



Please reply to:

Contact: Gillian Scott
Service: Committee Services
Direct line: 01784 444243
E-mail: g.scott@spelthorne.gov.uk
Date: 4 September 2020

Notice of meeting

Licensing Sub-Committee

Date: Wednesday, 9 September 2020

Time: 10.00 am

Place: Skype video conference call

To the members of the Licensing Sub-Committee

Councillors:

R.O. Barratt

S.M. Doran

A.C. Harman

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 to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

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. Appointment of Chairman

To appoint a Chairman of the Licensing Sub-Committee for the duration of this hearing.

2. Disclosures of Interest

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

3. Objections to a Temporary Event Notice served under the Licensing Act 2003 for a proposed event at Signature Van Hire, 273-275 London Road, Staines upon Thames, TW18 4JJ

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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

9 September 2020



Subject	Objection to Temporary Event Notices served under the Licensing Act 2003		
Purpose	To consider whether to grant or reject One Temporary Event Notice (TENs) in the light of objection notices served by the local authority exercising environmental health functions and by the police.		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Paul Morey, Licensing Enforcement Officer (01784) 446450		

Description and Location	<p>Signature Van Hire, 273-275 London Road, Staines-Upon-Thames TW18 4JJ.</p> <p>The address is located off the A30 a Major dual carriageway in Staines-Upon-Thames. There are two companies who occupy the site. One of them is a van rental company on site called Signature Van Hire. The other is DCW Penrose & Co Ltd.</p> <p>The nature of the premises is detailed in the temporary event notice application form for 12-13 September 2020 as 'Signature Car Hire' The area used as 'Car Lot and Car Park'. The Plan is attached at Appendix A</p>
Temporary Event Notice	<p>Notice is given of an event to take place on 12-13 September 2020, which is described as a Family Event and BBQ. The maximum number of people/performers to attend is quoted as 250</p> <p>A copy of the Notice is attached at Appendix B.</p>
Objection Notices	<p>Objection Notices have been received from the Police and Environmental Health. Attached at Appendices C and D</p>
Options	<p>Having had regard to the objection notices, and in order to promote any of the four licensing objectives, the Sub-Committee may in respect of the event to be held on 12 13 September 2020 from 12.00-23.00:</p> <ul style="list-style-type: none">▪ Serve a counter notice, or▪ Not serve a counter notice.

1. Background

- 1.1 The Environmental Health Team at Spelthorne Borough Council (“the Council”) has been involved with three unlicensed music events at 273-275 London Road, Staines-upon-Thames TW18 4JJ (“the Land”), over three consecutive Saturdays (18 July 2020, 25 July 2020 and 1 August 2020). No temporary event notices were applied for any of these events.
- 1.2 The Council received 4 complaints about the first event, a further 12 about the second event and a further 8 about the last event. According to residents, the events took place between approximately 14:00-23:00. The complaints referred to noise from the music events, heard loudly in the residential area. The residents complained that attendees of the events left litter in the residential area and could be seen urinating in the streets.
- 1.3 An out of hours Environmental Protection Officer attended the events on 18 July 2020 and 25 July 2020 and met with the residents in relation to their concerns but did not note any issues nor any nuisance taking place. On the 18 July a statutory nuisance from noise was witnessed from one property but this was addressed by the Officer by asking the event organisers to turn the music down, the organisers complied. Police officers also attended the events on 18 July 2020 and 25 July 2020 and did not notify the Council of any concerns. No statutory noise nuisance was observed on the 25 July.
- 1.4 On 31 July 2020, Counsel for the landlord (Cristal Ltd) emailed V10 Developments Ltd., stating that it had been brought to the landlord’s attention that the Land had been sub-let to a third party, and that the third party was organising informal parties on the Land, asking them to ensure that those cease to be organised, that no breaches of the abatement notice or any other applicable legislation should occur, that there be no noise nuisance and that no unlicensed licensable activities take place on the Land.
- 1.5 On the 1 August 2020 the out of hours noise Officer and an Environmental Health Officer attended the event and a statutory noise nuisance was witnessed. Therefore the Council served a noise abatement notice on the landowners (Cristal London Ltd) and the event organisers (State of Happiness). The notice to the landowners required the occupier to abate the statutory nuisance within 12 hours from the time of service and for there not to be any recurrence of the statutory nuisance. Specifically, the Schedule attached to the notice specified that the occupier ought to “cease the use on the land of any amplification equipment, such as loud speakers, amplifiers and microphones that can be used for music and voice amplification at a volume that is likely to cause nuisance to residents of nearby residential premises.” The notice recorded the fact that failure to comply with it could lead to summary conviction and provided information on how to appeal the notice.
- 1.6 On 1 August 2020, an out of hours noise Officer arrived at the Land to address the residents’ further concerns. The Officer recalled that *“at around 1620 hours the music volume increased and I listened to the heavy base sound from XXX property. At 1640 hours, I witnessed a statutory nuisance in XX bedroom with the window open.... At 1835 hours and 1936 hours the music volume increased again. I witnessed the music from the complainant’s*

front drive and I was satisfied of the likelihood of a statutory nuisance from within the complainant's property."

- 1.7 At 20:40 on 1 August 2020, a Senior Environmental Health Officer, arrived at the Land to serve a noise abatement notice on Signature Van Hire, a rental van agency who are the occupiers of the Land.
- 1.8 Surrey Police attended the premises and felt the situation warranted the serving of a Closure Notice and at a subsequent Court hearing, were granted a partial closure order (Anti-Social Behaviour, Crime and Policing Act 2014 Section 80) in respect of this site at Guildford Magistrates Court on 7 August 2020. The closure order prohibits anyone (save for those persons specified on the order) from remaining on or entering the site. The closure order allows "any person with a ticket to an event on the Site, which event benefits from an extant authorisation under the Licensing Act 2003". The Partial Closure Notice is still in force.
- 1.9 On the 19 August 2020 following the receipt of representations from both Spelthorne Borough Council's Environmental Health Department and Surrey Police, a Licensing Sub-Committee was held. After hearing evidence from all parties concerned and deliberating the matter, the Sub-Committee directed that counter notices should be served with regards to the TENs for 21 August 2020 to 22 August 2020 and also 28 August 2020 to 31 August 2020. The TENs, Sub-Committee decision notice and counter notices are attached at **Appendix E**
- 1.10 On the 20 August 2020, Hello Complete Licensing UK (James Hofferlner) as an agent on behalf of Shawn Alexander, submitted two temporary event notice applications. One for the 5 September 2020 and the other for 6 September 2020. After speaking with the licensing department James Hofferlner withdrew the TEN application for 6 September 2020 as it was not a valid application.
- 1.11 The Licensing Authority held a Safety Advisory Group meeting with partner agencies on 28 August 2020 to discuss the application for the proposed site. An update was planned to be provided at the hearing to outline the concerns raised by those agencies. A large number of concerns were voiced by all parties regarding the failure to submit safety information in a timely manner. This included health and safety, traffic / crowd management etc. The most urgent failure was noted as the lack of a coherent plan to deal with Covid 19 requirements regarding social distancing and the movement of people on the site. Hello Complete Licensing submitted the Health and Safety documentation at 14.09 on Friday 28 August 2020.
- 1.12 On the 2 September a SAG was held with the applicant's agents and partner agencies. Whilst there were a number of issues discussed regarding items raised during the earlier meeting, it was again the lack of a coherent, viable Covid 19 plan that caused the most concern. After discussing this area at length, it was still not considered as a viable plan. This failure resulted in Ian Good of Surrey County Council Emergency Planning referring the matter to the Department of Public Health for further consideration.
- 1.13 On the 3 September 2020 following the receipt of representations from both Spelthorne Borough Council's Environmental Health Department and Surrey Police, a Licensing Sub-Committee was held. At the start of the hearing Mr

Richard Sutherland, consultant for the applicant, withdrew the application for the planned event on the 5 September 2020.

