

Runnymede Borough CouncilLICENSING COMMITTEE14 November 2017 at 7.30pm

Members of the Committee present: Councillors Mrs J Gracey (Chairman), D W Parr (Vice-Chairman) J Broadhead, Mrs D V Clarke, Mrs E Gill, Mrs M T Harnden, S A Lewis and P Sohi.

Members of the Committee absent: Councillors Miss E G Bancroft, S M Mackay and P B Tuley

345 FIRE PRECAUTIONS

The Vice-Chairman read out the fire precautions.

346 MINUTES

The Minutes of the meeting of the Committee held on 27 June 2017 and those of the Licensing Sub-Committee on 5 and 25 July 2017, as attached at Appendix 'A', were confirmed and signed as correct records.

347 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss E G Bancroft, S M Mackay and P B Tuley.

348 FEES AND CHARGES 2018/19

The Committee reviewed the fees and charges for those matters within the remit of the Licensing Act 2005.

Members noted that as all these particular fees and charges were set by statute and had not been amended since their introduction, they were now out of step with the cost of running the service. Therefore, the budget was in deficit of £49,915 in 2016/17 with an estimated deficit of £41,000 for 2018/19.

Officers confirmed that they had reviewed all work processes and software and were as efficient as possible; wherever possible, transactions were carried out electronically. The Senior Licensing Officer had very reliable support from the one remaining Licensing Administrator who had now transferred back to the section from Customer Services. It was explained that the deficit was slightly less for 2018/19 because there were fewer staff in Licensing as a result of restructurings. The main costs to the section were re-charges from other business centres, based mainly on salary allocations available in the budget book.

Officers advised that, to date, the Government had decided not to consider allowing local authorities to set their own fees. Members agreed that this was disappointing.

RESOLVED that –

the proposed fees and charges be approved, to be effective from the dates within the appendix or as soon as practical thereafter.

Chairman

(The meeting ended at 7.40 pm)

Runnymede Borough CouncilLICENSING SUB-COMMITTEE
(Hearing under the Licensing Act 2003)5 July 2017 at 10am

Members of the
Sub- Committee Present: Councillors Mrs E Gill, Mrs J Gracey and D W Parr

ELECTION OF CHAIRMAN

Councillor D W Parr was elected as Chairman for the meeting.

FIRE PRECAUTIONS

The Chairman advised those present of the procedures to be followed in the event of fire or other emergency.

DECLARATIONS OF INTEREST

Councillor D W Parr informed those present that he was a local Ward Councillor and had attended the recent Open Day at St George's College. The Council's Legal Services Manager had advised that this did not amount to an interest and that he could fully participate in the meeting.

PROCEDURE FOR THE CONDUCT OF BUSINESS

The Chairman asked those present to note the procedure for the conduct of business, as set out in the published agenda.

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE

The Sub-Committee received and considered an application for a Premises Licence from St George's College, Weybridge, in the Addlestone Bourneside ward.

The applicant, Mr Greg Cole, Bursar of St George's College appeared in person, together with Mrs Lynn Blake, Mrs Sharon Leighton and Ms Claire Lynch. They were not represented.

Also present were:

Mr Robert W Smith, Senior Licensing Officer

Mr Piero Ionta, Legal Services Manager

Miss Clare Pinnock, Democratic Services

The meeting was also attended by Mr W Thompson and 15 other residents of Meadowlands Park.

Mr Smith was invited to present his report to the meeting.

Mr Smith confirmed that the application was for a premises licence under Section 17 of the Licensing Act 2003 to enable licensable activity in the form of the supply of alcohol for on sales from 09:00 to 00:00, Sunday to Thursday and 09:00 to 01:00 on Fridays and Saturdays with opening hours which mirrored these. They also sought one non-standard timing for the sale of alcohol to accommodate the Annual Summer ball. Mr Cole was asked to clarify whether an amendment to the opening hours was required to enable this, which he did.

St George's College also requested for the licence to include Late Night Refreshment from 23:00 to 00:00 Sunday to Thursday and from 23:00 to 01:00 on Fridays and Saturdays.

The following activities were applied for from 09:00 to 00:00 Sunday to Thursday and 09:00 to 01:00 Friday and Saturday; the provision of films, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance.

