

Licensing Sub-Committee

05/05/2021



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| Subject | Application for a Premises Licence Applicant: The Hazelwood Community Company Premises: The Hazelwood Centre, Hazelwood Drive, Sunbury-on-Thames TW16 6QU | | |
| Purpose | For determination | | |
| Report of | Deputy Chief Executive | Ward | Halliford and Sunbury West |
| Contact | Paul Morey, Licensing Enforcement Officer, (01784) 446450 | | |

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| Description and Location | <p>The Hazelwood Centre ("the Centre") is located at The Hazelwood Centre, Hazelwood Drive, Sunbury-on-Thames TW16 6QU. The Centre is the training and administration centre for the London Irish Amateur Rugby Football Club.</p> <p>The Centre offers training facilities, changing-rooms and includes a function suite. The suite is rented out to the public as well as for use by members of the club. The Centre has parking for 360 cars.</p> <p>Plan annexed at Appendix A</p> |
| The Application | <p>This application is for a Premises License for.</p> <ul style="list-style-type: none">• the retail sale of alcohol• provision of regulated entertainment, performance of dance• late-night refreshments. <p>This application is made by Hazelwood Community Company (CRN 10535141) after the previous licence holder, Hazelwood Centre LLP (OC392995) was dissolved in order to change its legal status. Due to an administrative oversight, Hazelwood Centre LLP's previous Premises Licence, 14/00482/LAPRE, was not transferred over to Hazelwood Community Company.</p> <p><u>This application seeks to re-establish the exact same timings and conditions of Hazelwood Centre LLP's previous Premises Licence, 14/00482/LAPRE, which was granted on 18 August 2014.</u></p> |

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| | <p><u>Note: Hazelwood Community Company are seeking no changes to the previous Premises Licence.</u></p> <p>Application annexed at Appendix B</p> |
| Representations | <p>No relevant representations have been received from any of the relevant authorities.</p> <p>37 relevant representations have been received from other persons living nearby and are attached at Appendix D (numbered 1 to 37)</p> |
| Options | <ol style="list-style-type: none"> 1. The Sub-Committee is requested to consider the application for the grant of a new 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; <i>or</i> ▪ To grant the application and modify the conditions of the licence, by alteration, addition, or omission, <i>or</i> ▪ To reject the whole or part of the application. |

1. Background

- 1.1 The Centre was issued with Premises Licence No. 14/00482/LAPRE under the Licensing Act 2003 when the Centre was established on 18 August 2014.
- 1.2 The lapsed Premises Licence permitted the supply of alcohol: 07.00 to 23.00 Sunday to Thursday and 07.00 to 01.00 Fridays and Saturdays. These timings are repeated in the current application.
- 1.3 The application includes regulated entertainment of live, recorded music and performance of dance or anything of a similar nature, as well as late-night refreshments. These activities were also granted in the lapsed licence.
- 1.4 The lapsed Premises Licence is attached at **Appendix C.**

Historic Complaint(s)

- 1.5 One recorded noise complaint was made to Environmental Health Out of Hours Service on 05 August 2019. This related to loud music being played at the Centre at 19:00 hours on that evening. Out of Hours were to attend the Centre, however a further telephone call was received from the complainant, stating that the music had been turned off at 19:30 hours. Therefore, Out of Hours did not attend.
- 1.6 Following the unsubstantiated noise complaint on 05 August 2019, a follow-up licensing inspection of the Centre took place. It was discovered that Hazelwood Centre LLP had failed to install a noise limiter. This was mandated in the licensing subcommittee hearing on the issue of the original licence 11 August 2014.
- 1.7 On 17 October 2019, Louise McVey, environmental health regulatory officer, and I attended the Centre, and the electronic noise limiter (circuit breaker) was observed as set and sealed. There have been no further complaints regarding noise.
- 1.8 There has been one Temporary Event Notices recorded on the Licensing system since this Application has been made. This is as follows: -

2021.04.15 Late Temporary Event Notice: For the sale of alcohol by retail from 15th April to 17th April 2021 between 11:00 to 23:00 and on 18 April 2021 from 11:00 to 21:00.

There are no reports of nuisance caused by this event.

- 1.9 The Joint Enforcement and Community Safety Teams have no records of any litter problems related to the Centre and its immediate surrounding area. There are no historical complaints on record regarding nuisance in the surrounding area.

- 1.10 Spelthorne Parking Services have two complaints on record from September 2019 regarding parking around the Hazelwood area during an event in that month. There are no other historical complaints on record.

2. Application Summary

- 2.1 The application summary is as follows:

- Supply of alcohol: 07.00 to 23.00 Sunday to Thursday and 07.00 to 01.00 Fridays and Saturdays
- Late night refreshment: 23.00 to 01.00 on Fridays and Saturdays only
- Regulated entertainment: live and recorded music, performances of dance and anything of a similar description from 07.00 to 23.00 Sunday to Thursday (inclusive) and 07.00 to 01.00 Fridays and Saturdays only
- The opening hours of the premises Sunday to Thursday, 07.00 to 23.30 Friday & Saturday, 07.00 to 01.30

Note: these requested activities reflect those granted under the previous licence to the Hazelwood Centre LLP.

- 2.3 The required notices were displayed and published in Surrey Advertiser on 19 March 2021.

3. Representations

3.1 i) Representations from Responsible Authorities (RA's)

There are no relevant representations from responsible authorities.

ii) Representations from 'other persons'

37 relevant representations have been received from other persons see **Appendix D (Numbered 1 to 37)**

- 3.2 The grounds for objection are summarised below in relation to each Licensing Objective:

Prevention of crime and disorder

The representations are concerned that the perceived extended opening hours would lead to an increase in anti-social behaviour and drug use.

Public safety

The representation states that there is a general build-up of refuse, including broken glass and cigarette butts left by the patrons. There are also concerns regarding youths hanging around the area.

Prevention of public nuisance

It is stated that local residences are affected by the people leaving the premises late at night. They are concerned that this disturbance will increase with the perceived later opening hours.

This disturbance increases at closing time with patrons ordering taxis, walking away from the premises and vehicles leaving the area. During this period, they state that there is swearing, and litter is left in the area.

There is also concern regarding music and noise emanating from the club's facilities during the evening.

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

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

3.4 Hazelwood Community Company has submitted a statement of their Ongoing Community Activity, which was taking place before and as allowed during the Covid 19 outbreak and also when the entity was known as the Hazelwood Centre LLP. This is attached **Appendix E**

4. Licensing Policy

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

- 9.0 ADMINISTRATION AND DECISION MAKING
- 25.0 CRIME & DISORDER
- 25.5 PUBLIC SAFETY
- 25.7 PUBLIC NUISANCE

Annexed hereto at **Appendix F**

5. National Guidance

5.1 The relevant section (chapter 9) 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. (**Appendix G**)

6. Making a decision

6.1 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.

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

6.3 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.

6.4 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.
- 6.5 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.
- 6.6 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 – Current Application and Premises Plans

Appendix C – Previous Premises Licence

Appendix D – Representations from other persons

Appendix E – Hazelwood's statement of Ongoing Community Activity

Appendix F – Relevant sections of Spelthorne Borough Council's Statement of Licensing Policy 2019 – 2024

Appendix G - Chapter 9, National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003