- 1.14 At the time of completing this report, the Licensing Authority is intending to set up a meeting with the applicants and all interested parties with regard to the proposed site and the security risk assessment, health & safety risk assessment, fire risk assessment, noise impact assessment, COVID -19 risk assessment. If this is arranged in the short timeframe available, then a verbal update, of the outcome will be given at the time of the hearing. It was noted that the applicant did not supply any documentation covering these areas at the time that the application for the TEN was submitted.

2. Application Summary

- 2.1 In total five valid TEN applications have been received for the site.
- 2.2 Another standard TEN application has been submitted and this is outlined below.
- 2.3 The application has been submitted by an agent, James Hoffelner on behalf of Black Steel Limited. A search on Companies House website lists the company with one director 'Shawn Waynerick Barry Alexander' under the company number: 11878527.
- 2.4 There is no premises licence for licensable activity at the address the notices have been applied for.

TEN application – 12-13 September 2020

- 2.5 The TEN was received electronically on 26 August 2020 for an event to be held for two days on the 12 – 13 September 2020. It was automatically electronically served by the Licensing Authority at the same time on the Police and Environmental Health.
- 2.6 The notice was given in respect of an event to be held on 12-13 September 2020 from 12.00-23.00. The event is described as 'family friendly BBQ' in the application form. The licensable activity stated on the form is for the sale by retail of alcohol for on premises only. The notice giver has advised that the retail sale of alcohol will take place between 12.00 (midday) and 23.00. The maximum number of people at any one time they intend to allow to be present at the premises during the times they intend to carry on licensable activities, including staff, organisers and performers is 250.

3. Temporary Event Notices

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

3.3 The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a temporary event notice. When giving a temporary event notice, consideration should be given to the four licensing objectives. The licensing authority only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.

3.4 TENs are served under section 100 of the Licensing Act 2003.

4. Objections from ‘relevant persons’

4.1 Objections have been received from ‘relevant persons,’ namely the Police and Environmental Health, who believe the application undermines the licensing objectives.

4.2 The TEN was objected to by Surrey Police on 25 August 2020. A copy of the objection is attached at **Appendix C**.

4.3 The TEN was objected to by Environmental Health on 25 August 2020. A copy of the objection is attached at **Appendix D**.

5. Licensing Policy

5.1 The Sub-Committee must have regard to the Council’s Statement of Licensing Policy 2019- 2024.

6. National Guidance

6.1 The Sub-Committee must also have regard to the National Guidance issued in April 2018 by the Secretary of State under section 182 of the Licensing Act 2003.

7. Making a decision

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

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

7.3 In this case, the notice is not given in connection with a premises licence.

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

7.5 Government Guidance issued under section 182 of the Licensing Act 2003 has the following in relation to objections to TENs by the police or Environmental Health Authority (EHA):

Section 7.33 “If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice.

The objection notice must be given within the period of three working days following the day on which they received the TEN”

Section 7.34: “Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority.”

Section 7.37 “As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made.”

- 7.6 In addition to this, Section 7.7 of the guidance says that “A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.”

Appendices:

Appendix A – Location Plan

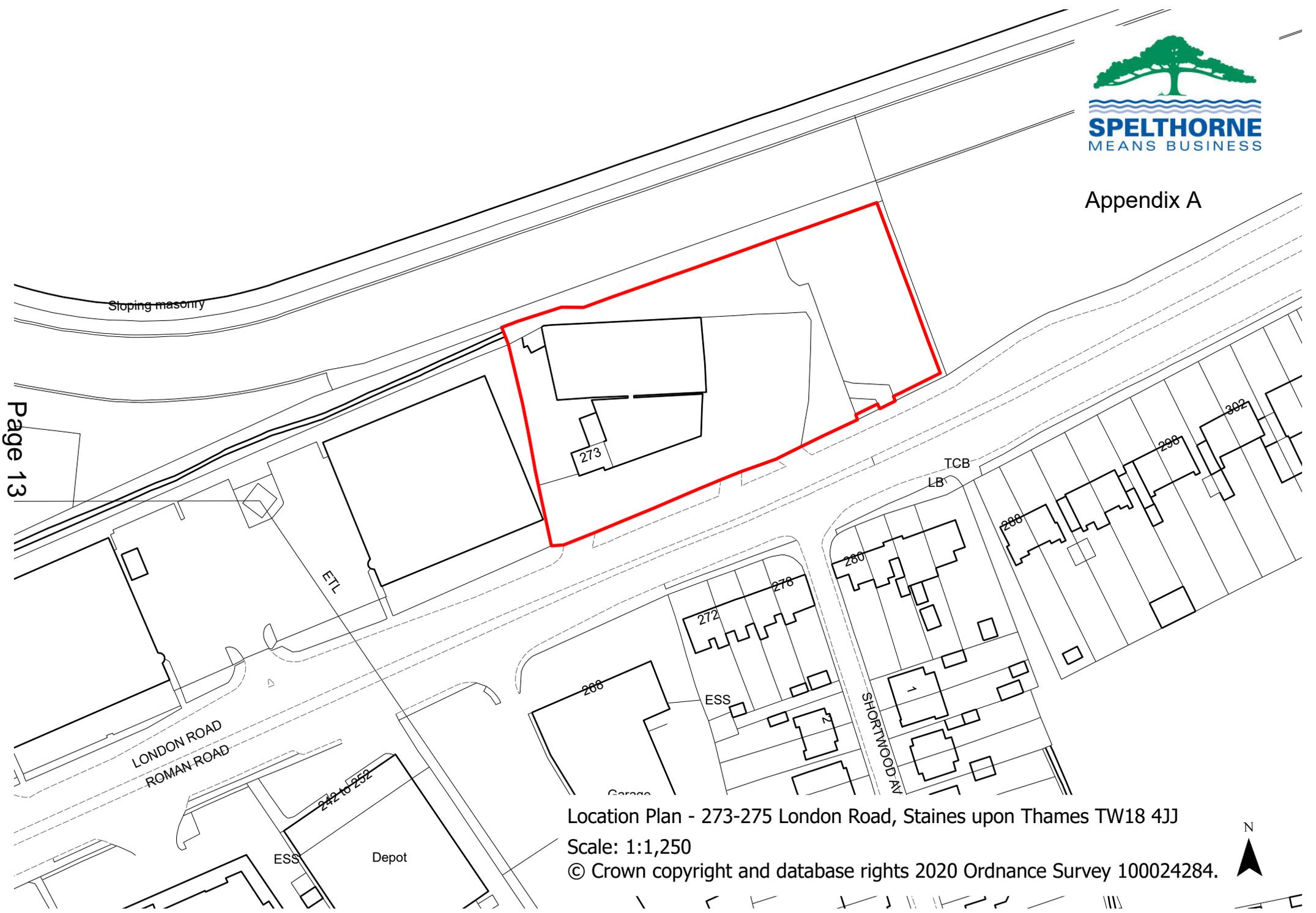
Appendix B – Temporary Event Notice

Appendix C – Objection Notice from Surrey Police

Appendix D – Objection Notice from Environmental Health

Appendix E – Sub-Committee decision notice for the hearing on 19 August 2020 and counter notices

Appendix A



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Location Plan - 273-275 London Road, Staines upon Thames TW18 4JJ

Scale: 1:1,250

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An instance of the form entitled Temporary event notice has been submitted for your attention.

