

Please reply to:

Contact: Gillian Scott
Service: Committee Services
Direct line: 01784 444243
E-mail: g.scott@spelthorne.gov.uk
Date: 25 September 2019

Notice of meeting

Licensing Sub-Committee

Date: Thursday, 3 October 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)

C.L. Barratt

I.J. Beardsmore

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.

Councillors are reminded that the Gifts and Hospitality Declaration book will be available in the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

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 by Sensations Leisure Ltd for a Premises Licence at Unit 5, Thames Edge, Clarence Street, Staines-upon-Thames TW18 4BU, 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

	Introductions
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.
	Summary of Application and Representations
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 QUESTIONS 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.
	The Applicant's Case
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.
	The Responsible Authorities case
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.
	The Other Persons Case
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.
	Summing Up
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.

	Decision
30.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
31.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision.
32.	Meeting closed.
33.	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

03 October 2019



Title	Application for a Premises Licence at Unit 5 Thames Edge Court, Clarence Street, Staines-upon-Thames TW18 4BU		
Purpose of the report	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Rob Thomas, Principal Licensing Officer (PLO), 01784 446439		

Description and Location	<p>Unit 5 is part of a residential and commercial complex.</p> <p>There are four commercial units located on the ground floor and basement levels and the rest of the building comprises three floors of residential apartments.</p> <p>One of the other commercial units currently operates as a restaurant and one is a bar/restaurant.</p> <p>A location plan of the premises is attached as Appendix A.</p>
The Application	<p>The application is to permit:</p> <ul style="list-style-type: none">• Sale of alcohol and provision of films 10:30-23:00 Sunday-Thursday; 10:30-01:00 Fridays and Saturdays• Live and recorded music 23:00-01:00 Fridays and Saturdays• Late night refreshment 23:00-01:00 Fridays and Saturdays <p>The opening hours of the premises are noted as being half an hour later than the cessation for sale of alcohol as noted above. Whilst the application originally sought for seasonal variations to permit the premises to remain open until 05:30 over New Years Eve/Day and all other Public Holidays; this has since been amended to 03:00 solely on New Years Eve/Day (i.e. opening hours will be as normal on other Public Holidays, dependent on which day of the week the holiday lands).</p> <p>The application form is attached in full at Appendix B.</p>
Representations	<p>Relevant representations have been received from Environmental Health Regulatory Officer, Louise McVey (Appendix C).</p> <p>34 relevant representations have been received from other persons living nearby and are attached at Appendix D.</p>

Options	<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.
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1. Premises history

- 1.1 The premises has historically operated as several different businesses (Coco's, Kandi Klub, Diablos and Diesel), as a "nightclub".
- 1.2 In its most recent incarnation (as Soirée), it was run – according to the previous licence holder – as a "bar/restaurant". However, it would be fair to say that the operation changed over time into something which more closely resembled a business most people would regard as a "nightclub".
- 1.3 Over the years, when the premises has been open the Council and other responsible authorities have consistently received complaints in relation to the premises, commonly:
 - drunk and disorderly behaviour including shouting, swearing and fighting;
 - noise disturbance from regulated entertainment within the premises, from smokers in the alleyway adjacent to the premises and people arriving and leaving the premises;
 - anti-social behaviour;
 - lewd behaviour;
 - criminal damage to the property of residents;
 - cigarette smoke smells;
 - litter;
 - vehicles parking dangerously in Clarence Street, on the pavement and blocking access with a view to dropping off and picking customers up; and
 - the premises not being fit for use as a nightclub due to its close proximity to residential properties.
- 1.4 Whilst these complaints were received in response to operations run by former licence holders, it is important to note that in a decision notice issued to Holaw (431) Ltd. in January 2010 with respect to an application for a Premises Licence at the address, the Sub-Committee was persuaded by the evidence that these premises are not suitable for use as a nightclub and are not suitable for any form of regulated entertainment without the imposition of conditions to ensure that noise does not cause a disturbance to residents.

2. Application Summary

- 2.1 An application was received for a Premises Licence on 15 August 2019.
- 2.2 Consultation notices were displayed in accordance with the Licensing Act 2003, at the premises itself and in the 23 August 2019 edition of the Chronicle & Informer.
- 2.3 The application in its entirety was also available for inspection via Spelthorne Borough Council's Licensing Online system, for the duration of the 28-day consultation period.
- 2.4 On 28 August 2019, representatives from Spelthorne's Licensing and Environmental Health department met with the applicants and their agent at the address.