Mr Smith reported that none of the Responsible Authorities had submitted any representations. However, 11 representations from local residents and a petition containing 49 names had been received. The petition prayer drew attention to the fact that the majority of residents in Meadowlands Park were elderly and that internal rules for the site prohibited noise between 23:00 and 08:00 hours. Therefore, granting a licence beyond 23:00 hours would mean noise travelling from St George's College grounds to Meadowlands Park.

The majority of individual representations also expressed concern about the potential for noise nuisance. The Committee's attention was drawn to a letter which St George's College had sent to residents to address some of the concerns raised in the representations. A meeting with residents was held on 21 June. However, one of the objectors made the observation that he did not know about the meeting.

The agenda papers included a map showing the proximity of Meadowlands Park to St George's College and the proposed areas of licensable activities; large versions of these maps were also available to view at the meeting.

The Park Manager of Meadowlands Park had made and subsequently withdrawn an objection as a result of correspondence with the applicant. These were included in the papers for completeness.

Mr Smith directed Members to the relevant statutory and local guidance with particular regard to public nuisance, specifically noise and the need for appropriateness, consistency and proportionality of any conditions that might be attached should the application be granted.

Mr Thompson, who had been chosen to speak on behalf of the people making representations, was then invited to speak.

Mr Thompson was a committee member of Meadowlands Park Residents and Social Association. He explained that the pre-fabricated construction of the homes in Meadowlands Park were less resilient to noise emanating from outside and that recently St George's College events had caused residents a problem. Mr Thompson advised the Sub-Committee that the majority of residents in Meadowlands Park had chosen this location because it was peaceful and quiet in a rural setting. The residents had an average age in the mid 70s.

The residents were concerned that if the college was granted a Premises Licence, in spite of the integrity of the bursar, it would not be restricted regarding the number of events it could hold. This had the potential to increase the number of occasions on which their peace could be disturbed, late at night, beyond the hours of their existing Club Premises Certificate and proposed new hours, by people saying their farewells after an event to sometimes 01:00 or 02:00 hours. That said, the residents did appreciate that the college was under commercial pressures to raise income. Mr Thompson referred to three events which took place on 20 May, 24 June and 1 July 2017 to illustrate their concerns about noise and how it travelled more readily in the early hours. The event on 24 June had prompted residents to ask the Police to attend and the latest event had still been producing noise at 01:17 am. Residents were aware that further events were planned imminently. The location of big events with a marquee and music was conveniently referred to as area 5 in the meeting; this was the 1st field on the applicant's plan, which adjoined Meadowlands with the River Bourne along the boundary between the two sites. The residents asked the Members at the Hearing to reject the application for a Premises Licence. Instead, they considered it would be reasonable for the college to continue having Temporary Event Notices for the next 12 months, over which time residents could monitor the situation and whether there had been disturbances and then re-submit their application for consideration.

Members confirmed that at this stage they did not have any questions for either Mr Smith or Mr Thompson.

The applicant was then invited to make his presentation on behalf of St George's College.

Mr Cole explained that as Bursar covering the St George's College premises, in both Runnymede and Elmbridge, he was responsible for ensuring that the college complied with the conditions of their licence. He acknowledged the concerns expressed by residents and took the opportunity to apologise on behalf of the college for the unintentional upset and inconvenience caused by recent events. He sought to re-assure those present of their intent to be good neighbours. Examples of which were the freedom for residents of Meadowlands Park to fish on their land, the college's free provision of a venue for residents' meetings and their tolerance towards minor incursions onto St George's college land by some residents. Mr Cole also stated that many of the college's staff lived in Meadowlands Park.

Mr Cole explained that the application for a Premises Licences had been prompted by an informal discussion with the Licensing section who had suggested that a Premises Licence might be more suitable for the college's needs and would reduce the need to apply for Temporary Event Notices, thus administratively advantageous. Mr Cole was keen to stress that the college's core function was education and that everything else was subordinate thereto. There were no plans to depart from this strategy by hosting or facilitating a large number of noisy, alcohol driven functions. For example, the college had recently decided not to hold a large bonfire and fireworks night because of the potential for disturbance to their neighbours.