Please click [here](#) to see your open requests.

(If you are already logged in to the forms service, you can click [here](#) to process this request.)

Summary:

Please tick the box to give your consent for us to process your data for the above purpose: I Consent

Customer details:

First name	Surname	Organisation name	Email address	Phone number	Mobile number	Flat number or house name	Number and street	Town	County	Postcode
Shawn	Alexander	Black Steel Limited						Croydon		

If address is not listed, please enter manually:

Have you had any previous or maiden names?: No

Indicate here if you would prefer not to be contacted by telephone: No

Date of birth:

Place of birth: Guyana

National Insurance Number:

Are you an agent acting on behalf of the applicant?: Yes

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

Is the address the same as the address given in section one?: No

Correspond Address:

Please enter the postcode	Select Address	Property name	Number and street	Town	County
IG8 9NG	11 Forest Drive, Woodford Green, Waltham Forest, IG8 9NG	11 Forest Drive	Woodford Green	Waltham Forest	

Are the contact details the same as the contact details given in section one?: No

Email: hello@completelicensing.uk

Telephone number:

Other telephone number:

Please provide the address of the premises:

Please enter the postcode	Select Address	Property name	Number and street	Town	County
TW18 4JJ	273-275 London Road, Staines-Upon-Thames, Surrey, TW18 4JJ	273-275 London Road	Staines-Upon-Thames	Surrey	

Premises Description e.g. the name of the venue: Signature Car Hire

Does the premises licence or club premises certificate have effect in relation to the premises?: No

Do you intend to use only part of the premises?: No

Please describe the nature of the premises (ie pub/restaurant/village hall): Car Lot

Please describe the nature of the event: Family Friendly BBQ

Please select the licensable activities that you intend to carry on at the premises: The sale by retail of alcohol,The provision of regulated entertainment

Are you giving a late Temporary Event Notice?: No

Please state the dates on which you intend to use these premises for licensable activities? : 12/09/2020

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock) : 12/09/2020 from 1200 to 2300 and 13/09/2020 form 1200 to 2300

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers: 250

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

Please state if the licensable activites will include any live performance or display of nudity. For example, lap dancing: No

Do you currently hold a valid personal licence?: No

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

Please state the number of temporary event notices you have given for events in that same calendar year: 1 yet to be held, all others have been cancelled or counter notice served

a) ends 24 hours or less before; or: No

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

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

a) ends 24 hours or less before; or : No

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

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

a) ends 24 hours or less before; or: No

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

Additional information which is required or may be relevant to the application: Applicant will provide Security Risk Assessment, Health and Safty Risk Assessment, Fire Risk Assessment, Noise Impact Assessment, COVID -19 risk assessment, 5 working days before the event starts.

Applicat will attend any SAG that the police or any other agency feel is apporprate.

Full name: James Hoffelner **Date:** 26/08/2020 **Accept terms and conditions:** Yes



To: The Licensing Authority
Knowle Green,
Staines upon Thames TW18 1XB

Temporary Event – Objection Notice

Licensing Act 2003 – s104 (as amended)

Premises:	Signature Car Hire, 273-275 London Road, Staines- upon-Thames TW18 4JJ
Premises user:	Shawn Alexander
Date of Event:	12 th September 2020 to 13 th September 2020
Date Temporary Event Notice submitted:	26 th August 2020
Standard or Late TEN:	Standard

Sir / Madam

Please note that the Chief of Police is satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the following licensing objectives:

The applicant Mr Shawn Alexander submitted two previous applications for Temporary events for the 21st August 2020 to 22nd August 2020 and the 28th August 2020 to 31st August 2020.

Surrey Police objected to both of these applications as the Chief of Police was satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the same licensing objectives.

Attached are copies of these objections.

A hearing was held on the 19th August 2020 for the Licensing Sub-Committee to consider whether to grant or reject the two applications.

The Sub-Committee decided to serve counter notices in respect of both the TENS applications for events on the 21st to 22nd August and 28th to 31st August.

The applicant Mr Shawn Alexander the day after the hearing submitted a Temporary Event Notice application on the 20th August 2020 for the 5th September 2020.

Surrey Police submitted an objection to this application which is attached.

Again there is nothing materially different to the previous applications and our objections remain the same.

As previously stated we consider an application for this type to be more suited to a Premises Licence application, thus giving all of the responsible authorities 28 days consultation period to comment, and the ability to agree appropriate conditions with the applicant to meet the Licensing Objectives. As this location does not have a Premises Licence or Club Certificate no conditions can be added to the TEN application.

If this event is allowed to go ahead in its current form Police firmly believe it will result in a high risk to the safety of the public and result in crime and disorder incidents taking place.

When considering the above points, Police would ask the Licensing Authority to issue a counter notice to this TEN.



2099 SPELTORPE BOROUGH COMMANDER

Yours faithfully
Jacquie Clark 9143, Licensing Enforcement Officer
For and on behalf of Inspector M Cilia 2099
Borough Commander for
Surrey Police



To: The Licensing Authority
 Knowle Green,
 Staines upon Thames TW18 1XB

Temporary Event – Objection Notice

Licensing Act 2003 – s104 (as amended)

Premises:	Signature Car Hire, 273-275 London Road, Staines upon Thames TW18 4JJ
Premises user:	Shawn Alexander
Date of Event:	05/09/2020
Date Temporary Event Notice submitted:	20/08/2020 16:54
Standard or Late TEN:	Standard

Sir / Madam

Please note that the Chief of Police is satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the following licensing objectives:

Prevention of crime and disorder

Public Safety

Public Nuisance

The applicant Mr Shawn Alexander submitted two previous applications for Temporary events for the 21st August 2020 to 22nd August 2020 and the 28th August 2020 to 31st August 2020.

Surrey Police objected to both of these applications as the Chief of Police was satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the same licensing objectives.

Attached are copies of these objections.

A hearing was held on the 19th August 2020 for the Licensing Sub-Committee to consider whether to grant or reject the two applications.

The Sub-Committee decided to serve counter notices in respect of both the TENS applications for events on the 21st to 22nd August and 28th to 31st August.

In the decision notice the Sub-Committee gave weight to concerns raised by Surrey Police, amongst these were

Concerns regarding the dispersal of attendees from the event onto the dual carriageway, causing a build-up of traffic and obstruction of the highway.

