

LICENSING SUB-COMMITTEE

Minutes of the virtual meeting held at 10.00am on 29 September 2020

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillors Gareth Allatt and Stephen Wells

Also Present:

Cllr Kieran Terry and Cllr Suraj Sharma

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Pauline Tunnicliffe was appointed Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR NEW PREMISES LICENCE AT CHISLEHURST SPORTS AND COUNTRY CLUB, ELMSTEAD LANE, CHISLEHURST, BR7 5EL

Licensing Decision

The Panel made the following decision having regard to:

1. The four licensing objectives
2. The Council's Statement of Licensing Policy 2016 – 2021
3. Guidance issued under the Licensing Act 2003
4. Written and oral representations from the Applicant
5. Written representations from Local Residents
6. Written and oral representations from the Police – PC Sear
7. Written and oral representations from the Ward Councillor – Suraj Sharma
8. Written and oral representations from the Ward Councillor – Kieran Terry
9. Written and oral representations from the Public Health Nuisance Team

The sub-committee decided to grant the amended application subject to the following **conditions**: -

- **Sale and supply of alcohol:-**
Fridays from 19.00 until 22:30
Saturdays from 12:00 until 22:30

Sundays from 12:00 until 22:00

- **Recorded music: -**
Fridays from 19:00 until 22:30
Saturdays from 12:00 until 22:30
Sundays from 12:00 until 21:30
- **Live music and regulated entertainment: -**
Fridays from 19:30 until 22:30
Saturdays from 12:00 until 22:30
Sundays from 12:00 until 21:30
- The licence shall cease 30 minutes before the premises closes

Additional Conditions:

1. The licensable area shall be limited to the building premises and exclude the outside areas to minimise disturbance to residents.
2. No alcohol shall be taken to the “outside areas” including the patio and terrace.
3. All areas must be completely clear of anything that could cause harm to children especially glass and cigarette stubs.
4. All doors and windows to be closed during the period of recorded music and regulated entertainment except for access and egress.
5. Signage shall be placed prominently in the licensable area, requesting all customers to respect local residents and leave the premises quietly.
6. A sealed noise limiter must be fitted. The noise level to be set by Council officers at a reasonable level to be determined by the Council.
7. Two SIA registered door supervisors must be put in place from 20:00 until close of business.
8. A Challenge 25 policy will be applied at the premises with appropriate signage displayed inside and outside the premises.
9. All staff shall be trained in relation to the Licensing Act 2003 and conflict management. Training records shall be held at the premises and made available for inspection by the police and licensing authority upon reasonable request. Refresher training will be undertaken every six months to uphold all four licensing objectives.
1. A Refusal Book to be maintained and updated on the premises that records all refusals made concerning the supply of alcohol on the

premises, and this will be made available for inspection by the police and licensing authority upon request.

2. The DPS shall record and maintain a comprehensive incident register at the premises. Details of incidents shall be added to the register within 24hrs of any incident. The following details shall be recorded: -
 - Date
 - Time
 - Location
 - Persons concerned
 - Summary of incident
 - Identification of any emergency services personnel who attended
 - Crime or appropriate reference number provided by the emergency services that relates to the incident and any linked incidents.
3. A digital CCTV system to be installed covering the entrances, internal areas and external areas surrounding the premises building, and footpaths and driveways to the road and on-site car park. Recordings shall be stored for a minimum of 28 days and CCTV images shall be retrieved in a digital format and supplied immediately to a Police or Council Officer on request.
4. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to enable the police to respond and deal with criminality swiftly and to prevent further crime.
5. CCTV signage shall be displayed reminding customers that CCTV is in operation in order to prevent crime and disorder.

Informative – *The Ward Councillors and any Responsible Authority can call for a review of the premises licence if there is sufficient evidence to establish a clear breach of any of the conditions.*

Hearing:

The sub-committee considered the application for a new premises licence on the 29th September 2020, for the sale and supply of alcohol, recorded, live music and regulated entertainment at Chislehurst Sports and Country Club, Elmstead Lane, Chislehurst, Kent BR7 5EL.

The original application was amended in light of the considerable number of objections received. The changes made to the application included the following:-

- Removal of late-night openings past 24:00hrs on the weekend throughout the year

- Removal of any special event late opening times including Christmas Eve and Halloween.
- Removal of seasonal variation opening times – July/August/December to close at 24:00hrs not 01:00hrs or 01:30hrs
- Will not play music on the patio area in the months of May to September. No outdoor music will be played in order to reduce noise disturbance.

Full details of the proposed amendments were contained in Appendix 1A of the application bundle.

The sub-committee considered the amended application.

