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Date: 6 May 2021

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the LICENSING ACT 2003 s.23

Date of Licensing Sub-Committee: 5 May 2021

Applicant: Hazelwood Community Company

Premises: The Hazelwood Centre,
Hazelwood Drive, Sunbury-on-
Thames TW16 6QU

REASON(S) FOR HEARING: Relevant representations received from other persons concerning Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety:-

- Potential for increase in anti-social behaviour
- Potential for increase in public nuisance
- Potential threat to public safety

DECISION

Granted

With effect from 5 May 2021

REASONS FOR DECISION

1. The application is for a new premises licence for the Hazelwood Centre, Hazelwood Drive, Sunbury-on-Thames TW16 6QU (“the Premises”). The Premises is the training and administration centre for the London Irish Amateur Rugby Football Club.

Attendance

2. Two people attended the Sub-Committee hearing to make representations. They were:
 - Ms Fiona McHugh, the Hazelwood Centre manager and the designated premises supervisor for the Applicant; and
 - Mr Andrew Woods of Woods Whur, legal representative for the Applicant.

Evidence

3. The Licensing Sub-Committee considered all of the relevant evidence made available to it at the hearing including:
 - The report of Paul Morey, Licensing Enforcement Officer, outlining the matter to be considered.
 - Written representations from other persons.
 - Oral representations from Ms Fiona McHugh and Mr Andrew Woods on behalf of the Applicant.

In addition, the following documents were circulated prior to the hearing:

- Location plan of the Premises
 - Applicant’s application form
 - Previous premises licence held by Hazelwood Centre LLP
 - Plan of the Premises
 - Hazelwood’s statement of ongoing community activity
 - Conditions agreed with the Licensing Authority
4. In considering all of this evidence, the Sub-Committee has taken into account the Regulations and National Guidance under the Licensing Act 2003 and Spelthorne Borough Council’s Statement of Licensing Policy.

Application

5. An application for a new Premises Licence at the Hazelwood Centre, Hazelwood Drive, Sunbury-on-Thames TW16 6QU, was received from the Applicant on 12 March 2021. The Applicant seeks licence for:
 - 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
6. The public was consulted in accordance with the Licensing Act 2003. The required notices were displayed and adverts published in line with the regulations under the Licensing Act 2003.
7. The application generated 37 representations from other persons. No representations were received from any of the responsible authorities.

EVIDENCE

Background

8. 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.
9. 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 Hazelwood Community Company's application.
10. 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.

11. 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. The conditions include the following:

The prevention of crime and disorder and public safety

- (a) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
- (b) Staff will be trained in all aspects of relevant legislation and records of the training will be held at the premises.
- (c) CCTV will be installed at the premises. Tapes of recordings shall be kept for a minimum of 28 days and made available to the Licensing Authority and Surrey Police upon request. The equipment will be maintained in working order and continually record during the operating hours and for one hour afterwards.
- (d) No glassware will be allowed outside the building. Plastic/polycarbonate glassware will be provided to customers consuming drinks outside the clubhouse.

The Prevention of Public Nuisance

- (e) Clear notices will be displayed at prominent points requesting that patrons leave the premises quietly, behaving in a quiet and orderly manner and respecting the needs of local residents.
- (f) A mini-cab number will be available at all times for customers.

The Protection of Children from harm

- (g) Challenge 25 Proof of age policy is in place (see above).
- (1) Noise levels resulting from regulated entertainment within the premises will be monitored and controlled using a proprietary noise limiter installed in the area where regulated entertainment is to take place. The noise limiter shall be linked to all electrical sockets used to power amplification equipment used for the purposes of the regulated entertainment and shall be capable of switching off the power to those sockets in the event that the agreed noise limit is exceeded.
- (2) Reference levels for the noise monitoring equipment will be established and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council. Once the agreed limit has been established, the noise limiter shall be locked and the settings shall not be altered without the consent of a representative of Spelthorne Borough Council.

Applicant

12. The Applicant's manager, Ms Fiona McHugh and the Applicant's legal representative, Mr Andrew Woods, spoke on behalf of Hazelwood Community Company.