Complaints received by residents in relation to three unlicensed events that have taken place at the premises causing disturbance and noise. These complaints led the Police to obtaining a partial closure order to the premises.

Lack of adequate evacuation points in the event of a fire, particularly in the event of attendees being directed for 50m along the pavement next to a dual carriageway at night. The applicant had not liaised with emergency services in relation to the applications.

The comments made by Police in relation to a structure on the premises and whether it was safe.

Surrey Police view is that there is nothing materially different in this TEN application from the applications that were previously refused.

It is our view that the notice giver has not provided sufficient details within the notice to show how the event will be run safely and prevent Crime and Disorder incidents from happening. The TEN description only contains very basic of details and is not what can be described as providing "a thorough risk assessment".

The lack of a thorough risk assessment and details of how the applicant would comply with Coronavirus requirements, the Sub-Committee noted in their decision raised doubts over the applicant's ability in organising and consequently managing the events safely.

We also consider an application for this type to be more suited to a Premises Licence application, that gives the Responsible Authorities 28 days consultation period to comment, and the ability to agree appropriate conditions with the applicant to meet the Licensing Objectives for the event.

If this event is allowed to go ahead in its current form Police firmly believe it will result in a high risk to the safety of the public and result in crime and disorder incidents taking place.

When considering the above points, Police would ask the Licensing Authority to issue a counter notice to this TEN.



Yours faithfully
Jacquie Clark 9143, Licensing Enforcement Officer
For and on behalf of Inspector Bert Dean 2934
Borough Commander for Elmbridge
Surrey Police



Spelthorne Licensing Unit,
Council Offices Knowle Green,
Staines-Upon Thames,
Surrey,
TW18 1XB,

**Licensing Act 2003
Representation in respect of a
Premises Licence Application or Variation or a
Club Premises Certificate Application or Variation.
And Temporary Event Notice.**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

I, the undersigned, hereby make representations against the following application.

Details of premises or club premises whose application you wish to make representations against.

Name of Premises	
Formally London Road Cars	
Address of Premises or Club	
273-275 London Road Staines-Upon Thames	
Post town	Post code (if known)
Staines	TW18 4JJ

Type of application

	Please tick ✓
Premises Licence application	<input type="checkbox"/>
Variation to a Premises Licence	<input type="checkbox"/>
Club Premises Certificate application	<input type="checkbox"/>
Variation of a Club Premises Certificate	<input type="checkbox"/>
Temporary Event Notice	<input checked="" type="checkbox"/>

Please state the ground(s) for the representation and how it relates to one of the licensing objectives. Please use additional blank sheets if necessary

Surrey Police wish to object to the following temporary event notice that was submitted by a Shawn Alexander of 54 Lower Addiscombe Road Croydon. The event is recorded in the application as a family event and BBQ to be held at 273-275 London Road Staines Upon Thames TW18 4JJ and the applicant has requested this event to go on for 4 days from the 28th August 2020 through to the 31st August 2020.

This is clearly not what the event is as there have been a number of similar events recently which has caused the local residents to contact the Police for noise, large crowds attending with well over 100 cars present a marquee in the car park and strong smell of cannabis coming from the location. Police local reports are recorded as the following 18th July 2020 Police reference numbers P20167174, 25th July 2010 P20173151 and the 1st August 2020 P20178914.

Police believe that the applicant has not provided sufficient details within the notice to show what preventive steps the applicant intends to take in order to satisfy the 3 main licensing objectives listed above.

There is no detail around any security being provided, parking arrangements, use of plastics or anything to provide the local authority with any confidence that the above licensing objectives had been considered.

Given that the temporary Event Notice is to cover a 4 day public event it is likely to have a big impact on local residents and there is little or no information provided relating as to how the event would be run.

The Police believe that there is a strong likelihood there will be an increase in reports of crime and disorder, public nuisance and a risk to the safety of the public. The last 3 events at the premises did cause members of the public to report issues and their concerns to the Police

The applicant will be no doubt be aware that currently under the S.5(1) of the health protection (Coronavirus restrictions) No 2 (England regulations 2020 such planned events would not be permitted.

Surrey Police strongly object to this temporary event notice as it is in their opinion that there will be an increase in crime and disorder. Public safety and the prevention of a public nuisance

This representation relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x
x
x

If your representation does not relate to one of the above objectives your representation will be invalid.

Please tick ✓

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

X
X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed



INSPECTOR 2099

Date

7/08/2020

14:47

Address for correspondence

Contact address for correspondence if different from that given in Sections A, B, or C above.	
LICENSING ENFORCEMENT OFFICER	
ADDRESS AS ABOVE	
Post town	Post code
Daytime Telephone number (if any) 01483 - 631417	
e-mail address (optional) joan.grant @SURREY.PNN.POLICE.UK	

All representations must be made by sending this form to the Licensing Authority to arrive there during the period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the Licensing Authority by the applicant. In the case of representations following a closure order this period is 7 days after the day on which the Licensing Authority received the notice under section 165(4) of the Act.

Representations received outside these time limits will be deemed to be invalid.

To: The Licensing Authority

Spelthorne Borough Council
Knowle Green
Staines-upon-Thames
Surrey Police

Date: 5th August 2020

Temporary Event – Objection Notice

Licensing Act 2003 – s104 (as amended)

Premises:	273-275 London Road, Staines-upon-Thames TW18 4JJ
Notice Giver:	Mr Shawn ALEXANDER
Date of Event:	21st and 22nd August 2020 (2 days)
Date Temporary Event Notice submitted:	3 rd August 2020
Standard or Late TEN:	STANDARD

Sir / Madam

Please note that the Chief of Police is satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the following licensing objectives,

- Prevention of public nuisance
- Prevention of crime and disorder
- Public Safety

Police believe the applicant has not provided sufficient details within the notice to show what preventive steps the Notice Giver intends to take in order to satisfy the three main government objections listed above.

There is no mention within the notice as to what steps the Notice Giver intends to take in order to prevent Crime and disorder, public nuisance or to provide a safe environment for the public. There is no detail around any security being provided, parking arrangements, use of plastics, or anything that would provide the reader with any confidence that the above objectives have been considered.

Given the TEN is to cover a 2 day public event, it is likely to have a big impact on the local residents and there is little or no information provided relating to how the event will be run. Police believe that there is a likelihood that there will be an increase in reports of crime and disorder, public nuisance and a risk to the safety of the public.

C/o Joan Grant 16087 - Surrey Police, Northern Area Licensing Enforcement Officer,
PO Box 101, Guildford GU1 9PE Tel 01483 631417 E-Mail 16087@surrey.pnn.police.uk

The Notice Giver will no doubt be aware that currently under the s. 5(1) of The Health Protection (Coronavirus, Restrictions) No. 2 (England) Regulations 2020 such a planned event would not be permitted as no evidence has been submitted regarding a risk assessment or measures which will be taken to limit the transmission of coronavirus.

A written risk assessment that specifically dealt with this event would have been helpful.

Furthermore, there have already been THREE unlicensed music events at this venue namely on Saturday 18th July, (Surrey Police reference P20167174 refers) Saturday 25th July (Surrey Police reference P20173151 refers) and Saturday 1st August 2020 (Surrey Police reference P20178914 refers). On each occasion that an unlicensed event has taken place, police have received numerous calls regarding a large number of people gathered at the venue taking part in an "illegal rave", urinating in public, possible use of cannabis and social distancing not being observed.