- 2.5 Officers at the meeting were keen to divert the applicant's attention to the history of the premises and the problems associated with it. A focus was placed on the problems with noise and the issues with the structure which exacerbated them. With this in mind, the Licensing department stressed to the applicant how contentious the application was likely to be and that it was likely to draw representations and subsequently be determined by a Licensing Sub-Committee.
- 2.6 The applicants were urged to consider acquiring a report from an acoustic consultant, but were reluctant to fund the full amount to do so without any guarantee that a Premises Licence would be granted. Their agent advised that they would be happy to agree to a condition which specified this would need to be carried out and ratified by the Council's Environmental Health department prior to the premises opening.

3. Promotion of the Licensing Objectives

- 3.1 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

- Overcrowding
- Fire safety
- Emergency exits
- Anything related to the safety of the public at the premises

Prevention of public nuisance

- Noise / light or odour nuisance
- Litter

Protection of children from harm

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

- 3.2 Section 18 of the application form (hereafter known as the 'Operating Schedule') at **Appendix B**, details the proposed steps to be taken to promote the licensing objectives.
- 3.3 Following extensive liaison between the applicant, Spelthorne's Licensing department, Surrey Police and Surrey County Council's Child Employment; a revised version of the Operating Schedule (attached as **Appendix E**) has been agreed.
- 3.4 Should the licence be granted, the points on this version of the Operating Schedule will be converted into enforceable conditions which will be attached to the licence to ensure the promotion of the licensing objectives.

4. Representations

i) Representations from Responsible Authorities

- 4.1 A relevant representation has been received from Spelthorne Borough Council's Environmental Health Regulatory Officer, Louise McVey and is attached as **Appendix C**. It is based on the prevention of public nuisance – specifically with reference to noise. Mrs McVey refers in detail to the historical issues with noise emanating from the premises, and explains measures that need to be taken in order to resolve the likelihood of recurrence if any form of regulated entertainment is to resume at the address.

ii) Representations from 'other persons'

- 4.2 In total, 34 relevant representations have been received from other persons and are attached at **Appendix D**.
- 4.3 The grounds for objection are summarised below in relation to each Licensing Objective.

Prevention of crime and disorder

- Drug-taking and selling
- Anti-social behaviour, including fighting amongst customers, intimidation of passers-by, trespassing and criminal damage
- Public urination
- Lewd behaviour
- Security concerns regarding access to the building via the underground parking lot

Public safety

- Potential for drunk people to fall into river
- Cars stopping to drop off / collect customers have no alternative but to stop in an unsafe manner on Clarence Street, due to the location of the premises
- Bottles, glasses and consequent broken glass outside
- Vomit outside
- Residents could be subject to frequent inhalation of cigarette fumes

Prevention of public nuisance

- Noise from music, customers smoking and leaving the premises, and cars collecting them respectively
 - Increase in the number of cars (both taxis and private) parking inappropriately / dangerously
 - Congregating smokers will cause noise and pollution
 - Increased litter and cigarette stubs
- 4.4 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
- Morality
- Property values and acquisition

5. Planning permissions

- 5.1 Spelthorne's Planning department confirmed that the most recent Planning usage permission allowed use of this premises as a bar/restaurant.
- 5.2 The current Planning usage permission does **not** permit the premises to be used as a "nightclub" and anyone wishing to use it for this purpose would need to consult with the Planning department before doing so. Failure to do so may result in enforcement action.

6. Licensing Policy

- 6.1 The following sections of the Council's Licensing Policy are relevant.
- Section 25.0 - Crime and Disorder
 - Section 25.5 – Public Safety
 - Section 25.7 - Public Nuisance

7. National Guidance

- 7.1 The relevant section of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determining Premises Licence applications is relevant in the consideration of this application, and is attached at **Appendix F**.

8. Making a decision

- 8.1 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.
- 8.2 The Sub-Committee must give reasons for its decision.
- 8.3 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.
- 8.4 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.
- 8.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, 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.

- 8.6 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

Appendices:

Appendix A – Location Plan

Appendix B – Application

Appendix C – Representation from Spelthorne Borough Council's Environmental Health department

Appendix D - Representations from other persons

Appendix E – Revised Operating Schedule submitted by applicant on 21 February 2018

Appendix F – Section 9 of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003, on Determining Premises Licence Applications

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Location Map
Unit 5, Thames Edge Court, Clarence Street, Staines-upon-Thames

Appendix A



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Spelthorne
Application for a premises licence
Licensing Act 2003

For help contact
licensing@spelthorne.gov.uk
Telephone: 01784 444202

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Director

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Agent Details

* First name

Stewart

* Family name

Gibson

* E-mail

Main telephone number

01476 589250

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☒ A private individual acting as an agent

Your Address

Address official correspondence should be sent to.

