

Application to vary a Premises Licence: Ruislip Manor Sports and Social Club, Grosvenor Vale, Ruislip, HA4 6JQ

Committee	Licensing Sub-Committee
Officer Contact	Jhini Mukherjee
Papers with report	Appendix 1 - Application to vary a Premises Licence Appendix 2 - Current Premises Licence Appendix 3 - Proposed plan of the premises Appendix 4 (i,ii,iii) - Representation from local residents Appendix 5 - Representation from Licensing Authority Appendix 6 - Representation from Anti-Social Behaviour Team Appendix 7 - Email confirming no objection from Metropolitan Police Appendix 8 - Map of the area Appendix 9 - Photo of the premises
Ward name	Manor

1.0 SUMMARY

To consider an application, as seen in **Appendix 1**, to vary the current Premises Licence, as seen in **Appendix 2**, under Licensing Act 2003, in respect of Ruislip Manor Sports and Social Club, Grosvenor Vale, Ruislip, HA4 6JQ.

This Application has attracted the following representations:

- a) Three representations from Interested Parties, all of whom are residents residing locally (**Appendices 4i to 4iii**).
- b) One representation from Licensing Authority acting as the Responsible Authority under the Act (**Appendix 5**).
- c) One representation from Anti-Social Behaviour Team acting as Responsible Authority under the Act (**Appendix 6**).

There is an email from Metropolitan Police confirming that they have no objection to this Application (**Appendix 7**).

2.0 RECOMMENDATION

To grant the Premises Licence, while giving due consideration to the reduction of hours and additional conditions as proposed in the Licensing Authority's representation in **Appendix 5**.

3.0 APPLICATION

3.1 Description of the premises

This is essentially a club with an overall capacity of 480 and has three separate bar areas which are fully licensed to serve alcohol and to play both live and recorded music. Outside

the main building is the football stadium that is home to Wealdstone FC plus an open ground of over 12 acres. Summer usage includes large scale tented events, funfairs and barbeques.

3.2 Licensable Activities

<u>Activity</u>		<u>Proposed for variation of existing premises licence</u>
Sale of alcohol	Consumption on and off the premises	x
Regulated entertainment (provision of live music, recorded music and dance performances)	Indoors	x
Late Night Refreshment	Indoors	x

3.3 Current Licensable Hours and Opening Hours

	Live Music	Recorded Music	Performance of Dance	Late Night Refreshment	Sale of Alcohol
Monday	23:00 – 23.30	23:00 – 23.30	23:00 – 23.30		10:00 – 23.00
Tuesday	23:00 – 23.30	23:00 – 23.30	23:00 – 23.30		10:00 – 23.00
Wednesday	23:00 – 23.30	23:00 – 23.30	23:00 – 23.30		10:00 – 23.00
Thursday	23:00 – 00.00	23:00 – 00.00	23:00 – 00.00	23:00 – 00.00	10:00 – 00.00
Friday	23:00 – 00.00	23:00 – 00.00	23:00 – 00.00	23:00 - 00:30	10:00 - 00:00
Saturday	23:00 – 00.00	23:00 – 00.00	23:00 – 00.00	23:00 - 00:00	10:00 - 00:00
Sunday					12:00 - 23:00

	Opening Hours of The Premises
Monday	08:30 - 00:00
Tuesday	08:30 - 00:00
Wednesday	08:30 - 00:00
Thursday	08:30 - 00:30
Friday	08:30 - 00:30

Saturday	08:30 - 00:30
Sunday	12:00 - 23:30

3.4 Other licensed premises nearby

The nearest licensed premises are on Victoria Road, in addition to the various shops/restaurants further down on Ruislip High Street. However, none of these premises are comparable in the nature of their businesses to Ruislip Manor Sports and Social Club.

4.0 **CONSULTATION**

4.1 Closing date for representations

28 February 2022

4.2 Public Notice published in local newspaper

9 February 2022 – West London Gazette

5.0 **REPRESENTATIONS**

5.1 We have received three representations from Interested Parties.

Interested Parties	Ground for Representation	Appendix
Peter Harrington	Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety	Appendix 4i
E. Barker	Prevention of Crime and Disorder, Prevention of Public Nuisance	Appendix 4ii
W.R. Barker	Prevention of Crime and Disorder, Prevention of Public Nuisance	Appendix 4iii

5.2 We have received representations from the Licensing Authority and Anti-social Behaviour Team acting as Responsible Authorities under the Act

Responsible Authorities	Ground for Representation	Appendix
Licensing Authority	Prevention of Crime and Disorder Prevention of Public Nuisance	Appendix 5
Anti-social Behaviour Team	Prevention of Public Nuisance	Appendix 6

5.3 An email from the Metropolitan Police confirming that they do not have any objection to this variation is appended as **Appendix 7**.

6.0 BACKGROUND INFORMATION

6.1 Designated Premises Supervisor

The current Designated Premises Supervisor is Ms Sarah Gowdy who holds a valid Personal Licence granted by Three Rivers District Council.