As a result of all the issues outlined above, Police are asking the committee to consider issuing a counter notice rejecting this event.

Yours faithfully,
Joan Grant
On behalf of Inspector Maxine Cilia
Borough Commander for Spelthorne

Signed:  *Joan Grant*

c.c. Shawn ALEXANDER, notice giver
c.c. Environmental Health, Spelthorne Borough Council

C/o Joan Grant 16087 - Surrey Police, Northern Area Licensing Enforcement Officer.
PO Box 101, Guildford GU1 9PE Tel 01483 631417 E-Mail 16087@surrey.pnn.police.uk



To: The Licensing Authority
 Knowle Green,
 Staines upon Thames TW18 1XB

Temporary Event – Objection Notice

Licensing Act 2003 – s104 (as amended)

Premises:	Signature Car Hire, 273-275 London Road, Staines upon Thames TW18 4JJ
Premises user:	Shawn Alexander
Date of Event:	05/09/2020
Date Temporary Event Notice submitted:	20/08/2020 16:54
Standard or Late TEN:	Standard

Sir / Madam

Please note that the Chief of Police is satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the following licensing objectives:

Prevention of crime and disorder

Public Safety

Public Nuisance

The applicant Mr Shawn Alexander submitted two previous applications for Temporary events for the 21st August 2020 to 22nd August 2020 and the 28th August 2020 to 31st August 2020.

Surrey Police objected to both of these applications as the Chief of Police was satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the same licensing objectives.

Attached are copies of these objections.

A hearing was held on the 19th August 2020 for the Licensing Sub-Committee to consider whether to grant or reject the two applications.

The Sub-Committee decided to serve counter notices in respect of both the TENS applications for events on the 21st to 22nd August and 28th to 31st August.

In the decision notice the Sub-Committee gave weight to concerns raised by Surrey Police, amongst these were

Concerns regarding the dispersal of attendees from the event onto the dual carriageway, causing a build-up of traffic and obstruction of the highway.

Complaints received by residents in relation to three unlicensed events that have taken place at the premises causing disturbance and noise. These complaints led the Police to obtaining a partial closure order to the premises.

Lack of adequate evacuation points in the event of a fire, particularly in the event of attendees being directed for 50m along the pavement next to a dual carriageway at night. The applicant had not liaised with emergency services in relation to the applications.

The comments made by Police in relation to a structure on the premises and whether it was safe.

Surrey Police view is that there is nothing materially different in this TEN application from the applications that were previously refused.

It is our view that the notice giver has not provided sufficient details within the notice to show how the event will be run safely and prevent Crime and Disorder incidents from happening. The TEN description only contains very basic of details and is not what can be described as providing "a thorough risk assessment".

The lack of a thorough risk assessment and details of how the applicant would comply with Coronavirus requirements, the Sub-Committee noted in their decision raised doubts over the applicant's ability in organising and consequently managing the events safely.

We also consider an application for this type to be more suited to a Premises Licence application, that gives the Responsible Authorities 28 days consultation period to comment, and the ability to agree appropriate conditions with the applicant to meet the Licensing Objectives for the event.

If this event is allowed to go ahead in its current form Police firmly believe it will result in a high risk to the safety of the public and result in crime and disorder incidents taking place.

When considering the above points, Police would ask the Licensing Authority to issue a counter notice to this TEN.

A handwritten signature in black ink, appearing to read 'Bert Dean', with a long horizontal flourish extending to the right.

Yours faithfully
Jacquie Clark 9143, Licensing Enforcement Officer
For and on behalf of Inspector Bert Dean 2934
Borough Commander for Elmbridge
Surrey Police

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To: The Licensing Authority

Spelthorne Borough Council
Knowle Green
Staines-upon-Thames
Surrey Police

Date: 5th August 2020

Temporary Event – Objection Notice

Licensing Act 2003 – s104 (as amended)

Premises:	273-275 London Road, Staines-upon-Thames TW18 4JJ
Notice Giver:	Mr Shawn ALEXANDER
Date of Event:	21st and 22nd August 2020 (2 days)
Date Temporary Event Notice submitted:	3 rd August 2020
Standard or Late TEN:	STANDARD

Sir / Madam

Please note that the Chief of Police is satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the following licensing objectives.

- Prevention of public nuisance
- Prevention of crime and disorder
- Public Safety

Police believe the applicant has not provided sufficient details within the notice to show what preventive steps the Notice Giver intends to take in order to satisfy the three main government objections listed above.

There is no mention within the notice as to what steps the Notice Giver intends to take in order to prevent Crime and disorder, public nuisance or to provide a safe environment for the public. There is no detail around any security being provided, parking arrangements, use of plastics, or anything that would provide the reader with any confidence that the above objectives have been considered.

Given the TEN is to cover a 2 day public event, it is likely to have a big impact on the local residents and there is little or no information provided relating to how the event will be run. Police believe that there is a likelihood that there will be an increase in reports of crime and disorder, public nuisance and a risk to the safety of the public.

C/o Joan Grant 16087 - Surrey Police, Northern Area Licensing Enforcement Officer.
PO Box 101, Guildford GU1 9PE Tel 01483 631417 E-Mail 16087@surrey.pnn.police.uk

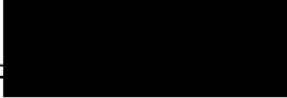
The Notice Giver will no doubt be aware that currently under the s. 5(1) of The Health Protection (Coronavirus, Restrictions) No. 2 (England) Regulations 2020 such a planned event would not be permitted as no evidence has been submitted regarding a risk assessment or measures which will be taken to limit the transmission of coronavirus.

A written risk assessment that specifically dealt with this event would have been helpful.

Furthermore, there have already been THREE unlicensed music events at this venue namely on Saturday 18th July, (Surrey Police reference P20167174 refers) Saturday 25th July (Surrey Police reference P20173151 refers) and Saturday 1st August 2020 (Surrey Police reference P20178914 refers). On each occasion that an unlicensed event has taken place, police have received numerous calls regarding a large number of people gathered at the venue taking part in an "illegal rave", urinating in public, possible use of cannabis and social distancing not being observed.

As a result of all the issues outlined above, Police are asking the committee to consider issuing a counter notice rejecting this event.

Yours faithfully,
Joan Grant
On behalf of Inspector Maxine Cilia
Borough Commander for Spelthorne

Signed: 

Maxine Cilia

c.c. Shawn ALEXANDER, notice giver
c.c. Environmental Health, Spelthorne Borough Council

C/o Joan Grant 16087 - Surrey Police, Northern Area Licensing Enforcement Officer.
PO Box 101, Guildford GU1 9PE Tel 01483 631417 E-Mail 16087@surrey.pnn.police.uk



■ SURREY ■
POLICE

Spelthorne Licensing Unit,
Council Offices Knowle Green,
Staines-Upon Thames,
Surrey,
TW18 1XB,

Licensing Act 2003
Representation in respect of a
Premises Licence Application or Variation or a
Club Premises Certificate Application or Variation.
And Temporary Event Notice.

