

**RUNNYMEDE BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**HEARING DECISION NOTICE**

**Applicant:** TESIS, The American School  
**Premises:** TESIS, The American School, Coldharbour Lane, Thorpe, TW20 8TE  
**Hearing Date:** Thursday 8 April 2010 at 10.00am  
**Sub-Committee:** Councillors Mr C Knight (Chairman), Mr R J Edis and Mrs P Broadhead.  
In attendance:- Councillors Mrs Elaine Gill and Mr Paul Francis

**This was an application for:**

A new premises licence under the terms of Section 12 and 17 of the Licensing Act 2003.

**The Applicants:**

Mrs Mary Ealey, TESIS Operations and Personnel Director, Miss Pat Ward, TESIS Assistant to Mary Ealey, Mrs Maureen Alldridge, TESIS Theatre Manager and Head of Music and Mr Keith Pullen, Personal Licence Holder attended and were not represented.

**Responsible Authorities:**

Mr Peter Burke, Principal Environmental Protection Officer and Miss Gillian Britton-Williams, Senior Planning Officer attended having made relevant representations. There were no representations from the other Responsible Authorities.

**Local Residents:**

Mrs Jill Williams, Thorpe Resident was in attendance. A total of 8 further representations had been received from other local residents who were not in attendance.

The Sub-Committee heard that TESIS is an independent private school, established in Thorpe during 1976. The site comprises of a number of buildings on both sides of Coldharbour Lane with classrooms, dormitories, playing fields, administration offices, a health centre, catering facilities and a gymnasium. The application is for all licensable regulated entertainment activities, with the exception of wrestling and boxing, to take place between 0800 hours and 2300 hours, 7 days per week, for the sale of alcohol to be permitted between 1300 and 2300 hours daily.

Mr Burke voiced his concerns which primarily concerned noise nuisance emanating from outdoor amplified live music and recorded music events taking place on the terrace and lawn area or in the amphitheatre areas marked on the premises. Mr Burke requested that the Committee impose conditions on TESIS to try to control this. Mr Burke presented the Sub-Committee with a note outlining the six conditions which he believed should be included on the Licence. TESIS responded that they welcomed ideas and control measures to ensure that the noise level did not get out of hand and advised that they had utilised a noise meter at the school to use on these occasions. Furthermore TESIS gave assurances that the application will not cause a proliferation of licensable events, their motive being to avoid having to make temporary applications during the academic year.

Mrs Williams made representations that TESIS should not sell alcohol as this would cause under age drinking and anti-social behaviour in the village. That noise emanating from the premises including the sports ground, as a result of licensable activities, would increase and she questioned the validity of the application if TESIS are not to sell alcohol.

Mrs Alldridge of TESIS confirmed that alcohol would not be sold on the premises, that they required the licence for functions for parents and teachers. She believed that the school had very few outdoor events annually and did not expect these to increase in number.

Having considered the application, the representations made by Interested Parties and the Responsible Authorities, the submissions by the applicants and using the Council's Policy and Guidance, the Committee's decision was as follows:

The application for a premises licence was approved with the following conditions:

- a) All noise from regulated entertainment will be controlled in such a way to ensure that no noise from licensed premises can be heard beyond the boundary of the of the TESIS site. The Applicant shall keep licensed activities within approved noise levels as determined by Environmental Protection and measured using a calibrated noise meter;
- b) A member of TESIS management is to be available at each event to check noise levels at the TESIS boundary and a record to be kept available on site detailing the findings of those checks and any actions resulting;
- c) A contact number for management to be made available to local residents and the Licensing Officer of Runnymede Borough Council in the event that they are being affected by noise from functions held on the premises;
- d) Notices to be placed in each car park advising people leaving the premises to leave quietly and have consideration for the local residents.

**Reasons for the Imposition of the Conditions:**

The Conditions are imposed for the prevention of public nuisance.

**Appeals**

If the applicant or any person who made a relevant representation wishes to appeal against this Decision an appeal must be made to the North West Surrey Magistrates Court at Woking within 21 days of the date of receipt of this Notice.

Dated: 15 April 2010



LICENSING SUB-COMMITTEE  
LICENSING ACT 2003  
HEARING DECISION NOTICE

APPLICATION FOR PREMISES LICENCE

Applicant: Paul Anthony Cooper  
Premises: Smiths Newsagents, 30 St Jude's Road, Englefield Green,  
Egham, TW20 0BY

Hearing Date: 22 April 2010

Licensing Sub-Committee: Councillors R N Jones (Chairman) P A Francis and Mrs E Gill.

Application:

The hearing was in connection with an application for a Premises Licence for the supply of alcohol for consumption off the premises by Mr Paul Anthony Cooper in respect of Smiths Newsagents 30 St Jude's Road, Englefield Green, Egham, TW20 0BY. The application was received by the Director of Technical Services, Mr Peter Sims at Runnymede Borough Council on 23 February 2010.