With regard to the events mentioned by Mr Thompson in his submission; the event on 24 June had not involved music. He concluded that the noise heard by residents must have originated from somewhere else. Complaints arising as a result of the private staff party had been addressed and lessons learnt. Mr Cole had readily provided his contact details in the event of some disturbance or other issue arising from an event on site. Mr Cole took note of the issues raised with regard to area 5 and agreed to look at alternatives. However, there were two weddings coming up in that area which had already been booked so these could not be changed. By way of background, those present were advised that area 5 was the most suitable for weddings, away from the centre of the college activities, with facilities provided out of the cricket pavilion. The wedding offer was only open to old 'Georgians' so were limited in number. However, Mr Cole stated that he would be willing to amend their application to bring the terminal hour back to 23:00 in area 5 in respect of loud music.

Members were invited to ask questions.

Mr Cole clarified the circumstances of the private party which had caused a disturbance. Mrs Blake, who would normally have been on site was not present. This had been a very rare occasion which had unfortunately co-incided with the timing of the application. Following a direct question as to the application of formal controls in adherence to the current certificate, Mrs Blake confirmed that they did and do.

Mrs Blake provided some more information about the 'Georgian' weddings and the suitability of area 5 for photographs and facilities and its attractive approach from Weybridge Road. She confirmed that the organisers of the two forthcoming weddings had agreed to finish the music before the appointed time to minimise disturbance to neighbours.

It was suggested that, for the future, the College might want to explore options to accommodate events elsewhere on their extensive grounds. Mrs Blake was able to confirm that the tennis courts for example had other considerations such as safeguarding and shared use of facilities and were not in fact wholly theirs to use, whereas area 5 was. In terms of the number of events taking place beyond 23:00 hours there were none planned apart from the two weddings and the Summer Ball and the one held in the last 12 months had not attracted any complaints to her knowledge.

Mr Smith and the applicant were invited to each make a closing submission.

Mr Smith confirmed that currently the College could make up to 15 Temporary Event Notices without a Premises Licence being in place. If a Temporary Event Notice was contentious and objections were received from either the Police or Environmental Health, conditions could be applied but only where a Premises Licence with those conditions already was in place.

Mr Cole re-iterated his previous commitment to maintain the previously held good relationship with Meadowlands Park, confirming no plans to increase the number of events held and his willingness to amend the application to restrict the use of area 5 after 23:00 hours.

Those present were advised that they were welcome to wait to hear the decision of the meeting and that a decision notice would be issued within 2 weeks of the hearing.

The meeting adjourned at 10:45 am with the press and public being duly excluded and re-convened with those making representations re-admitted at 11:35am.

The Sub-Committee confirmed that the licence would be granted with conditions attached to the licence as set out in the resolution below. The Chairman acknowledged that the conditions did not extend as far as some of the residents might have wished but equally the college was now obliged to place greater control by adherence to an earlier terminal hour for all its activities (private and public events) than that sought. All parties were invited to monitor the situation and it was hoped that the harmonious relationship hitherto enjoyed, would be restored.

The right of appeal to the Magistrates Court within 21 days of the notification of the decision was noted.

After consideration of the application, the representations made and hearing the evidence as presented at the meeting it was:

RESOLVED that –

the application for a premises licence in respect of St George's College, Weybridge, be granted with the following conditions. Those applying to Area 5 (the 1st field) as identified on the map provided, are indicated by *:

Supply of alcohol (on sales only)

09:00 – 24:00 Monday to Sunday

Late night refreshment

23:00 – 24:00 Monday to Sunday

The provision of films

09:00 – 23:00* (24:00 all other areas) Monday to Sunday

The provision of live music

09:00 – 23:00* (24:00 all other areas) Monday to Sunday

The provision of recorded music (all types)

09:00 – 23:00* (24:00 all other areas) Monday to Sunday

The provision of performances of dance

09:00 – 23:00* (24:00 all other areas) Monday to Sunday

The provision of anything of a similar description to live music, recorded music or performances of dance

09:00 – 23:00* (24:00 all other areas) Monday to Sunday

Opening hours to be 09:00 – 24:00 Monday to Sunday except for a closing hour of 02:00 for the Summer Ball. This to include 'private' and college events.