* Building number or name

4

* Street

Brecon Close

District

* City or town

Grantham

County or administrative area

* Postcode

NG31 8FX

* Country

United Kingdom

Continued from previous page...

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	Unit 5
Street	Thames Edge, Clarence Street
District	
City or town	Staines
County or administrative area	
Postcode	TW18 4BU
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	25,000

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Sensations Leisure Ltd

Details

Registered number (where applicable)

11696621

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

ouse

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

dd

mm

yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

12

dd

09

mm

2019

yyyy

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

dd

mm

yyyy

Provide a general description of 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.

Sale and consumption of alcohol on the premises, for parties, birthdays, corporate functions, private parties for adults to meet and party.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 10:30

End 23:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

The request is for the ability to show films during these hours. This will not take place every day, but the a blanket request is made to allow the operator the flexibility to offer films as required.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Day and all other Public holidays from 10:30 to 05:00

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State 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.

The ability to have live music if required at parties, private functions, corporate functions.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Day and all other Public holidays from 23:00 to 05:00

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

The ability to have recorded music if required at parties, private functions, corporate functions.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Day and all other Public holidays from 23:00 to 05:00

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State 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.

The ability to have late night refreshments if required at parties, private functions, corporate functions.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Day and all other Public holidays from 23:00 to 05:00

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 10:30

End 23:00

Start

End

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.

TUESDAY

Start 10:30

End 23:00

Start

End

WEDNESDAY

Start 10:30

End 23:00

Start

End

THURSDAY

Start 10:30

End 23:00

Start

End

FRIDAY

Start 10:30

End 01:00

Start

End

SATURDAY

Start 10:30

End 01:00

Start

End

Continued from previous page...

SUNDAY

Start 10:30

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Day and all other Public holidays from 23:00 to 05:00

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Personal Licence number
(if known)

Not yet known

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

The screening of adult films (18+ classification).
Adult parties

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:30

End 23:30

Start

End

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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Day and all other Public holidays from 10:30 to 05:30

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained on induction in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection. No staff members under the age of 18 will be employed at the premises.

b) The prevention of crime and disorder

CCTV will be used at the premises, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.

The Licensing Authority and the Police shall be informed when faults are rectified.

The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.

All alcohol will only be available to purchase whilst seated at the tables provided, to those customers waiting for a table.

The DPS will keep an up to date DPS Authorisation sheet which will show the list of staff members who have been given the authority to sell alcohol on the premises.

c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a premise of this size.

d) The prevention of public nuisance

Anyone leaving the premises in the evenings will be requested to leave in a quiet and orderly manner, by way of in house signage, displayed at or near the exit.

Noise limiters will be used on all amplified equipment to ensure recommended acceptable noise levels are not exceeded.

Windows and doors to remain closed after 23:00 hours.

e) The protection of children from harm

Strictly no one under the age of 18 permitted entry to the premises, under any circumstances.

ID checks will be made at the entrance. The only acceptable forms of ID will be a valid EU Passport, a full EU Driving Licence, a prove it card, or military ID. For all private functions, the guest list will be approved in advance to ensure no one under the age of 18 is admitted.

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£) 190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

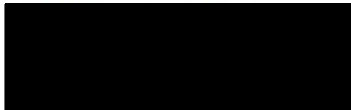
Consent of individual to being specified as premises supervisor

Sadie Louise Heath

I

.....
[full name of prospective premises supervisor]

of



.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

A Premises Licence for Consumption on the Premises

.....
[type of application]

by

Sensations Leisure Ltd

.....
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Unit 5

Thames Edge

Clarence Street

Staines

TW18 4BU

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Sensations Leisure Ltd

[name of applicant]

concerning the supply of alcohol at

Unit 5

Thames Edge

Clarence Street

Staines

TW18 4BU

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

Not yet issued

[insert personal licence number, if any]

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Sadie Louise Heath



Name (please print)