Present:

Councillors R.N. Jones (Chairman) P.A. Francis and Mrs E. Gill.

Derek Seekings, Senior Licensing Officer, RBC  
Rachel Pugh, Assistant Solicitor, RBC  
Paul Anthony Cooper (the Applicant)  
Robert Jordan (the Applicant's representative)  
Joyce Taylor (Interested Party Englefield Green Village Residents Association "EGVRA")  
Lionel Hathaway (Interested Party EGVRA)

Representations:

(i) The Applicant

Mr Robert Jordan presented submissions on behalf of the applicant. Mr Jordan explained that the hearing is taking place as Mr Cooper wishes to defend his application to serve alcohol from 05.30 hours. Mr Jordan stressed that his client did not foresee a substantial volume of sales taking place at this time of the morning, he simply would like the hours in which he is able to serve alcohol to coincide with the opening hours of the store (05.30 until 20.00 Monday – Sunday inclusive). The matter of having to cover up alcohol displays during opening hours not covered by a premises licence was discussed. Mr Jordan pointed out that such an arrangement would not only be an inconvenience to his client but could lead to action under Section 137 of the Licensing Act 2003 which his client was anxious to avoid. Taking into consideration that the fact that there are various shops and garages in the area that see alcohol (sometimes 24 hours a day) and the measures to protect children from harm and nuisance provisions set out in the licence application (including for example, CCTV and a policy of age checking for under 25s) Mr Jordan submitted that he considered that a restriction of the hours set out in the application would be unfair.

The Chairman asked questions on staffing of the shop. Mr Cooper confirmed that he has some full time and some part time staff (the part time staff usually being students). All will be trained relating to the sale of alcohol and use of the refusals book.

Mrs Joyce Taylor who had submitted a written representation on behalf of the Englefield Green Village Residents' Association amplified her earlier written comments by stating that the hours were too early to

sell alcohol making such a facility available for alcoholics and students could be potentially troublesome. Mrs Taylor further made reference to recent health reports on damage to health caused by irresponsible drinking.

Cllr Jones asked Derek Seekings if the Council were aware of any problems relating to other outlets in the area. Mr Seekings replied that there were no problems known specific to premises licensed for sales for consumption off the premises. However, there was a problem with children gaining access to alcohol throughout the Borough.

(ii) Interested Parties

Mrs Taylor in presenting her representations reiterated her previous comments stating her concern that granting the licence could lead to discord in the area and the creation of a potential public nuisance. Mrs Pugh pointed out that members of the committee could not take into account the public health concerns except in so far as they intersected the four licensing objectives in reaching their decision.

The matter of Mrs Taylor's standing as a representative of the Englefield Green Village Residents' Association was discussed. It was established that there had been no formal discussion of the premises licence application or proposed representation at a Resident's Association meeting. There was therefore some question as to the standing of the representation. Mrs Taylor was purporting to represent the whole Village, however, without a decision by Committee members at a formal meeting, there was some issue as to whether she could represent the Village as a whole or just herself as an individual.

Mr Hathaway concurred with Mrs Taylors representations.

Both parties summarised their representations as outlined above.

The Committee considered the application and all the evidence presented at the review hearing, taking into consideration the provisions of the Act (in particular under Section 52) and having regard to the guidance under Section 182 of the Act in particular paragraph 13.32 of the Amended Guidance under Section 182 of the Licensing Act 2003 which states:-

*"Statements of licensing policy should indicate that shops, stores and supermarkets are 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. For example, a limitation may be appropriate following police representation in the case of some shops known to be a focus of disorder and disturbance because youths gather there...."*

The Committee considered the fact that none of the Responsible Authorities (particularly the police) had made representations and that they had not received any evidence to clearly show that granting the licence (or reducing the hours of the licence which was the issue in this case) would cause any problems relating to the licensing objectives. Accordingly, the Committee determined that they were minded to grant the premises licence application subject to the following condition:-

1. That all staff involved in the sale of intoxicating liquor receives information advice and training on licensing laws, in particular relating to children and young persons at licensed premises, on commencement of their employment at the premises and at six monthly intervals thereafter and to keep up to date records of such training for inspection by officers of the Council.

Appeals:

If the Applicant or any person having made a relevant representation is dissatisfied with this decision then he can challenge the decision by making an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this notice.

Dated: .....

Signed: .....

