

# Application for the grant of a Premises Licence

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Ian Meens Licensing Officer Ex 01895 277067 (7067)
<b>Papers with report</b>	Appendix 1 - Officer Recommendation Appendix 2 - Application for the grant of a premises licence including proposed plan Appendix 3 - Representation from the Metropolitan Police Appendix 3a - Minutes of Police meeting (Part 2 Members' Only Appendix 4 - Representation from Environmental Protection Unit Appendix 5 - Representations from local residents Appendix 6 - Current Club Premises Certificate Appendix 7 - Maps of the area and photos of the premises
<b>Ward name</b>	<b>Uxbridge South</b>
<b>NOT FOR PUBLICATION</b>	<b>Note: the bulk of this report is public but it does contain an appendix with confidential or exempt information.</b>

## 1.0 SUMMARY

To consider an application for a new Premises licence in respect of The Ivy leaf Club, Wellington Road, Uxbridge, and representations against the application received from two responsible authorities and local residents.

## 2.0 RECOMMENDATION

**2.1 To grant the application for a premises licence in accordance with the conditions detailed in Appendix 1.**

## 3.0 APPLICATION

3.1 The new Premises Licence application has been made by the Club Management Committee in order to make licensable activities available on the ground floor for non club members. The premises currently have the benefit of a Club Premises Certificate (CPC).

3.2 Name of applicant  
Ivy leaf Club Uxbridge Limited

3.3 Type of application applied for  
New Premises Licence

3.4 Description of premises taken from the application form  
A private members club - Ground Floor only

3.5 A copy of the application form and premises plan is attached as **Appendix 2**

3.6 Licensable Activities

<u>Activity</u>		<u>Permitted under current CPC</u>	<u>Proposed for new premises licence</u>
Sale of Alcohol:	Consumption on the premises	x	x
	Consumption off the premises	x	x
Regulated Entertainment:	Plays		
(Indoors Only)	Films		
	Live Music	x	x
	Recorded Music	x	x
	Performances of dance	x	x
	Indoor Sporting Events		
	Boxing/Wrestling		
Late Night Refreshment (on premises only)		x	x

3.7 Licensable Activity Hours

	<b>Sale of alcohol &amp; regulated entertainment</b>	
	Permitted under current CPC	Proposed hours for Premises Licence
<b>Monday</b>	10.00 - 00.00	10.00 - 00.00
<b>Tuesday</b>	10.00 - 00.00	10.00 - 00.00
<b>Wednesday</b>	10.00 - 00.00	10.00 - 00.00
<b>Thursday</b>	10.00 - 00.00	10.00 - 00.00
<b>Friday</b>	10.00 - 01.00	10.00 - 01.00
<b>Saturday</b>	10.00 - 01.00	10.00 - 01.00
<b>Sunday</b>	12.00 - 23.00	12.00 - 23.00

### 3.8 Opening Hours

	<b>Permitted under current CPC</b>	<b>Proposed</b>
<b>Monday</b>	10.00 - 00.30	10.00 - 00.30
<b>Tuesday</b>	10.00 - 00.30	10.00 - 00.30
<b>Wednesday</b>	10.00 - 00.30	10.00 - 00.30
<b>Thursday</b>	10.00 - 00.30	10.00 - 00.30
<b>Friday</b>	10.00 - 01.30	10.00 - 01.30
<b>Saturday</b>	10.00 - 01.30	10.00 - 01.30
<b>Sunday</b>	12.00 - 23.30	12.00 - 23.30

### 3.9 Operating Schedule and Conditions

- 3.10 The operating schedule, as proposed by the Applicant, can be found in the application form in **Appendix 2**.
- 3.11 Part M of the operating schedule demonstrates the steps the applicant proposes to take, in order to promote the licensing objectives.
- 3.12 The schedule promotes the conditions that are currently attached to the Club Premises Certificate to be endorsed on the Premises Licence, as well as other conditions including restrictions relating to non-members hiring the facility and also the nature of certain events i.e. 18<sup>th</sup> Birthday parties and 'stag nights'. A full list of licence conditions which are consistent with the operating schedule are contained in **Appendix 1** (officers recommendation).