6.2 Proposed Operating Schedule conditions

1. The licence holder shall conduct risk assessments and employ Security Industry Authority Registered door staff when deemed appropriate.
2. The premises shall abide by an age verification policy in relation to the sale of alcohol.
3. The age verification policy shall require individuals who appear to be under 25 years of age to produce, on request, to a member of staff, before being served alcohol, identification, bearing their photograph, date of birth and a holographic mark.
4. A system to record the fact that a member of staff has refused to sell alcohol to an individual who appears to be under the age of 25 years shall be kept and maintained on the premises.
5. The record of refused sales shall be available for inspection by both authorised officers of the Metropolitan Police Service and the Licensing Authority.
6. Adequate and prominent notices shall be displayed on the premises advertising the challenge 25 age verification policy.
7. The number of persons permitted within the premises shall not exceed:
 - In the Function Room 300
 - In the Lounge Bar 8
 - In the main bar pool table area 80
8. Adequate, clear and legible notices shall be displayed and maintained at all public exits from the premises advising customers to leave the premises and area quietly.
9. Other than for emergency access or egress, the alternative means of escape doors shall remain closed at all times when the premises is used for the purpose of Regulated Entertainment in the form of Live or Recorded Music.
10. A Digital recording CCTV system comprising of multi cameras shall be installed within the premises.
11. CCTV Images shall be retained for a period of 31 days before overwriting.
12. CCTV Images shall be made available in reasonable time on demand by the officers from the Metropolitan Police Service and authorised officers of the Licensing Authority.
13. Staff employed to sell alcohol by retail shall be trained to uphold each of the four licensing objectives.

14. Waste from the premises shall not be stored nor disposed of at a time or in a manner which may cause a public nuisance.
15. An incident log shall be kept and maintained at the premises. Any incident which occurs and may undermine the licensing objectives shall be recorded in the incident log.
16. The sale of alcohol from the external bar located on the Premises Plan titled "Ruislip Manor Sports & Social Club and dated 30/11/21 Revision 001/21 shall be restricted to 12:30 to 22:00 Monday to Saturday and 12:30 to 19:00 on Sunday.
17. An adequate number of stewards shall be employed at the premises to ensure that persons who purchase alcohol from either the external or internal bars and who wish to consume the alcohol outside of the building will be directed to consume the alcohol within the patio area specified on the deposited plans and not to congregate around the external bar or on any other part of the external grounds.

6.3 Map of the area as **Appendix 8**

6.4 Photo of the Premises **Appendix 9**

7.0 OFFICER'S OBSERVATIONS

7.1 Ruislip Manor Sports and Social Club is situated in Grosvenor Vale and houses the Wealdstone Football Club. The club provides facilities for a wide range of activities for match days and other private functions on a regular basis. Currently there are three licensed bars inside which cater to the need of the patrons. The current application is seeking to add an external bar with operational hours until 22.00 hours and according to the application form, this is to meet the increase in demand of space and to provide a fuller experience to members of public. The variation includes a detailed plan of the club house and the surrounding area including the location of the new bar and a dedicated patio area where consumption of alcohol may take place. This can be viewed in **Appendix 3** of the agenda pack.

7.2 The representations received mainly raise the following issues:

a) The Prevention of Crime and Disorder

A concern has been raised by the Licensing Authority regarding the possibility of risk of crime and disorder, especially with the potential of an external bar operating during match days and other private functions. The Operating Schedule provided by the Applicant is not extensive enough to uphold the objectives in their entirety. The CCTV system should also cover the external bar unit, the incident logbook needs to be more specific and detailed and due consideration should be given to how the implementation of the presence of a personal licence holder, at all times when the premises is trading, will be managed as all of these are significantly relevant in the operation of a premises of this nature. The additional conditions as suggested in **Appendix 5** by the Licensing Authority are appropriate and sufficient for the promotion of these and the concerns raised by the Interested Parties could also be overcome by these recommended conditions.

b) **The Prevention of Public Nuisance**

The application fails to satisfy the objective of the Licensing Act 2003, relating to public nuisance, as the noise breakout from the venue would affect neighbouring residents as already voiced in the representations raised by the residents, the Licensing Authority and the Council's ASBET team. Patrons leaving the premises in high spirits have a likelihood of causing disturbance to residents regardless of the time of the day but more so during the late evening hours. The premises is in a residential area and on the balance of probabilities, the Licensing Authority is concerned that the operation of an outside bar until 22.00 hours has a strong possibility of causing public nuisance with exuberant customers leaving the bar and adding to the issues already being experienced in the area. This is a matter for discussion and each application must be considered on its own merits. This is for the Members to decide after having considered all of the evidence before them and the oral representations at the meeting from the Applicant and the Officers representing the Responsible Authorities objecting to the application, with particular regard to the prevention of public nuisance.

c) **Public safety**

Although Mr Peter Harrington, one of the complainants, has checked the box highlighting public safety too being a ground behind his representation, the complaint is mainly surrounding the issues of public nuisance.

8.0 **Relevant sections of s.182 Guidance**

Determining actions that are appropriate for the promotion of the licensing objectives

- 8.1 **At paragraph 9.42** it states that "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be".
- 8.2 **At paragraph 9.43** it states that "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve".
- 8.3 **At paragraph 9.44** it states that "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based

on an assessment of the evidence on both the risks and benefits either for or against making the determination".