Date

13/08/2019

Metres

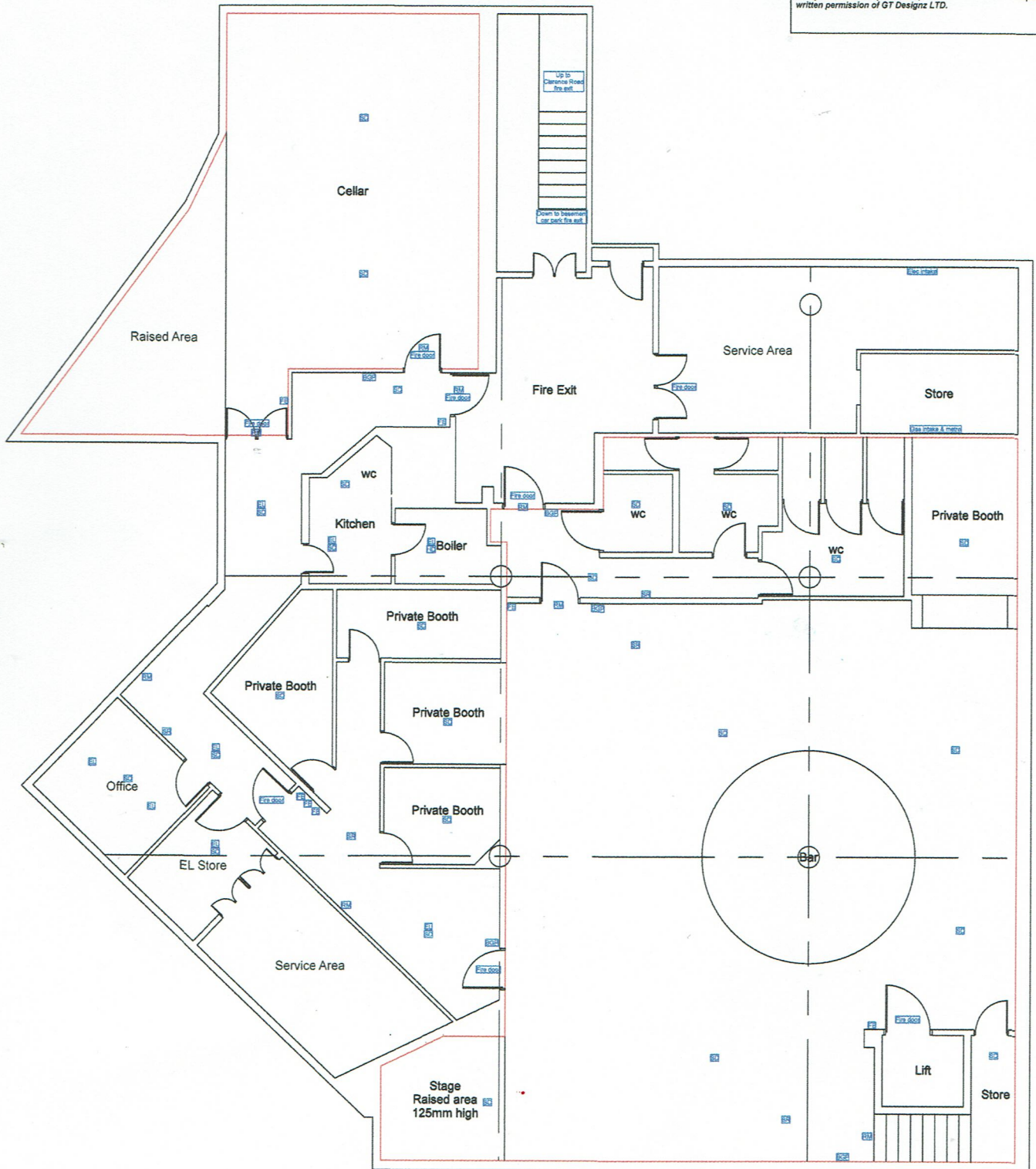


SCALE 1 : 100

REV/NOTES:

Where building to the boundaries the adjacent owner is to be informed under the terms of the Party Wall Act 1996 and its provisions followed. Where building over boundaries the adjacent owner is to be served notice under section 65 of the Town & Country Planning Act 1990.

