

Licensing Sub-Committee

26 October 2016



Subject	Application to vary a Club Premises Certificate for Sunbury Conservative Club, Green Street, Sunbury-on-Thames, TW16 6RA		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Sunbury East
Contact	Dawn Morrison, Licensing Manager, (01784) 446432		

Description and Location	Sunbury Conservative Club is located in Green Street, Sunbury, set back from the road. A location plan is attached as Appendix A
The Application	<p>The application is to vary the permitted hours for the supply of alcohol and the provision of regulated entertainment (of live and recorded music and performances of dance) on Thursdays, Fridays and Saturdays, and noted seasonal dates.</p> <p>An extract of the relevant parts of the application is attached as Appendix B.</p> <p>The current Club Premises Certificate is attached as Appendix C</p>
Representations	<p>Relevant representations were received from 10 residents and from Environmental Health as a responsible authority.</p> <p>Representations are attached at Appendix D</p>
Options	<p>The Sub-Committee is asked to consider the application for the variation of a premises licence on its merits.</p> <p>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:</p> <ul style="list-style-type: none">▪ To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or▪ To grant the application and modify the conditions of the licence, by alteration, addition or omission or▪ To reject the whole or part of the application.

1. Background

- 1.1 The premises was issued a Club Premises Certificate (CPC) under the Licensing Act 2003 when the Act came into force in 2005.
- 1.2 The current licence permits the supply of alcohol Monday to Saturday: 10.00 to 00.00 (midnight), and regulated entertainment of live and recorded music Monday to Saturday 19.00 to 00.00 (midnight) and Sunday: 19.00 to 23.00. The current licence also permits a terminal hour of 01.00 on Christmas Eve and Boxing Day and 02.30 on New Year's Eve.
- 1.3 The current CPC Premises Licence is attached at **Appendix C**.
- 1.4 Routine visits to the premises have not highlighted any licensing issues or concerns.
- 1.5 There is no record of any complaints made to Environmental Health or Licensing in relation to the premises.

2. Application Summary

- 2.1 (1) to vary the permitted hours for the supply of alcohol and the provision of regulated entertainment of live and recorded music and performances of dance on Thursdays, Fridays and Saturdays from the current 10.00 to 00.00 (midnight) to 12.00 to 01.00.

(2) to permit seasonal variations as follows: 01.30 finish on Christmas Eve (currently 01.00) and 02.00 finish on New Year's Eve (currently 02.30) for the supply of alcohol and the provision of regulated entertainment of live and recorded music and performances of dance; and Christmas Day 12.00 to 15.00 and 19.00 to 01.30 (currently not specified on the CPC).
- 2.2 The required notices have been displayed and published in The Surrey Advertiser on 9 September 2016.

3. Promotion of the Licensing Objectives

- 3.1 Applications made under the Licensing Act 2003 must set out what measures will be put in place to promote four statutory Licensing Objectives. These are set out below for information:

Prevention of crime and disorder

- Criminal behaviour on, or directly attributable to, the premises.
- Anti-social behaviour on, or directly attributable to, the premises.

Public safety

- E.g. overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

Prevention of public nuisance

- Noise/light or odour nuisance
- Litter

Protection of children from harm

- Including moral harm from unsuitable entertainment and also allowing underage persons to buy and consume alcohol
- 3.2 Objections that cannot be linked to one or more of the licensing objectives, such as parking, traffic or the fact that a premises is in a conservation area, cannot be taken into account when making a decision under the Act.
- 3.3 Section P of the application form, at **Appendix B**, details the proposed steps to be taken to promote the licensing objectives. The application has outlined measures such as supervision of car park, record keeping in relation to members, and CCTV.
- 3.4 Should the licence be granted, these will be translated, where appropriate for the promotion of the licensing objectives, into enforceable conditions which will be attached to the licence.

4. Representations

4.1 i) Representations from Responsible Authorities

A representation was received from Environmental Health which was submitted in light of the objections received. No other representations were received from responsible authorities.

ii) Representations from 'other persons'

10 relevant representations have been received from other persons and are attached at **Appendix D**.

- 4.2 The grounds for objection are self-explanatory but are mainly in relation to increased potential for disturbances later at night and perceived negative impact on residents.

5. Licensing Policy

- 5.1 The following sections of the Council's Licensing Policy are relevant.
- Section 8 gives advice on appropriate and proportionate use of conditions
 - 24.7.1 in relation to noise

6. National Guidance

- 6.1 The following sections of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant in the consideration of this application:
- Section 6 of the Guidance explains the status of Club
 - 15.52 refers to conditions

To assist, these sections have been copied and are attached at **Appendix E**.

7. Making a decision

- 7.1 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.
- 7.2 The Sub-Committee must give reasons for its decision.
- 7.3 Additional conditions placed 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.
- 7.4 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.
- 7.5 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

Appendices:

Appendix A – Location Plan

Appendix B – Application

Appendix C – Copy of the current Club Premises Certificate

Appendix D – Representations

Appendix E – Extracts from Licensing Policy and National Guidance