Proportionality

- 8.4 **At paragraph 10.2** it states, "Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided."
- 8.5 **At paragraph 10.8** it states, "The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."
- 8.6 **At paragraph 10.9** It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.
- 8.7 **At paragraph 10.10** it states that "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives".

Hours of trading

- 8.8 **At paragraph 10.13** it states "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with

responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application".

- 8.9 **At paragraph 10.15** it states "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours".

Licensing hours

- 8.10 **At paragraph 14.51** it states "With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application".

- 8.11 **At paragraph 14.52** it states "Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so".

The need for licensed premises

- 8.12 **At paragraph 14.19** it states "There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on Crime and Disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of Revised Guidance issued under section 182 of the Licensing Act 2003."

9.0 Relevant sections of London Borough of Hillingdon's Licensing Policy

Licensing Hours

- 9.1 **At Paragraph 25.1** it states that "Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously".

- 9.2 **At Paragraph 25.2** it states that "The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times".
- 9.3 **At Paragraph 25.3** it states that "Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case".
- 9.4 **At Paragraph 25.4** it states that "In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance".

Licence Conditions

- 9.5 **At Paragraph 20.1** it states that "Conditions on premises licences and club certificates are determined by:
- a) The measures put forward on the Operating Schedule
 - b) Mandatory conditions within the Act
 - c) Measures decided at a hearing by the Licensing Sub Committee"
- 9.6 **At Paragraph 20.2** it states that "Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule".
- 9.7 **At Paragraph 20.3** it states that "Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity".
- 9.8 **At Paragraph 20.4** it states that "The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances".

10.0 LEGAL CONSIDERATIONS

- 10.1 When considering licence variation applications, the Sub-Committee is required carry out its functions with a view to promoting the licensing objectives. The licensing objectives are:
- Prevention of crime and disorder
 - Public Safety

- Prevention of public nuisance
 - Protection of children from harm
- 10.2 An application for variation of a premises licence may be made pursuant to s.34 of the Licensing Act 2003 and is essentially governed by Licensing Act 2003, reg. 12 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42), Licensing Act 2003 (Hearings) Regulations 2005/44) and s.182 Secretary Code of Guidance.
- 10.3 The Sub-Committee must ensure that all licensing decisions have:
- A direct relationship to the promotion to the promotion of one or more of the four licensing objectives;
 - regard to the Council's statement of licensing policy;
 - regard to the Secretary of State guidance; and
 - not be made as a result of a blanket policy which is applied so rigidly that an exercise of discretion in each individual case is precluded
- 10.4 Applications must be considered with regard to the principles of fair process and the Human Rights Act 1998 and must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions have due regard to the need to:
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.5 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics examples are; race, sex, age, disability and religious beliefs
- 10.6 When considering an application for the variation of an existing Premises Licence, only the variation is subject to determination. An application to vary the premises licence concerns variation of the conditions attaching to the licence or of the authorised licensable activities.
- 10.7 The application to vary must be accompanied by the Premises Licence (unless that is impracticable when a statement explaining why must be provided).
- 10.8 The authority must make the variation as applied for, subject to the mandatory conditions, unless relevant representations are made, in which case a hearing must be held.
- 10.9 Where relevant representations are made, the Licensing Authority must hold a hearing to consider them, unless it is agreed that a hearing is unnecessary (s.35(3)(a)).
- 10.10 The Licensing Authority must then take such of the following steps as it believes to be appropriate for the promotion of the licensing objectives:
- a) modify the conditions of the licence or
 - b) reject the whole or part of the application (s.35(3)(b) and (4)).

- 10.11 When determining applications to vary an existing Premises Licence, the Sub-Committee must consider all relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps that may be taken are as follows:
- grant the variation as applied for;
 - modify the conditions of the licence (conditions are deemed to be modified if they are altered/omitted or new conditions are added); or
 - reject whole or part of the application to vary the licence.
- 10.12 Any modification of conditions should be confined to those considered appropriate in respect of the particular variation sought.
- 10.13 The Sub-Committee must also have regard to the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act 2003 when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive however, are not binding on the Licensing Sub-Committee.
- 10.14 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. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.
- 10.15 In order for representations to be 'relevant' they must have been made by an interested party or a responsible authority (see the definitions in section 13 Licensing Act 2003) and they must relate to the likely effect on the promotion of the licensing objectives if the application were to be granted.
- 10.16 If the representations are made by an interested party there is a further requirement that the licensing authority does not consider them to be frivolous or vexatious. If it thinks they are, it must explain its decision to the person who made the representations.
- 10.17 The need for a hearing can be dispensed with by agreement of the authority, the applicant for the variation and all of the parties who have made relevant representations.
- 10.18 The authority must notify its decision to the applicant, the interested party and any person who has made relevant representations and must give reasons for its decision.
- 10.19 A variation of a premises licence may impose different conditions on different parts of the premises or impose different conditions in relation to different licensable activities.
- 10.20 Conditions should also be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.