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

I, the undersigned, hereby make representations against the following application.

Details of premises or club premises whose application you wish to make representations against.

Name of Premises	
Formally London Road Cars	
Address of Premises or Club	
273-275 London Road Staines-Upon Thames	
Post town	Post code (if known)
Staines	TW18 4JJ

Type of application

	Please tick ✓
Premises Licence application	
Variation to a Premises Licence	
Club Premises Certificate application	
Variation of a Club Premises Certificate	
Temporary Event Notice	X

Please state the ground(s) for the representation and how it relates to one of the licensing objectives. Please use additional blank sheets if necessary

Appendix C2

Surrey Police wish to object to the following temporary event notice that was submitted by a Shawn Alexander of 54 Lower Addiscombe Road Croydon. The event is recorded in the application as a family event and BBQ to be held at 273-275 London Road Staines Upon Thames TW18 4JJ and the applicant has requested this event to go on for 4 days from the 28th August 2020 through to the 31st August 2020.

This is clearly not what the event is as there have been a number of similar events recently which has caused the local residents to contact the Police for noise, large crowds attending with well over 100 cars present a marquee in the car park and strong smell of cannabis coming from the location. Police icad reports are recorded as the following 18th July 2020 Police reference numbers P20167174, 25th July 2010 P20173151 and the 1st August 2020 P20178914.

Police believe that the applicant has not provided sufficient details within the notice to show what preventive steps the applicant intends to take in order to satisfy the 3 main licensing objectives listed above.

There is no detail around any security being provided, parking arrangements, use of plastics or anything to provide the local authority with any confidence that the above licensing objectives had been considered.

Given that the temporary Event Notice is to cover a 4 day public event it is likely to have a big impact on local residents and there is little or no information provided relating as to how the event would be run.

The Police believe that there is a strong likelihood there will be an increase in reports of crime and disorder, public nuisance and a risk to the safety of the public. The last 3 events at the premises did cause members of the public to report issues and their concerns to the Police

The applicant will be no doubt be aware that currently under the S.5(1) of the health protection (Coronavirus restrictions) No 2 (England regulations 2020 such planned events would not be permitted.

Surrey Police strongly object to this temporary event notice as it is in their opinion that there will be an increase in crime and disorder. Public safety and the prevention of a public nuisance

This representation relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x
x
x

If your representation does not relate to one of the above objectives your representation will be invalid.

Please tick ✓

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

X
X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed [REDACTED] INSPECTOR 2099 Date 7/08/2020
 Address for correspondence 14:47

Contact address for correspondence if different from that given in Sections A, B, or C above.	
LICENSING ENFORCEMENT OFFICER	
ADDRESS AS ABOVE	
Post town	Post code
Daytime Telephone number (if any) 01483 - 631417	
e-mail address (optional) joan.grant @SURREY.PNN.POLICE.UK	

All representations must be made by sending this form to the Licensing Authority to arrive there during the period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the Licensing Authority by the applicant. In the case of representations following a closure order this period is 7 days after the day on which the Licensing Authority received the notice under section 165(4) of the Act.

Representations received outside these time limits will be deemed to be invalid.

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**Environmental Health objection in respect of
Temporary Event Notice application for proposed event at
273 – 275 London Road Staines upon Thames Surrey
to be held on the 12th and 13th September 2020.**

Application

A Temporary Event Notice was submitted on 26th August 2020 for a proposed event to take place on Saturday 12th and Sunday 13th September 2020 from 12:00 to 23:00 on both days.

The location of the event is Signature Van Hire site, 273-275 London Road, Staines-upon-Thames. The nature of the event is a Family Friendly BBQ, with a maximum of 250 attendees with the licensable activities being the sale by retail of alcohol (both on and off the premises) and regulated entertainment.

The organiser for this event is Black Steel Limited.

The organiser has submitted three applications for this site for similar events. Environmental Health and Surrey Police had concerns about each of these proposed events in relation to the licensing objectives.

Following the Licensing Sub-Committee hearing on the 19th August 2020, the Sub-Committee has decided to serve counter notices in respect of both the TENS applications for events on 21 to 22 August 2020 and 28 to 31 August 2020. The third application is being considered by the Licensing Sub-Committee on the 3rd September 2020.

Location

The site is located on the north side of the A30, going towards Ashford. The principle use of the site is a Van Hire Business. There are residential properties opposite the site. There has no history of music or other events being held at the site, until July of this year.

History

Environmental Health has been involved with three unlicensed music events at the site on the following dates:

Saturday 18 July 2020

Saturday 25 July 2020 and

Saturday 1 August 2020.

The Council received complaints concerning all three events. Following visits from the Council's out of hour's service and an officer from Environmental Health attended the last event. Notices were served as a statutory noise nuisance was witnessed.

On the 31st July 2020, the Council served a noise abatement notice. The notice to the landowners required the occupier to abate the statutory nuisance within 12 hours from the time of service and to prohibit a recurrence of the statutory nuisance.

Specifically, the Schedule attached to the notice specified that the occupier ought to

“cease the use on the land of any amplification equipment, such as loud speakers, amplifiers and microphones, that can be used for music and voice amplification at a volume that is likely to cause nuisance to residents of nearby residential premises.”

On the 7th August 2020 Surrey Police obtained a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 Part 4 Ch3 S 80.

The reasons for issuing the Closing Order:

The use of the premises has resulted in, or is likely to result in serious nuisance to members of the public, and

That the Order is necessary to prevent the nuisance from recurring.

This order gave access to nominated persons, however all others are prohibited from remaining on or entering the site.

However, it stipulated the following with regards to nominated persons:

“Any person with a ticket to an event on the site, which event benefits from an extant authorisation under the Licensing Act 2003”

There were no licences issued under the Licensing Act 2003 by the Council prior to the date of the closure order. Any events after this date, with or without the benefit of a licence would render all persons who attend the site liable to arrest and on conviction be liable for a term of imprisonment or a fine or both.

Concerns with Application

Regulation 5 of The Health Protection (Coronavirus, Restrictions) (No2) (England) Regulations 2020, prohibits this event, unless the person responsible for organising the event has carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999 and the organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment carried out. No risk assessment under the regulations has been submitted.

The site is unsuitable for the numbers to be present at the event.

The application makes no information about managing security of the events and how nuisances and anti-social behavior are to be prevented, i.e.

management of people attending the event and leaving including drunken behavior, removal of litter left outside the site.

The duration of the event, i.e. 2 days, is unacceptable due to the effects on our residents.

The applicant has submitted a Sound Control Strategy for the purposes of controlled the management of regulated entertainment in order to control prevent nuisance to local residents. It gives details of the sound system and will consist of 2 portable loud speakers and will be an audience of 50 people. It details the nearest residential property, that has a separation distance of 80 m, however it is unclear where the measuring point is located. All the noise levels in the strategy are predicted, there are no actual noise levels. Whilst, the “Code of Practice On Environmental Noise Control at Concerts” The Noise Council is the only standard that is applicable and always a music noise level of 65 dB Leq 15 min. Concern is expressed about this level and in order to protect the nearby residents and ensure compliance with the noise abatement notices, and would like to have the noise from the regulated entertainment to be inaudible at the site boundary.