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LOWER GROUND FLOOR LAYOUT Scale 1:100 @ A3

Application: Premises licence application		
Client:	Mr C Parsons & Mr S Garcho	Date: 20 th May 2019
Site:	Unit 5, Thames Edge, Clarence Street, Slaines, TW16 4BP	Drawn By: Gurps Benning
Scale:	Refer to Drawing @ A3	Dwg.No: GTD064 - 01

GT DESIGNZ LTD <i>Building Designs & Technical services</i>	
GT Designz Ltd, 5th Floor, Hyde Park Hayes 5, 11 Millington Road, Hayes, UB3 4AZ.	Tel : 0208 212 7981 Mob : 07854 351 934 Email : enquiries@gtdesignzld.com

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Metres



SCALE 1 : 100

REV/NOTES:

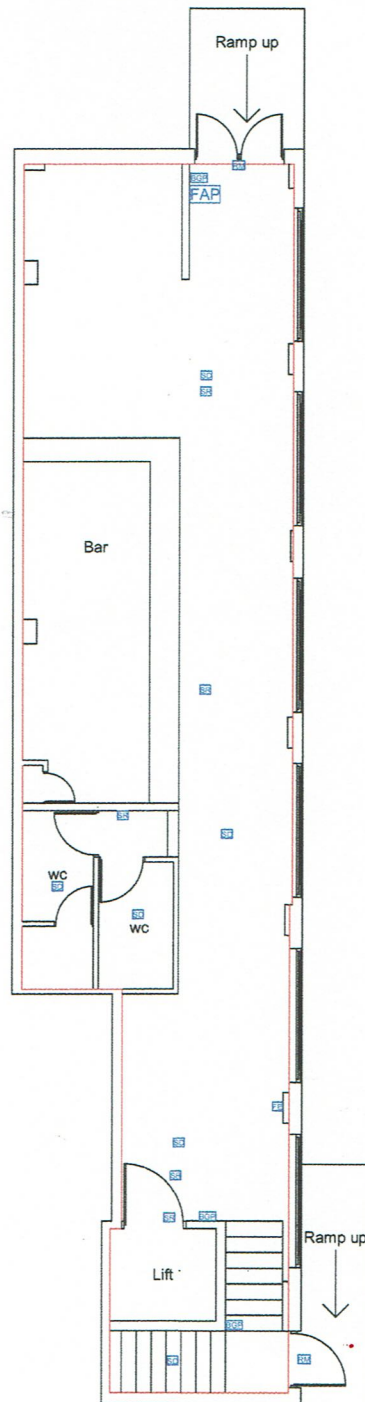
Where building to the boundaries the adjacent owner is to be informed under the terms of the Party Wall Act 1996 and its provisions followed. Where building over boundaries the adjacent owner is to be served notice under section 65 of the Town & Country Planning Act 1990.

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KEY

EL = Emergency lighting
SD = Smoke detector
RM = Running man sign
FE = Fire extinguisher
FB = Fire blanket
FAP = Fire alarm panel
SR = Sounder
BGP = Break glass point

— = Proposed licensed area



GROUND FLOOR LAYOUT Scale 1:100

Premises licence application		
Client:	Mr C Parsons & Mr S Garcha	Date: 20 th May 2019
Site:	Unit 5, Thames Edge, Clarence Street, Staines, TW18 4SP	Drawn By: Gurpre Benning
Scale:	Refer to Drawing @ A3	Dwg No: GTD954 - 02

GT DESIGNZ LTD

Building Designs & Technical services

GT Designz Ltd, 5th Floor,
Hyde Park Hayes 3,
11 Millington Road,
Hayes,
UB3 4AZ.

Tel : 0208 212 7981
Mob : 07854 351 934

Email : enquiries@gtdesignz Ltd.com

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**Environmental Health Representations
for an Application for a Premises
Licence in respect of**

**Sensations Leisure Ltd
Unit 5 Thames Edge Court
Clarence Street
Staines Surrey
TW18 4BU**

History

Spelthorne's Environmental Health service has had considerable involvement with the premises over the years, concerning noise.

The complaints made were concerning loud music from these premises in 2005/06. Environmental Health investigated the noise complaints.

This investigation concluded that the noise emanating from the premises to be causing a statutory noise nuisance. This resulted in noise abatement notices being served on "Holaw (431) Ltd", the leaseholder of the premises and the two occupiers of the premises, who were operating Diablos. In total three notices were served in January 2007. The noise abatement notice, served on Holaw (431) Ltd, is still in force as they are the leaseholders for the premises.

It is understood that the premises closed in February 2007.

In the licensing sub committee meeting held on the 11th January 2010, following an application made by Holaw (431) Ltd (Leaseholder) for a premises licence at this property. The Spelthorne Environmental Health Officer who attended the meeting, informed members that Holaw (431) Ltd had advised Environmental Health there was inadequate noise insulation to the premises which would need to be dealt with to ensure the abatement notice could be complied with.