**The statutory conditions to be applied as set out in Annex 2 of the agenda papers:
'Conditions consistent with the Operating schedule'.**

(The meeting finished at 11:40 am)

Chairman

Runnymede Borough Council

LICENSING SUB-COMMITTEE
(Hearing under the Licensing Act 2003)

27 July 2017 at 10am

Members of the
Sub- Committee Present: Councillors Miss E Bancroft, D W Parr and P S Sohi.

ELECTION OF CHAIRMAN

Councillor D W Parr was elected as Chairman for the meeting.

FIRE PRECAUTIONS

The Chairman advised those present of the procedures to be followed in the event of fire or other emergency.

PROCEDURE FOR THE CONDUCT OF BUSINESS

The Chairman asked those present to note the procedure for the conduct of business, as set out in the published agenda.

LICENSING ACT 2003 – APPLICATION FOR A VARIATION TO A PREMISES LICENCE

The Sub-Committee received and considered an application for a variation to a Premises Licence from Motor Fuel Limited in respect of Thorpe Lee Garage in Ayebridges Avenue, Egham, in the Thorpe Ward.

The applicant was represented by Mr Chris Mitchener, Licensing Solutions.

Also present were:

Mr Robert W Smith, Senior Licensing Officer

Mr Andrew Atkinson, Solicitor

Miss Clare Pinnock, Democratic Services

The meeting was also attended by Mr T Dexter and 3 other residents of Ayebridges Avenue.

Mr Smith was invited to present his report to the meeting.

Mr Smith confirmed that the application was for a variation to a premises licence under Section 34 of the Licensing Act 2003 (the 'Act') to allow the licensable activities of the off sale of alcohol 24 hours a day, Monday to Sunday and the provision of Late Night Refreshment (hot drinks only) from 23:00 to 05:00 hours, Monday to Sunday.

The existing premises licence allowed the applicants to operate 24 hours a day, seven days a week but the off sale of alcohol was from 06:00 to 23:00, Monday to Sunday.

Mr Smith reported that none of the Responsible Authorities had submitted any representations. However, one representation from a local resident (Mr T Dexter) had been received. Mr Smith showed the meeting two photographs of the garage in daylight hours and the photograph taken by Mr Dexter at night which showed a bright light, which it was later established emanated from the street light next to the garage's illuminated 'Shell' sign showing the fuel prices.

The agenda papers included a map showing the proximity of the garage to its neighbours in Ayebridges Avenue and the proposed areas of licensable activities. The Members also asked to

see the existing and proposed plans so that they could establish where the late night refreshment was taking place.

Mr Smith directed Members to the relevant statutory and local guidance with particular regard to public nuisance and those relating to shops, stores and supermarkets and the need for appropriateness, consistency and proportionality of any conditions that might be attached should the application be granted.

Mr Dexter who had made a written representation, was then invited to speak.

Mr Dexter registered the difficulty that he and other residents had in finding the form to make a representation on the application. Mr Smith said he would see if the navigation process could be improved.

Mr Dexter stated that he had no objections to the applicant's business objective to attract more customers. He explained that his main concern was noise from various sources if there was late night refreshment. Since the garage had been open 24 hours they had noticed an increase in footfall and the current staff at the garage seemed to be quite noisy, testing the tannoy in the early hours and letting the doors to the shop clatter. Mr Dexter said that the previous owners were approachable but that the staff in place now were not and they were unable to locate a manager to resolve the situation.

Mr Dexter also said that a number of goods vehicles were making deliveries through the night and at weekends, youths were gathering on the walls of the garage, drinking alcohol and generally causing a disturbance.

Mr Dexter said that he and his family were affected by the bright light glaring through their bedroom window, despite having blinds and curtains. He asked whether the illuminated sign could be dimmed or turned off.

Mr Dexter had also noticed an increase in litter in the gardens neighbouring the garage, especially disposable gloves from the garage pumps and acknowledgement slips from the cash machine on site.

Mr Dexter asked for the speed ramps to be re-instated to stop cars exiting the garage forecourt at speed thus increasing the risk of their being a traffic accident on the blind corner near the garage.