The site does not have sufficient space to accommodate the number of cars that would be expected to arrive for the event. Cars will be parked on the main road outside the venue that has yellow lines which will cause considerable traffic congestion. In addition, cars will park in residential roads and causing issues with the residents over parking and access to their properties i.e. parking across resident’s drives. There is no information submitted with the application giving details on how vehicles are to be managed.

There has been a considerable amount of anti-social behavior when people have left previous events held on the site, litter left, shouting, screaming and drunken behavior.

The Council had not received any site plans detailing location of bars, toilets, and other amenities to be provided on site,

The applicant states that they will provide Security Risk Assessment, Health and Safety Risk Assessment, Fire Risk Assessment, Noise Impact Assessment, COVID - 19 risk assessment, 5 working days before the event starts. In addition, applicant will attend any SAG that the police or any other agency feel is appropriate.

Recommendation

Environmental Health are therefore concerned about the impact this event will have on local residents and consider that public nuisance and public safety would be likely from such an event and would recommend that the application is refused.

Leslie Spearpoint
Senior Environmental Health Officer.
1st September 2020

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Please reply to:

Contact: Christine Curtis
Service: Committee Services
Direct line: 01784 446240
Fax: 01784 446240
E-mail: c.curtis@spelthorne.gov.uk
Date: 19 August 2020

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

in accordance with s.105 LICENSING ACT 2003

Licensing Sub-Committee	19 August 2020
TENS Premises User	Shawn Alexander (Black Steel Limited)
Dates of events	21-22 and 28-31 August 2020
In respect of	273-275 London Road, Staines-upon-Thames, TW18 4JJ

SUB-COMMITTEE DECISION WITH REASONS

To serve Counter Notices in respect of both events

1. The purpose of this Licensing Sub-Committee was to consider whether to grant or reject two Temporary Event Notices (TENs) in light of objection notices served by the police and by the local authority exercising environmental health functions.

ATTENDANCE

2. A number of people attended the Sub-Committee hearing to make representations. They were:
 - a. Mr Robert Sutherland (Complete Licensing) on behalf of Black Steel Limited;

- b. Mr Richard Bunch (Complete Licensing) on behalf of Black Steel Limited;
 - c. Mr Wes Pierce (Number 8 Events) on behalf of Black Steel Limited;
 - d. Ms Kayleigh Craine, events manager, on behalf of Black Steel Limited;
 - e. PC Richard Sadler on behalf of Surrey Police, a relevant person;
 - f. LEO Jackie Clark on behalf of Surrey Police;
 - g. ASB Specialist Bev Gosden on behalf of Surrey Police; and
 - h. Ms Tracey Willmott-French, Senior Environmental Health Officer, Spelthorne Borough Council, a relevant person.
3. The Notices are to enable the sale by retail of alcohol on the premises between 12noon-11pm on 21 and 22 August 2020 and to enable the sale by retail of alcohol and the provision of regulated entertainment between 12noon-11pm on 28, 29, 30 and 31 August 2020.
 4. There is currently no premises licence on the premises.

EVIDENCE

5. The Sub-Committee has considered all of the relevant evidence made available to it including:-
 - Applications made by Shawn Alexander for Black Steel Limited;
 - Written and oral submissions by Mr Robert Sutherland, Mr Richard Bunch, Mr Wes Pierce and Ms Kayleigh Craine on behalf of the applicant;
 - Written and verbal objections from Surrey Police; and
 - Written and verbal objections from the Council's Environmental Health Section.
6. The Sub-Committee considered the background to these applications, namely that residents had complained about events taking place on the premises by various different event organisers on 18 July 2020, 25 July 2020 and 1 August 2020. Due to a number of complaints received by residents and attendance at the premises by the Council's officers and police officers, the Council served a statutory noise abatement notice on the landowners and occupiers of the premises on 31 July 2020 and on 1 August 2020 respectively. The Police obtained a partial closure order on 7 August 2020 for the premises, outlining the individuals permitted to access the premises, which includes any person with a ticket to an event on the premises, which event benefits from an extant authorisation under the Licensing Act 2003.

Applicant

7. Mr Sutherland explained to the Sub-Committee that Black Steel Limited had not been involved in the organisation of previous events at the premises however

noted that previous events had taken place at the premises without any nuisance caused. Mr Sutherland also highlighted that no evidence of crime or anti-social behaviour had been recorded during the previous events on the premises.

8. Mr Sutherland understood that a previous event at the premises had caused nuisance leading to the Council's decision to serve a noise abatement notice on the occupier of the land. Mr Sutherland assured the Sub-Committee that the notice would be complied with as Black Steel Limited had an expert team involved in managing and planning their proposed events.
9. The proposed event was described by Mr Sutherland as a family event with a BBQ to promote unity for family and friends. Due to the delay in the first TENS application, the first event on 21 and 22 August will only involve around 250 attendees, including security staff and performers. Mr Sutherland stated that around 100-150 tickets had been sold so far at a price of £30 per ticket per family. Mr Pierce added that the information provided to all staff and attendees would enable a secure environment.
10. Mr Sutherland explained that 14 SIA security guards would be hired at both events to ensure customer security and safety and to prevent anti-social behaviour and disorder. Mr Sutherland made reference to the report provided by Black Steel Limited outlining measures to tackle noise nuisance and anti-social behaviour. Ms Craine confirmed that adequate lighting would be installed at the premises and all staff would be trained to ensure covid-19 guidelines and licensing objectives are met.
11. Mr Sutherland referred to a report provided by sound expert, Mr Richard Vivian, describing the proposed sound system catered to 250 attendees. Mr Vivian's report describes the premises area and provides an assessment and relevant calculations to assist in preventing noise nuisance from occurring. Mr Sutherland explained that Mr Vivian will attend the premises to train all staff on noise nuisance prevention. The music played at the premises will be incidental as attendees will be occupied with fairground rides and other activities. The location of the music source will be at the rear of the premises, focused on an area where attendees are gathered. Mr Sutherland explained that the sound system is small and the anticipated music is minimal and should not be audible from the site. The music will be monitored and recorded regularly by staff. Ms Craine added that the music played will consist of a mixed genre of commercial music and the volume would be turned down by 10:30pm.
12. Mr Sutherland clarified that a wind down at the end of the event would take place at around 10:30pm in order to assist with the dispersal of attendees in an orderly fashion. This process would be gradual, considering most people would have

already left the premises earlier and allow for a staggered exit. Security staff will assist with the wind down to prevent any anti-social behaviour taking place.

13. Mr Sutherland stated that there is enough space on the site to allow free parking to all attendees. Plastic will be used instead of glass at the premises and there will be sufficient toilet facilities for everyone on site.
14. If invited to attend a Safety Advisory Group meeting, Mr Sutherland stated that Black Steel Limited would be more than happy to attend and discuss safety measures at their events. If the TENS are granted, Mr Sutherland would like to openly communicate with residents in the area, providing their contact details in case of any complaints and communicate with the relevant authorities to provide sufficient risk assessments.