Two representations were received in support of the original application and three hundred and fifty-seven (357) were received in objection. Further objections were made by the Ward Councillors; Cllr Kieran Terry, Cllr Katy Boughey and Cllr Suraj Sharma. In addition, Responsible Authorities i.e. the Metropolitan Police and the Council's Public Nuisance Team submitted objections to the application. The sub-committee carefully considered the written representations contained within appendix 2 of the application bundle.

The son of the owner of the premises, Mr Patel, put forward representations in support of the application. He submitted that as a family run business they had run the Chislehurst Sports and Country Club for 15 years. They had held numerous private family and charity events and had rarely received any noise complaints. The applicant, Joshua Johnston- Franklin submitted that they had been very selective concerning the type of events held at the premises and had considered the local community on many occasions by rejecting a number of proposals to hold events.

Mr Patel explained that they had a good working relationship with the local school which used the Sports Ground for PE. They had also recently given permission to a nursery which rented the site.

At the Hearing, Mr Patel submitted that those wishing to hold events were vetted and were required to pay a security deposit. He stated that the events were limited to private events only. He stated that the premises had never been used to its full potential. It had primarily been used for weddings and family events and mainly operated on a referral basis. He explained that they had kept it that way in order to introduce decent events. However, he stressed that it was a business, and he had a mortgage to pay. He also pointed out that he was willing to listen to the neighbours, some of whom had his father's mobile contact number.

Mr Patel stated that they had amended the original application and reverted it back to a simple licence. He stated that the club did not hold many people and could not comfortably fit more than 70-80 people in total. He explained that they had invested a lot of money this year in ground improvements and additional CCTV. He stated that the police had never been called about any incidents at the premises and that they did not accommodate youths. He further submitted that the Sports Club was not the only business they

successfully ran and that there had been much misunderstanding which had been blown out of proportion by local residents.

In terms of safety, it was submitted that there would be no issues, and noise would be limited. In addition, they did not propose to operate on Mondays – Thursdays. They hoped that this assurance would negate any concerns.

The Chairman stated that the original application sought a licence all day every day with exceptions until 02:00. However, she noted that the amendments to the application overcame some of the issues. She articulated the new timings as follows:

Monday – Thursday – 7pm until 11pm
Friday and Saturday – 7pm until 12pm
Sunday – 12 noon – 11pm

The Chairman asked the applicant why they had included Mondays to Thursdays if they had no intention to use the licence on those days. The applicant stated that they just wanted to safeguard themselves in the future.

The Chairman stated that a meeting was held in July 2020 with the police and interested parties and that there were a number of complaints received--claiming that the applicant had not responded to telephone messages and emails. Mr Patel asked when the phone calls and emails took place. He stated that he had no reason to contact the police. He said that he had been in constant dialogue with the Council.

PC Edwin Sear commented that he had not been made aware of the amendments to the application. However, the Licensing Officer (Lee Slaney) referred to the amendments on p36 of the application bundle and clarified the position by stating that an email dated 20th August 2020 was sent to him and PC Dandridge in respect of the amendments. PC Edwin Sear acknowledged this to be a genuine misunderstanding.

The Licensing Officer pointed that the original application was not withdrawn, but the amended proposals were a compromise for members to consider. He also stated that the applicant and Mr Patel had sent the email requesting an amendment to the times only. There was no mention or plan of the licensable area. Mr Patel stated that the licensable area would be limited to the building only.

The Chairman queried the parking area. She asked whether the applicant proposed to extend the opening of the parking areas to the alley. She pointed out this was of real concern to local residents. Mr Patel responded that they would only extend the parking if the local school required it. He said that there were currently only 10-15 cars there, and it was very rare to hit the maximum of up to 50 cars.

The Chairman stated that a wedding was held at the premises in July 2020. She submitted that 150 people attended, when it should have been limited to

30 in line with Covid requirements. The applicant explained that the wedding was held on 26th July 2020. The MET Police attended the premises. He stated that they were not aware of the requirements. A report was done. No one from the Council attended.

The Chairman made reference to the Summer Love event held at the premises which had resulted in a number of noise complaints. She asked for the number of complaints made as a result of the event. The Licensing Officer answered that it was not particularly high--about two in total. However, he stressed that there were a number of complaints made before the event, which were not as many as expected.

Cllr Allatt – asked the applicant about the number of adult sports clubs at the venue. The applicant stated that there were currently two football clubs which used the venue.

Cllr Wells asked whether there was any public access to the premises. The applicant confirmed that the premises was only used for private functions. Cllr Wells also asked for clarification on the internal layout of the building and an assurance that no licensable activity would be held outside of the premises building including the playing fields. The applicant stated that he understood. He explained that the Summer Love event was a one off and that they would not be holding such an event again.

