

Items marked with an asterisk (\*) must be completed.

First name	janice
Family name	pratt
E-mail	janicep1963@googlemail.com
Main telephone number	07845899642
Other telephone number	01784255403
Indicate here if you would prefer not be contacted by telephone	<input type="checkbox"/>

Are you an agent acting on behalf of the applicant? No

Are you: Applying as a business or organisation, including as a sole trader

**Home address**

Street	hensworth road
District	
City or town	ashford
County or administrative area	middlesex
Postcode	tw153ng
Country	

Have you had any previous or maiden names?	Yes
Previous or maiden name	barham
Your date of birth	25 Mar 1963
Place of birth	isleworth

**Correspondence address**

Is the address the same as the address given in section one? Yes

**Additional contact details**

Are the contact details the same as the contact details given in section one? Yes

Email

Telephone number

Other telephone number

Are you able to provide a postal address, OS map reference or description of the premises? Address

Address lucan pavilion the boardway taleham

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description/details.

Please describe the nature of the premises (ie pub/restaurant/village hall) sports ground and social club

Please describe the nature of the event wedding reception  
 Please state the licensable activities that you intend to carry on at the premises  The sale by retail of alcohol

- The supply of alcohol by or on behalf of a club to or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

Are you giving a late Temporary Event Notice? A late notice is one given no later than five working days but no earlier than nine working days before the event in relation to which notice is given Yes

Please state the dates on which you intend to use these premises for licensable activities? 16/8/2014

Please state the times during the event period that you proposes to carry on licensable activities (please give times in 24 hour clock) The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days) 12.00-01.00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers 150

If the licensable activities will include the supply of alcohol, please state whether the supplies will be consumption on or off the premises or both On the premises only

Do you currently hold a valid personal licence? No

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes

Please state the number of temporary event notices you have given for events in that same calendar year 3

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or No

b) begins 24 hours or less after the event period proposed in this notice? No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or No

b) begins 24 hours or less after the event period proposed in this notice? No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or No

b) begins 24 hours or less after the event period proposed in this notice? No

Additional information which is required or may be relevant to the application

there will be a marquee outside the club house for the reception with music inside and the bar will be inside the club house.

**Payment details**

Fee amount £21.00

**Declaration**

**From:** Johnston, Janice  
**Sent:** 31 July 2014 16:18  
**To:** Licensing  
**Cc:** Bramley, Jonathan  
**Subject:** TEN The Lucan Pavilion, Laleham Recreation Ground

The following Temporary Event Notice was passed to Environmental Health for comment by 31 July 2014:

The Lucan Pavilion  
The Broadway  
Laleham

Wedding reception  
16 - 17 August 2014, 1200 to 0100 hours

I object to the notice on the following grounds:

- The event will not finish until 0100 hours on Sunday 17 August 2014;
- The event will involve amplified music;
- The event is to be held in a marquee that provides no sound attenuation;
- A recently held outdoor event with music, at the same venue, was the cause of several complaints from residents in Laleham and Shepperton who were disturbed by loud music until the early hours of the morning.

Regards

Janice

Janice Johnston

Senior Environmental Health Officer  
Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW19 1XB

Tel: 01784 446303

## SPELTHORNE BOROUGH COUNCIL

## Club premises certificate



Club premises certificate number

05/00266/LAPREC

## Club details

<b>Name of club in whose name this certificate is granted and relevant postal address of club</b> Laleham Recreation Ground Committee The Broadway Laleham TW18 1RZ	
<b>Club Secretary</b> Bob Parry	
<b>Telephone number</b> 01784 255094	

<b>If different from above the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description</b> N/A	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number</b>	

<b>Where the club premises certificate is time limited the dates</b> N/A
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<b>Qualifying club activities authorised by the certificate</b> Supply of alcohol for consumption on the premises for members and their bona fide guests
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<b>The times the certificate authorises the carrying out of qualifying club activities</b> Monday to Saturday 12.00 to 23.00 Sundays 12.00 to 22.30 Bar to be closed Good Friday and Christmas Day
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<b>The opening hours of the club</b> Planning approval conditional on premises being closed and vacated by 23.00
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<b>Where the certificate authorises supplies of alcohol whether these are on and/or off supplies</b> On only
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Signed \_\_\_\_\_ Assistant Chief Executive

Dated 22 February 2012

**Annex 1 - Mandatory conditions****A club Certificate which authorises the supply of alcohol for consumption off the premises must comply with the following conditions:**

1. The supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container
3. Any supply of alcohol for consumption off the premises must be made to a member of the club in person

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

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
- (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

3. The responsible person shall ensure that free tap water is provided on request to

customers where it is reasonably available.

4.

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

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

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### **Annex 2 - Conditions consistent with the Club Operating Schedule**

##### **Embedded conditions on conversion:**

Alcohol shall not be sold or supplied except during permitted hours.

S62 of the 1964 Act requires that the notification in writing in respect of Christmas Day hours should go to the chief executive to the justices. Within the context of the 2003 Act this would make no sense, and accordingly it is reasonable to assume that such notifications in writing should be given to the licensing authority.

**This licence is issued in conjunction with the Club Rules, which are attached.**

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

Not applicable

#### **Annex 4 - Plans**

Attached