Environmental Health approached Holaw (431) Ltd for their proposals and to date the company has not submitted details of any noise insulating works proposed or undertaken at the premises, despite previously agreeing to do so.

Mr Goldsmith, the representative from Holaw (431) Ltd, advised the committee that the company wanted to let the premises on conditions that would work for the residents as well as the business. Mr Goldsmith advised that there would also be a covenant in any lease to a tenant that the property would not be used as a nightclub.

Also, a noise consultant, engaged by Holaw (431) Ltd, stated in his report that the noise levels from this establishment were unacceptable and that works would be required to the structure of the building to improve sound insulation.

The premises were closed from 2007 until Soiree Restaurant Ltd (the last occupier) took over the premises in March 2011. No noise complaints were received by Environmental Health until February 2012. Soiree Restaurants Ltd surrendered their licence in 2015. The premises have been closed since then.

Whilst Soiree Restaurants Ltd were the premises licence holder the Council's Environmental Health Service had considerable involvement in respect of noise complaints about the premises from 2012 until they surrendered their licence. These consisted of loud live music/bass sound. In addition, structure of the premises lacked adequate noise insulation to prevent loud music being emitted from the premises. There were also complaints about customers leaving the premises and causing anti-social behaviour.

Environmental Health did a considerable amount of work with the Licence holder to resolve the problem. It investigate the noise complaints received. At the time, the conclusion was that noise from amplified music was not loud enough for the Council to take any further action because it was not at a level to be determined as a statutory noise nuisance under the Environmental Protection Act 1990. The noise from people in the footpath that runs alongside the premises is very difficult to control and also difficult to determine any link with the premises, as the footpath is a public right of way. In addition, the Council can only take action for nuisances where one property directly affects another property. A public right of way is not defined as a premise, as defined by the Environmental Protection Act 1990.

An application was received for a Premises Licence on 23 January 2018. Spelthorne Borough Council received 47 relevant representations from persons living nearby which raised concerns about antisocial behaviour from the Slug and Lettuce that joins Unit 5 Thames Edge court. From 2012 to 2019, Environmental Health have received nine complaints regarding the Slug and Lettuce, comprising of loud music, broken glass, doors not being closed, people congregating and smoking outside the premises, urinating, vomiting and car engines running.

Environmental Health are not aware of any noise insulation works being undertaken at the premises. Noise insulation measures need to be undertaken.

Current Position

In August 2019, Sensations Leisure Ltd made an application to Spelthorne Borough Council for a premises licence for the following uses:

'Sale and consumption of alcohol on the premises, for parties, birthdays, corporate functions, private parties for adults to meet and party.'

The application included the following licensing activities:

Live Music

Recorded Music Late Night Refreshment with Supply of Alcohol Films

The application gives a distinct impression that it is going to be a private club with the option to hold parties and corporate events which may at times include live and recorded music.

There was a site meeting held on the 28th August 2019, with Environmental Health Officers, Spelthorne Licensing Team and the proposed licence holder. Various concerns were raised about the premises, including noise, acoustic insulation works and customers leaving the premises. The proposed licence holder was open to carrying out suitable sound insulation works and any other noise control measures to the licenced premises so that music and speech from the licenced premises does not cause nuisance to neighbouring noise sensitive premises.

At the site meeting the proposed premises holder claimed they had no interest in running the premises as a nightclub and during the adult private party nights would only be playing background music. However, within their premises licence application they have applied for regulated entertainment and the premises will be hired for parties. This does indicate night club type activities.

The applicants have stated that the private parties will be held on Fridays and Saturdays in the upstairs bar and the basement. All other times the bar upstairs will be open to the general public and the basement/bar will be available for hire. However during the meeting the proposed licence holders were still considering different options for the premises and the type of bookings they would take. The applicants insisted they did not want to run a night club but their application includes the option for club type activities including live music to be played in the basement.

The Council has no history in respect of the applicants for having a licensable premises within Spelthorne Borough Council's area. It is unable to comment on the applicant's ability to manage the premises.

Recommendations

Environmental Health wish to make the following recommendations:

1. The premises licence is not to be granted as the premises are not fit for purpose as a night club or party venue. This is because the premises have a lack of sound insulation which results in the unacceptable disturbance to residents.
2. The premises licence not to be granted until all concerns have been fully resolved and noise control and acoustic works have been completed sound tested and passed by the Environmental Health at

Spelthorne Borough Council. This is to ensure that residents are not disturbed by the music or other noise coming from the premises.