## 4.0 **CONSULTATION**

4.1 Closing date for representations  
28<sup>th</sup> December 2015

4.2 Public Notice published in local newspaper  
9<sup>th</sup> December 2015 - Uxbridge Gazette

4.3 The application was published on the Councils website on 7<sup>th</sup> December 2015. Responsible Authorities and Ward Members were notified of the application on 7<sup>th</sup> December 2015.

## 5.0 REPRESENTATIONS

### 5.1 RESPONSIBLE AUTHORITIES

Two Responsible Authorities have responded and made representations;

<b>Responsible Authority</b>	<b>Grounds for Representation</b>	<b>Appendix</b>
Police	Prevention of Crime & Disorder	<b>Appendix 3 &amp; 3a</b>
Environmental Protection Unit	Prevention of Public Nuisance	<b>Appendix 4</b>
Licensing Authority		
Fire Authority		
Public Health		
Trading Standards		
Planning Authority		
Safeguarding Children		
Food, Health & Safety		

5.4 All other Responsible Authorities as shown have not responded and are therefore considered to have no concerns about this application.

5.5 There are 2 representations from other parties

<b>Interested Parties</b>	<b>Ground for Representation</b>	<b>Appendix</b>
Mrs X	Crime & Disorder, Prevention of Public Nuisance, Protection of Children from Harm, Public Safety	<b>Appendix 5</b>
Fiona Hood-Ekpenyong	Crime & Disorder, Prevention of Public Nuisance, Protection of Children from Harm, Public Safety	<b>Appendix 5</b>

## 6.0 BACKGROUND INFORMATION

6.1 Other licences held;

This application is made by the Club Committee to allow greater operational flexibility with providing services and facilities to non-members. The Club currently operates under a Club Premises Certificate which allows the provision of licensable activities to club members and their guests. A copy of the current Club Premises Certificate is attached as **Appendix 6**.

## 6.2 Designated Premises Supervisor

The proposed designated Premises Supervisor is Mr Jack Peacock who is currently the club steward.

## 6.3 Description of the Premises

The premises is a members club situated over two floors with additional private accommodation. The premises is bordered by the Frays River, Wellington Road and Hows Road Uxbridge. The main door of the Premises faces the river and Rockingham recreation ground. There is a car parking area to the front of the premises which leads to a large patio area.

## 6.4 Other licensed premises nearby

The club has private housing on three sides with on street parking. There are no other immediate licensed premises near the location.

Maps of the area and photos of the premises are attached as **Appendix 7**.

## 7.0 **OFFICER'S OBSERVATIONS**

### 7.1 Observations

7.2 Regulatory Services have been receiving complaints from local residents about the premises since July 2015. These mainly concerned smoking by patrons in the patio area, noise and the use of the club late into the night. There were two elements of the complaints received. The majority of complaints are concerned with the use of a wooden decking area built to the rear of the club, adjacent to neighbouring gardens and the river. This decking is being used by smokers and as a general seating area.

The second aspect of complaint was noise from functions and the time these ended.

7.3 There has been ongoing discussion with the club management committee and they have been asked to take voluntary measures to restrict the use of this decked area from 23.00. This is still a matter in disagreement with local residents.

7.4 A supervisory visit was conducted by a Licensing Officer on 13th August 2015 together with Adam Stitson of the Antisocial Behaviour Investigations Team. Officers spoke with Mr Jack Peacock, Club Steward, regarding the usage of the patio area and noise issues generally. Mr Peacock agreed to limit the use of the patio after 23.00hours.

7.5 Regulatory Services were also in discussion with the Police from mid July 2015 following a number of violent incidents which took place at the premises. Police Officers convened a meeting with the Club Management Committee where operational agreements were made to prevent further incidents occurring. This meeting was supported by Officers of the Regulatory Services Team. The minutes of the meeting are referred to in the Police Representation attached as Appendices 3 & 3a.

### 7.6 S182 Guidance

The Committee's attention is drawn to the following particularly relevant section of the S182 Guidance:

Para 2:14 to 2:18 These paragraphs of the Guidance address the measures associated with nuisance in regard to noise and smells.

## 8.0 LEGAL CONSIDERATIONS

### LEGAL COMMENTS

When considering licence applications the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made. Having regard to those relevant representations, the Sub-Committee may take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- grant the application.
- grant the application subject to conditions the Sub-Committee considers appropriate to promote the licensing objectives
- exclude from the scope of the licence any of the licensable activities to which the application relates
- refuse to specify a designated premises supervisor
- reject the application

Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so.