Members, one of whom had visited the site the previous evening, expressed sympathy with Mr Dexter and the other residents present at the meeting. Members sought to address the issues raised with regard to the poor relations with the current management at the garage. Mr Dexter appreciated this and wanted to improve communication with them. Members also thought that Mr Dexter's concerns about the bright light and noise were worth exploring.

Mr Mitchener was then invited to make his presentation on behalf of Motor Fuel Limited.

Mr Mitchener referred to the hours permitted on the existing licence, explaining that the variation, in effect covered only the additional 7 – 8 hours required for the provision of late night refreshment and off sales of alcohol. He stressed there was no intention for the premises to become an all-night café; the licence was needed as they wanted to sell hot drinks from the machine in the shop; they could already trade in other items 24 hours a day.

Mr Mitchener expressed disappointment that communications had suffered of late and would take immediate steps to rectify this on behalf of the applicants to work with the community. However, there had been no representations made by any of the Responsible Authorities which suggested there was no evidence to refuse the application or place additional conditions on the licence.

With regard to the representation made by Mr Dexter, Mr Mitchener, advised that most of the matters raised were in fact Planning issues; so, although important to address if they could, they

were not relevant to the Licensing application. This included the issue of traffic movements on and off the forecourt. Mr Mitchener thought that the speed ramps had been removed by Shell, not the Motor Fuel Group and were capable of causing more noise if in place.

Mr Mitchener confirmed that the illuminated sign showing the fuel prices were a legal requirement but he could consider whether a dimmer would assist. However, on closer inspection of the photographs, it was clear that the brighter light source was the street lamp next to the sign. This was a matter for Surrey County Council Highways to address.

With regard to litter, Mr Mitchener had visited the premises that morning and did not find any evidence of it on the forecourt. He queried whether some of the litter problems experienced by the residents could have come from another retail outlet nearby. However, he would ask the applicant to provide additional waste bins on site to help address the problem of the cash machine slips and disposable gloves.

The applicants could not influence when deliveries to the garage were made; it was established that the HGVs were queuing for fuel which was also outside of their remit to control.

Mr Mitchener assured the Sub-Committee that no alcohol was sold to persons that were already intoxicated and that the noise from people gathering was not necessarily attributable to the garage. With regard to the noisy tannoy announcements he explained that tannoy announcements which needed immediate action by the staff, for example if someone was smoking at the pumps, were legally required. The noisy entrance door was acknowledged and could be investigated, although late at night, who entered the premises was under the control of the cashier, so could be limited.

Mr Smith, in his closing submission, requested the Sub-Committee to re-visit the conditions that were attached following the previous Hearing, to amend the reference to Trading Standards so that all Responsible Authorities were included. It was thought this might assist with communications between the premises and neighbours. Mr Mitchener was content to accept this amendment. In his closing submission he referred to the well documented Thwaites case which illustrated the need for evidence to attach additional conditions to a licence; the evidence not being present in what he described as this benign application.

Those present were advised that they were welcome to wait to hear the decision of the meeting and that, if possible, a decision notice would be issued within 5 working days of the hearing.

The meeting adjourned at 10:45 am with the press and public being duly excluded and re-convened at 10.58am. The residents had chosen not to stay, the applicant's representative, Mr Mitchener was present for the decision.

The Sub-Committee confirmed that the variation to the licence would be granted with the existing conditions on the licence as amended as set out in the resolution below.

In order to restore good communications with the residents and liaise more closely with them, Mr Mitchener confirmed that he had given them his contact details during the recess and would contact the Area Regional Manager for Motor Fuel Limited promptly to resolve the issues which they could address with regard to noise, litter and the illuminated sign.

The right of appeal to the Magistrates Court within 21 days of the notification of the decision was noted.

After consideration of the application, the representations made and hearing the evidence as presented at the meeting it was:

RESOLVED that –

the application for a variation to a premises licence in respect of Motor Fuel Limited, Egham be granted and Annex 3 'conditions attached after a hearing by the Licensing Authority' –

points I, II and III, be amended to delete the reference to 'Trading Standards' and replace with all 'Responsible Authorities'.

(The meeting finished at 11am)

Chairman