

RUNNYMEDE BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

DECISION NOTICE

Applicant: Fullers Smith and Turner PLC
Premises: Swan Hotel, The Hythe, Staines, Middx, TW18 8H8
Licensing Sub-Committee: Councillors B.J. Relph, Mrs F.M. Angell and P.A. Greenwood.
Hearing Date: 14 September 2005.

Application

- 1 For conversion of the existing Justices Licence.
- 2 To vary the Licence under the terms of Schedule 8 and Section 34 of the Licensing Act 2003 to extend hours and provide for the provision of live music and late night refreshment.

Appearances:

The Applicant was represented by Mr Steven Ramos the Operations Manager. Mr John Liddy attended as an interested party and spoke.

Representations:

There were no representations made by responsible Authorities. The three letters of representation were received from residents living nearby one of whom Mr John Liddy attended and spoke. Concerns expressed were as to noise from patrons leaving at closing time, disruption of sleep, vandalism, bad language, problems of parking both in the day time and at night and noise associated with the disposal of bottles at night.

The Sub-Committee heard from Mr Ramos that a programme of refurbishment of the premises was scheduled for January/February 2006. The intention being to take the premises "up market". Mr Ramos confirmed that the premises was more a "hotel" than a "pub" and the Licensees had been there in excess of 15 years with no history of problems. Mr Ramos further confirmed that the issue of the disposal of bottles late at night had been dealt with and bottles would be disposed of in the morning. The hotel operated a dispersal policy and this was to be incorporated into the training of staff who would be requested to ask customers to respect neighbours when leaving.

The applicant offered as a condition that the riverside patio be cleared by 11.00 p.m. and the application insofar as it was for the provision of live music was amended to delete live music. The intention of the applicant being that music should only be incidental.

The Sub-Committee was sympathetic to the concerns of the residents but noted that daytime parking was not relevant to the application, that there were other premises in the area and particularly in nearby Staines and it could not be said that all the problems of parking and noise associated with persons in the street and traffic at night could be ascribed to the premises. In particular it was noted that there was likely to be a degree of pedestrian and vehicle through traffic which would affect to some extent the residents. The Sub-Committee also noted that the premises had a history of being well run and catered for, in Mr Ramos' words "a classier" class of patron.

The Sub-Committee was nonetheless satisfied that there was some potential for public nuisance if the application was granted as sought and having considered the application, the representations of Mr Ramos and Mr Liddy, policy and guidance issued under the Licensing Act 2003 the decision of the Sub-Committee was as follows:

1. There being no relevant representations from the Police the application for conversion be approved.
2. The application for variation be approved subject to the following conditions:
 - i) Bottles to be disposed of in the manner indicated by the applicant
 - ii) The patio area to be closed and cleared of patrons by 11.00 p.m.
 - iii) The terminal hour for the supply of alcohol to be as follows:
Sunday to Thursday 11.30 p.m.
Fridays and Saturdays 1.30 a.m.
3. The hours the premises are open to the public to be limited to the hours allowed for the supply of alcohol plus 30 minutes in each case.
4. Notices to be displayed prominently adjacent to all exits requesting patrons to leave quietly and with due consideration for neighbours.

Reasons for Imposition of Conditions

The prevention of public nuisance.

Appeals

If any person having made a relevant representation is dissatisfied with this decision he is advised to make an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this Notice.

Dated: 14 September 2005