Police

15. PC Richard Sadler explained that the Police had genuine concerns regarding the dispersal of attendees from the event onto the dual carriageway, causing a build-up of traffic and obstruction of the highway.
16. PC Sadler referred to previous complaints by residents who had suffered as a result of three unlicensed events taking place at the premises causing disturbance and noise. Such complaints led to the police obtaining a partial closure order for the premises. PC Sadler was concerned by the lack of measures provided by Black Steel Limited to alleviate any concerns raised previously by residents.
17. PC Sadler explained that the police do not want to stop such events from taking place in the borough, however must take into account public safety and concerns of the community. PC Sadler did not accept that Black Steel Limited would be able to tackle issues arising in relation to crime and disorder, public safety and public nuisance at the premises if the TENs were granted.

Environmental Health representations

18. Ms Tracey Willmott-French, a Senior Environmental Health Officer, raised concerns regarding the rush of documentation received by Black Steel Limited in a short timeframe. Ms Willmott-French noted that the documentation provided was inadequate and did not provide a sufficient outline of management of the event, risk assessment and measures to prevent the nuisance. The Council had not received any plan of the area describing the location of bars, toilets, fairground rides, car parks and other amenities. The Council had also not received any outline of how social distancing will take place.

19. Ms Willmott-French added that Black Steel Limited had not yet taken steps to communicate with the residents nor the police even though the event was to take place within a short period of time. Ms Willmott-French also pointed out that no training had yet been given to staff in relation to noise abatement and covid-19 guidelines.
20. Ms Willmott-French stated that approval of the TENs for the proposed events would cause further issues to the residents' living near the premises who have already suffered as a result of 3 previous unlicensed events which took place at the premises.

Findings

The Sub-Committee considered the licensing objectives in turn:

Prevention of Crime and Disorder

21. The Sub-Committee gave weight to Police concerns regarding the potential for crime and disorder, in light of previous incidents of disorder complained of. The Sub-Committee noted that there had been clear incidents of disorder at the previous events and despite the crime and disorder policy proposed by the Applicant, they still had concerns that those steps would not address potential issues.

Public Safety

22. The Sub-Committee were persuaded by the objections of the Police. The Police expressed concerns in the ability of the Applicant to control the premises particularly in respect of egress from the premises.
23. The Sub-Committee gave weight to the objection of Environmental Health, relating to a lack of evidence regarding risk assessments, concerns over people leaving the premises and managing people attending the event.
24. The Sub-Committee also noted concerns raised by the Police and Environmental Health regarding compliance with Coronavirus regulations and guidance. However, the Sub-Committee were mindful of paragraph 2.7 of the revised guidance issued under section 182 of the Licensing Act 2003, regarding public health. Although, public health is separate to public safety under the statutory guidance, the Sub-Committee considered that the lack of thorough risk assessments and details of how the Applicant would comply with Coronavirus requirements, raised doubts over the Applicant's ability in organising and consequently managing the events safely more generally.

25. These doubts were compounded by the fact that the Applicant had not liaised with emergency services and partners and would only commit to doing so if the TENS were granted. The Sub-Committee were of the view that to promote public safety, the Applicant should have communicated with such bodies during the planning of the events, as there was no evidence submitted to show that the site would be safe for such events.
26. The Sub-Committee were also concerned regarding the lack of adequate evacuation points in the event of a fire, particularly in the event of attendees being directed for 50m along the pavement next to a dual carriageway at night. The Sub-Committee also noted the Police's comments in relation to a structure on the premises and whether it was safe. The Sub-Committee were of the view that had discussions with relevant emergency bodies taken place, the Applicant may have been able to reassure the Sub-Committee of this.

Prevention of Public Nuisance

27. The Sub-Committee gave weight to the objection of Environmental Health. The officer expressed concerns regarding the ability of the Applicant to suitably train staff to prevent occurrences of noise nuisance.
28. The Sub-Committee had regard for paragraph 2.15 of the revised guidance issued under section 182 of the Licensing Act 2003. The Sub-Committee lacked confidence that staff would be given sufficient training in the time available and in the ability of the Applicant to suitably train staff to prevent occurrences of noise nuisance. The Sub-Committee was not convinced the Applicant had an acceptable grasp of what would be a noise nuisance to residents.
29. Overall, the Sub-Committee lacked confidence that the Applicant would be able to deliver on the assurances made to Police and Environmental Health in the limited time available.
30. The Sub-Committee was concerned that the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance would be undermined if the TENS events were to proceed. The Sub-Committee was aware that its decision should be appropriate and proportionate to the promotion of the licensing objectives.

Decision

31. The Sub-Committee has given weight to the objections of Surrey Police and to Environmental Health and is persuaded that if the events for which notices have been given went ahead, that the licensing objectives in relation to the prevention

of crime and disorder, public safety and prevention of public nuisance would be undermined.

32. The Sub-Committee has decided to serve counter notices in respect of both the TENS applications for events on 21 to 22 August 2020 and 28 to 31 August 2020.
33. The counter notices shall be served by the Council's Senior Environmental Health Officer on behalf of the Sub-Committee.

Cllr. R.W. Sider BEM (Chairman)

Cllr. I.J. Beardsmore

Cllr. N.J. Gething

Date of Decision: 19 August 2020

Date of Issue: 20 August 2020

RIGHT TO APPEAL

34. You have a right to appeal against this decision, which must be made to a Magistrates court within 21 days of receipt of this decision notice but no later than 5 working days before the day upon which the event was due to begin. The Magistrates Court for the administrative area of Surrey is Guildford Magistrates Court.

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Spelthorne Borough Council, Council Offices, Knowle Green, Staines-Upon-Thames TW18 1XB 20/00318/LATEMP

COUNTER NOTICE (TEMPORARY EVENT NOTICE)

On 3 August 2020 the licensing authority received from you, Shawn Alexander – Black Steel Limited, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 21 August 2020-22 August 2020 at 273-275 London Road, Staines-Upon-Thames TW18 4JJ. The licensing authority received an objection under section 105 of the Licensing Act 2003 (“the Act”).

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

On the 19 August 2020 a Licensing Sub-Committee was held to consider the objections received. The Licensing Sub-Committee decision was to serve a counter-notice to the Notice submitted.

You have the right to appeal this counter-notice in accordance with the provisions within the Licensing Act 2003.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine of any amount, or to both.

SIGNATURE		DATE	
	On behalf of the licensing authority and as authorised by the Licensing Sub-Committee dated 19 August 2020.		
Name of Officer signing			

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Spelthorne Borough Council, Council Offices, Knowle Green, Staines-Upon-Thames TW18 1XB 20/00331/LATEMP

COUNTER NOTICE (TEMPORARY EVENT NOTICE)

On 6 August 2020 the licensing authority received from you, Shawn Alexander- Black Steel Limited, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 28 August 2020-31 August 2020 at 273-275 London Road, Staines-Upon-Thames TW18 4JJ. The licensing authority has received objection under section 105 of the Licensing Act 2003 (“the Act”).

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X

On the 19 August 2020 a Licensing Sub-Committee was held to consider the objections received. The Licensing Sub-Committee decision was to serve a counter-notice to the Notice submitted.

You have the right to appeal this counter-notice in accordance with the provisions within the Licensing Act 2003.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine of any amount, or to both.

SIGNATURE		DATE	
	On behalf of the licensing authority and as authorised by the Licensing Sub-Committee dated 19 August 2020		
Name of Officer signing			

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