LICENSING SUB-COMMITTEE  
LICENSING ACT 2003  
HEARING DECISION NOTICE  
APPLICATION FOR PREMISES LICENCE

Applicant: Susan Margaret Wells on behalf of Fangrove Residents Club  
Premises: Fangrove Resident's Club, Fangrove Park, Lyne Lane, Chertsey,  
Surrey, KT16 0BN

Hearing Date: Tuesday 11 May 2010

Licensing Sub-Committee: Councillors R J Edis (Chairman) Mrs P I Broadhead and Mrs  
F J Barden

Application:

The hearing was in connection with an application for a variation of an existing Club Premises Certificate for the extension of hours for the supply of alcohol and regulated entertainment on Sunday evenings until 23.00. The application was submitted by Mrs Susan Margaret Wells on behalf of the Fangrove Resident's Club. The application was received by the Licensing Authority on 5 March 2010

Present:

Councillors R J Edis (Chairman) Mrs P I Broadhead and Mrs F J Barden  
Derek Seekings, Senior Licensing Officer, RBC  
Rachel Pugh, Assistant Solicitor, RBC  
Mrs S Wells (Applicant and Club Secretary at the time of the application)  
Mr M Wells (Vice Chairman of the Club's Committee at the time of the application and applicant's spouse)  
Mr P Wheeler Member of Fangrove Residents Committee  
Mrs L Sandell – resident of Fangrove Park and Interested Party

Representations:

(i) The Applicants

Mr M Wells presented submissions on behalf of the applicants (the application was applied for by Mrs S Wells on behalf of the Fangrove Residents Club). Mr Wells stated that the Club has been open on the site since 1956. It is owned privately by Mr T Lambert. Mr Wells explained to the Committee that the changes were of a minor nature but originally considered to avoid the need for applying for extensions through the use of TENs (Temporary Event Notices). The Club had

thought of applying for a 24 hour licence but Mr Lambert would only permit an additional half an hour on a Sunday evening, hence the variations of a very minor nature submitted in the application.

Mr Wells acknowledged that there had been more noise in the area outside the club following the introduction of the smoking ban. However, he stressed that there have been no letter of complaint about noise or any other nuisance from the Club for over 6 years. He further pointed out that the Club's own rules ensure that the Club closes promptly.

Mr Wells concluded by stating that he and others supervising the club use their best endeavours to ensure that patrons do not cause a nuisance to site users and that he is aware that if the club persistently caused problems the owner would be likely to close the facility. He tendered to the Sub-Committee a proposal to refuse readmission to patrons leaving the premises for a cigarette after the terminal hour of the Club Premises Certificate.

(ii) Councillors Questions to the Applicants

Councillor Barden asked how many residents resided on the premises and Mr Wells answered 120. Cllr Barden liked the idea of not allowing readmission once smokers had left the property (after 2300hrs), however, she asked what would stop people from for example, taking 2 pints into the garden to drink with their cigarettes. Mr Wells said he would ensure that this did not happen, particularly as they would not want complaints from the neighbours.

Councillor Broadhead liked the idea of patrons not returning after 2300hrs and asked if there are any notices in the club about noise levels. Mr Wells confirmed that there are no such notices.

Mr Seekings asked the Applicants to confirm entrances and exits at the club.

(iii) Interested Party Submission

Mrs Sandell stated that there have been significant noise problems with the Club in the last 6 years which have lead to her losing sleep. She stated that there have been a number of complaints to the owner of the site. She stated whilst she has no objection to the Club per se, she did feel that her move to the Park was a lifestyle choice and promoted as a peaceful traffic free environment. As it is so quiet she feels that the noise from the Club feels amplified and commented that there were a number of occasions when she could not sleep at night or had been disturbed (even after the Club has closed) on a Sunday afternoon. She closed by submitting that any extension to the current licence would be likely to disturb residents.

(iv) Councillors Questions

Councillor Broadhead asked if there was telephone number residents could call if they felt that the club was too noisy.

Both parties summarised their representations as outlined above.

The Committee considered the application and all the evidence presented at the variation hearing. Taking into consideration the provisions of the Act (in particular under Section 52) and having regard to the guidance under Section 182 of the Act the Committee decided:

- (1) To accept the hours as set out in the Applicants Club Premises Certificate Variation application (save for 3(i) below).
- (2) To rescind in full the embedded conditions which were incorporated in Annex 2A of the existing Club Premises Certificate (through grandfather rights) as set out at 'O' on page 11 of the application.
- (3) That the new Club Premises Certificate be subject to the following restrictions:-
  - (i) That a 'drinking up' period of 20 minutes be permitted after the licensing hours for the supply of alcohol (2300hrs) whether or not the alcohol is consumed ancillary to a meal. (In other words that section M of the application be amended to a finish time of 2320hrs.)
  - (ii) The Club supervisors must ensure that doors and windows are kept shut save for access and egress after 2230hrs and whenever live or recorded music is being played at the premises.
  - (iii) The Club supervisors must put up and maintain a sign on or near the access points to the smoking areas stating that:"patrons should be considerate to neighbours and ensure that noise is kept reduced to a reasonable level".
  - (iv) The Club supervisors shall provide a telephone number or numbers which residents may call to report any nuisance emanating from the Club.

Appeals:

If the Applicant or any person having made a relevant representation is dissatisfied with this decision then he can challenge the decision by making an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this notice.

Dated:- 20 May 2010

Signed:-