Cllr Wells made reference to the patio area which was to be used as a smoking area only. He was concerned that the patio area would be used by the nursery, and any leftover cigarette stubs could potentially be harmful to children. He was also concerned about the 1/2hr gap between the nursery closing time and the licensable activity commencing. He further stated that polycarbonate cups rather than glass should be considered in order to prevent any harm to children.

The applicant stated that they did not use glass--only plastic and that everything was cleared away and the bar was locked up and out of reach to children. He also stated that the building had ventilation and it was possible to operate with all doors and windows shut except for access and egress.

PC Edwin Sears asked the applicant whether he intended to extend the sale and supply of alcohol to the patio area. The answer to this was no. PC Sears asked how they intended to disperse people at night. The applicant replied by stating that the DJ would make an announcement 1/2hr before the bar closed. He proceeded to explain that they contacted Data Cars to arrange transport for those who required it. The applicant stated that they had full CCTV coverage in and outside of the premises.

The applicant was asked by PC Sears whether they would consider putting in place, fencing or barriers around the perimeter of the grounds. The applicant stated that they were willing to look into it. PC Sears also asked about the security of the bar area. The applicant stated that they had installed inconspicuous security shutters around the bar. The applicant assured that

no licensable activity would take place in the patio area. However, the applicant stated that people should be allowed to sit in the patio area with a drink but without music.

Objections:

Cllr Sharma introduced himself to the sub-committee. He stated that he represented all three Chislehurst Councillors and Chislehurst West. He submitted that the Council had received 357 objections to the application. He stated that these residents were against the proposal and that the application should be rejected in its entirety on the grounds of crime and disorder, public nuisance, safety and the protection of children from harm. He explained that there had been a number of past events held at the premises, which had proved to be disruptive to local residents. He claimed that there had been reports of blocked driveways, fights, drug taking, criminal behaviour and public nuisance, resulting in distress to local residents.

Cllr Sharma made reference to the retrospective installation of floodlights at the premises without planning permission which had resulted in planning enforcement action by the Council. He asked the sub-committee to reject the application. He suggested that the applicant should continue to use the TENS process in order to host events.

Brett Mitchell, a local resident objected to the entire application. He stated that hundreds of local residents had raised objections to the application in its original and amended form. He stated that he had experienced the noise output coming from the premises and was a victim of the noise which resulted from the Summer Love event.

Sally Izzard, (a local resident) stated that she lived directly opposite the premises and would often hear banging base music emanating from the club and loud voices of groups of people entering and leaving the premises. She stated that she had witnessed groups of 16-year olds being dropped off at the club by their parents, causing a nuisance and being picked up late at night. She requested that the building, (particularly the patio area) should be soundproofed to prevent further disturbance to her family and other local residents. She asked the sub-committee to refuse the amended application.

Antonio Cadinha, a local resident stated that he also lived directly opposite the application site. He objected to the application on the grounds of nuisance and disturbance by loud music. Whenever TENS were used, it had resulted in drunken behaviour, littering, criminality and health and safety risk to children.

Valerie Gaisford St Lawrence, a local resident stated that a narrow steep bank separated her property from the application site. She stated that there was no barrier for privacy and that she had to endure the sound of amplified music coming from the premises which had caused her a lot of distress. She stated that the fencing which separates her property from the premises was in disrepair and there was no CCTV.

Xavier Langlois, (a local resident) stated that the owner of the premises had installed floodlights at the entrance of his drive which caused disturbance. Further, there were no notices outside the premises regarding CCTV. He stated that he had asked the operator of the premises to reduce the noise levels and had been met with rude responses. He stated that the operator of the premises had no regard for local residents. He also stated that the event on the 26th July 2020 had resulted in empty bottles and glass being left outside of his property. He was also concerned about the lack of security around the grounds.

Cllr Wells noted that a care home was situated near the application site. Mr Hewitt confirmed that 38 residents currently resided in the care home.

Maddie Richardson, from the Public Health Nuisance Team raised objections to the application. She stated that she was not satisfied with the amendments to the application and suggested the following conditions in order to make it more acceptable: -

- Doors and windows to be kept shut except for access and egress
- A noise limiter to be installed and set by the Council
- Music to be limited to the indoor area only.

The applicant was given the opportunity to sum up his case. He and Mr Patel emphasised their intention to work with and not against the local community and hoped that the application would be granted as amended.

Sub-committee's findings and reasons:

Taking all the circumstances into consideration, the sub-committee considered that the licence conditions listed above were necessary and proportionate in order to promote the prevention of crime and disorder, protection of children from harm, public nuisance and public safety licensing objectives.