3. If the Committee is mindfull in granting a premises licence, in the interim, prior to the completion of noise control and acoustic works. Then regulated entertainment, i.e. live and recorded music should not be permitted, until all noise control and acoustic works have been completed, sound tested and passed by the Environmental Health at Spelthorne Borough Council. Background music will be permitted only.

Environmental Health would recommend the following conditions, be attached to the Premises Licence, if a Licence is granted for the premises.

Management

1. The premises shall not be used at any time for the activity of a nightclub or similar activity.
2. The smoking area, is to be located near to the base of the access to the side entrance. Smoking will not be permitted after 22:00 Sunday to Thursdays. On Friday and Saturday's smoking after 22.00 will be limited to a maximum permitted number of 4 persons at all times. The licence holder shall ensure that customers who are smoking, are supervised by staff, do so in an orderly manner, so as not to cause a nuisance to nearby residential premises and obstruct the public right of way. No consumption of drinks of any type will be permitted in the smoking area.

Provide wall or floor mounted cigarette bins in the designated smoking area for customers.

3. Notices shall be prominently displayed at both exits, requesting customers to leave quietly and respect the needs of the local residents.
4. Any queue that forms outside the premises, shall be supervised, to ensure those queueing do so in an orderly manner, so as not to cause a nuisance to nearby residential premises and obstruct the public right of way.
5. Customers who are waiting for a taxi, shall be encouraged to wait inside the premises until the taxi arrives.
6. Customers shall not be permitted to take drinks outside, at any time.
7. Door staff to ensure that large gatherings of patrons are dispersed and that patrons depart from the premises and area quietly
8. Only background music will be permitted to be played in the Ground Floor of the premises. No noise from music, television or other means of amplification will be audible outside the licensed premises.

9. Staff will check prior to the commencement of entertainment (being live and/or recorded) and periodically during such entertainment that all windows and doors at Ground Floor are closed at all times.

Sound System

10. The only permitted sound system, will be one that is installed onto the ceiling and uses plane wave technology and directional control, which confines the sound within a specific area in the premises. The only permitted speakers will be these installed as part of the sound system. No other sound system/speakers will be permitted, nor will additional free standing speakers/cabinets be permitted on premises.

The system will have a noise limiting function inside the software to ensure that a pre-set threshold level cannot be exceeded. The noise limiter shall be linked to all electrical sockets used to power amplification equipment used for the purposes of regulated entertainment and shall be capable of switching off the power to those sockets in the event that the agreed noise limit is exceeded.

Reference levels for the noise monitoring equipment will be established and agreed by an Environmental Health Officer or other nominated representative of the Spelthorne Borough Council with an independent acoustic consultant acting as the representative for the premises licence holder prior to any regulated entertainment taking place at the premises. The acoustic consultant shall be a corporate member of the Institute of Acoustics. Where the agreed limit requires access to residential premises to determine the acceptability of the limit, such access shall be arranged by the representative of the Spelthorne Borough Council with the owner or occupier of those premises. The representative of the Spelthorne Borough Council will then be present in the residential premises to establish the setting of the noise limiter that meets the criteria of Spelthorne Borough Council. Once the agreed limit has been established, the noise limiter shall be locked and the settings shall not be altered without the written consent of Spelthorne Borough Council.

The sound system shall be adjusted/isolated so as not to permit bass music to travel through the building.

The limit set on the noise limiter may be reviewed by an Environmental Health Officer or other nominated representative of the Spelthorne Borough Council in accordance with the process set out above

11. All bands and DJs shall use the in house sound system only.

Sound Insulation

12. A suitable and sufficient acoustic survey must be carried out. Appoint a competent acoustic engineer, registered with the Institute of Acoustics or Association of Noise Consultants to carry out a thorough acoustic survey of the premises and the neighbourhood to identify noise sensitive premises. The survey is also to identify the ambient noise levels during operation of the licensed premises and the representative music genre, sound level frequencies and volumes generated by the licensed premises. Using the results of the acoustic survey, design a scheme of sound insulation works and other noise control measures to the licensed premises so that any noise such as but not limited to music, film and speech from the licensed premises is **inaudible**, in the residential properties at Thame Edge Court and any other noise sensitive premises identified in the acoustic survey at all times.