13. Mr Woods confirmed that the Applicant has been trading since 2014, predominately as a rugby club providing facilities and pitches for all age groups and providing services for the community, as set out in appendix E of the report.
14. Mr Woods explained that the Applicant is a not-for-profit business which aims to support the community and provide services for the rugby team. Mr Woods confirmed that Ms McHugh has been the general manager of the Premises for 5 and a half years.
15. Mr Woods addressed a complaint received in 2019 in relation to loud music. Mr Woods explained that the Applicant addressed the complaint straight away by turning the music off and installing a noise limiter at the Premises which has been set and sealed so as not to be tampered with. The level of the noise limiter was set by an Environmental Health Officer from Spelthorne Borough Council.
16. Although not relevant to licensing, Mr Woods also addressed two issues which the Premises experienced in relation to parking. The issues were dealt with quickly and Ms McHugh introduced an overflow car park and clear signage relating to parking and noise. Ms McHugh also created a dedicated parking team at the Premises.
17. Mr Woods stated that the Applicant appreciates the position of the community and residents nearby and explained that Ms McHugh has not had any issues with the residents however if any issues arise, Ms McHugh is happy to discuss and work with residents.
18. Mr Woods confirmed that the representations refer to a perceived extension of the licensable hours, however the application submitted is no different to the licence granted in 2014.
19. Mr Woods also stated that the Premises was allowed to open for the last 3 weekends, trading under TENS which were granted, and no complaints were received regarding these events.
20. Mr Woods explained that there is a general liaison between the Applicant and residents and the Applicant has always been conscious of the residents' views since the Applicant's planning application in 2013. Mr Woods stated that the Applicant provides an invitation to the residents once or twice a year to notify the Applicant of any issues. In the 6 and a half years the Premises has been open, no complaints have been received in relation to public nuisance. If there are any issues in the future, Ms McHugh is happy to work with the residents. Mr Woods added that the Premises has been well run, providing facilities to the community, and the Applicant intends to continue to work with the community and ensure the Premises is operated appropriately.

21. In response to a question from Councillor Sider regarding the supply of alcohol off the premises, Mr Woods responded by explaining that the supply would cover the club house and part of the outside area up to the first pitch however Ms McHugh confirmed that the supply of alcohol 'off premises' has never happened.
22. In response to Councillor Sider's concerns regarding patrons taking alcohol away with them off the Premises at the end of the day, Mr Woods explained that this may be a fear by residents however this never happens and the sale of alcohol is well controlled at the Premises.
23. Councillor Sider queried the type of regulated entertainment which has been proposed by the Applicant. Mr Woods explained that the Premises is available for hire by the community and the entertainment proposed includes live entertainment, DJs, bands and other entertainment for parties and weddings. Mr Woods confirmed that each event is risk assessed to ensure the entertainment is suitable and that the managers are satisfied.
24. Councillor Sider proposed that the Applicant offers meetings with residents once a quarter. Ms McHugh agreed with the idea however explained that the Applicant already provides meetings once or twice a year with residents through the Lower Sunbury Residents' Association (LOSRA) and suggested that this is sufficient. Mr Woods added that the Applicant uses a mail drop system through LOSRA which provides a date and time for anyone to have a meeting with the Applicant.
25. Councillor Sider asked whether the Applicant, through LOSRA, could provide a designated telephone number which residents could phone if they have any concerns. Both Ms McHugh and Mr Woods agreed to the idea.
26. In response to Councillor Sider's question regarding the Premises' staff availability in the evenings, Ms McHugh confirmed that in the evenings, several members of staff are present at the Premises, including Ms McHugh, to ensure the patrons leave the area safely. Staff also assist with bookings, completing end of function sheets, ensure guests leave the car park safely and provide taxi telephone numbers to patrons. Ms McHugh added that if a live DJ has been organised, they are asked to announce at the end of the evening for guests to leave the Premises quietly.

Representations from other persons

27. Thirty seven written representations were received from other persons raising the following objections to the application under the licensing objectives:

- **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 representations state 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.

28. No other persons attended the Sub-Committee hearing.

Findings

29. The Sub-Committee considered the representations made by the Applicant at the hearing together with the written representations received from other persons and finds as follows:

30. Thirty seven representations had been received by other persons objecting to the application. However, it was found that the representations were based on the fear and speculation of what might happen. No weight could therefore be attached to them, as the objections themselves were not supported by any real evidence. There was a misconception amongst the representations received that the Applicant had applied for extended opening hours, whereas in fact the licensing hours applied for were exactly the same as those granted under the previous Premises Licence.

31. In relation to noise, no complaints had been received by the Council since the noise limiter was introduced following the complaint to Environmental Health on 5 August 2019.

32. In relation to refuse, there are no recorded litter problems in this area. Nor is there any actual evidence of anti-social behaviour.

33. No representations were made by any of the responsible authorities. The Sub-Committee is therefore satisfied that without any actual evidence of problems, there is no real threat to the promotion of the licensing objectives.

34. The Sub-Committee welcomed the Applicant's agreement to two informatives, firstly to provide a designated phone number for residents to contact the applicant if they had concerns and secondly, a LOSRA maildrop

proposing a time and date for residents to attend the club for regular meetings with the Manager of the Premises.

Decision

35. For the reasons stated above, the Sub-Committee confirms that the application for a premises licence be granted subject to only such conditions as are consistent with the operating schedule and the mandatory conditions, together with the two agreed informatives.

Conclusion

36. That is the decision of the Sub-Committee. A written copy of this decision has been provided to all parties concerned within 5 working days of the Sub-Committee hearing.
37. You have the right to appeal against this decision to the Magistrates' Court within 21 days of receipt of this decision notice.
38. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates' Court. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Guildford Magistrates' Court can be contacted on 01483 405 300.

Cllr R.W. Sider BEM - Chairman
Cllr A. Brar
Cllr S. Doran

Date of Decision: 5 May 2021
Date of Issue: 6 May 2021