Submit proposals for noise measures to Environmental Health for their consideration. The licence is not to come into operation until works identified to control the music and speech have been approved by Spelthorne Environmental Health Service and have been implemented. These works are to be tested and signed off by an Acoustic consultant and Environmental Health, prior to premises operating.

13. The ceiling in the basement will be acoustically treated to ensure that noise from amplified music and sound is inaudible, in the residential properties at Thames Edge Court, at all times. This is to be tested and signed off by an Acoustic consultant and Environmental Health, prior to premises operating.
14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

The purpose of these conditions is to prevent public nuisance by reducing the impact on nearby residential premises from the activities being undertaken in the premises.

L McVey
Environmental Health Regulatory Officer
Spelthorne Borough Council

- 1) Personal licence holder will be present at all times when customers are on the premises.
- 2) Smoking area for customers will be under the canopy at the side door and restricted to a maximum of 10 persons at any one time and will be supervised by the door supervisor at the side door.
- 3) No more than 10 persons will be allowed to queue outside waiting to enter the premises and this queue will be monitored by the door supervisor.
- 4) Entrance to the premises for their club related events is restricted to members only (to qualify for membership they need to provide two forms of ID and 1 utility bill) and membership needs to be applied for at least 24 hours before admittance granted). Members cannot sign guests in. When entering the premises all members cards / tags to be verified by photo id held at the premises that they are being used by the member that the card / tag was issued to.
- 5) Spirits will not be sold by the bottle.
- 6) Bottles and glasses will not to be taken outside.
- 7) Door supervisors will assist with taxi marshalling when customers leave the venue to facilitate a prompt dispersal from the premises.
- 8) Premises Licence Holder will conduct a risk assessment as to whether more than 2 door staff required. Written records to be kept at the premises and be available to be produced within a reasonable timeframe to Responsible Authority.
- 9) On occasions when only the top bar is being used for licensable activities the basement bar will be locked so there is no admittance and persons needing to use the disabled toilet will be escorted.
- 10) An event to be risk assessed will be a private members event, or, when the premises is hired out for a corporate function.
- 11) The premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained on induction in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
- 12) No staff members under the age of 18 will be employed at the premises.
- 13) CCTV will be used at the premises, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.
The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment {Including any mobile units in use at the premises} breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.

The Licensing Authority and the Police shall be informed when faults are rectified. The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.

- 14) The DPS will keep an up to date DPS Authorisation sheet which will show the list of staff members who have been given the authority to sell alcohol on the premises.
- 15) Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.
- 16) All relevant fire procedures are in place for a premise of this size.
- 17) Anyone leaving the premises in the evenings will be requested to leave in a quiet and orderly manner, by way of in house signage, displayed at or near the exit.
- 18) Noise limiters will be used on all amplified equipment to ensure recommended acceptable noise levels are not exceeded.
- 19) Windows and doors will remain closed at all times during licensable activities.
- 20) Strictly no one under the age of 18 will be permitted entry to the premises.
- 21) ID checks will be made at the entrance. The only acceptable forms of ID will be a valid EU Passport, a full EU Driving Licence, a pass logo card, or military ID. For all private functions, the guest list will be approved in advance to ensure no one under the age of 18 is admitted.
- 22) Other events held at the premises will be controlled at the door, in so much that unless patrons can demonstrate by way of approved ID that they are at least 18, they will not be allowed entry. This applies to functions booked at the premises.
- 23) The screening of adult films (18+ classification or equivalent) will be restricted to the basement floor.
- 24) Have a training policy for all staff that ensures that they are fully aware and compliant with the company policy of no under 18 admittance and the acceptable ID

documents. Training to also include awareness of Child Sexual Exploitation/Child Criminal Exploitation (CSE/CCE) and how to make a referral if any concerns are raised for children/young people or any suspected perpetrator. Maintain records of appropriate training for all staff which includes the above stated training items.

- 25) One director of the business will be responsible for the assurance that under 18's will not be exposed to any activity that may be seen as harmful. They will not be permitted entry at all to private events. Checks at the door to be made to all members.

Amendments to application form:

In addition we would also like to amend the hours applied for under the non -standard timings.

Licensable activities to be permitted for additional times on New Years Eve from: 23:00 until 03:00.

The requirement for extended hours on Public Holidays has been removed.

Licensable Activities are:

Sale of alcohol by retail.

Late Night Refreshment.

Provision of recorded music.

Provision of live music.

Provision of films.

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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 area⁵. 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.

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

⁵ 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.

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)⁶ 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

⁶ 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.

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.

- 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 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.

