

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 26 October 2023

Present:

Councillor Tony Owen (Chairman)
Councillors Christine Harris and Simon Jeal

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Tony Owen was appointed as Chairman for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 New Application for a Premises Licence at Bella Vista 85/89 Elmer's End Road Beckenham BR3 4SY

The Application:

The application as originally submitted, sought a premises licence for the supply of alcohol, Monday to Sunday from 09.00 hours until 00.00 hours. Opening hours were requested from 09.00 hours until 00.30 hours for Monday to Sunday. The application also sought late night refreshment provision, Monday to Sunday from 23.00 hours until midnight. Live music was requested from Monday to Sunday from 09.00 hours until 23.30 hours and recorded music for Monday to Sunday from 12.00 hours until 23.30 hours. Performance of dance was applied for from Monday to Saturday from 12.00 hours until 23.30 hours and on Sunday from 12.00 hours until 23.00 hours.

The Sub-Committee was advised that subsequent to the submission of the application, revised hours had been agreed with the police. The revised hours requested the supply of alcohol from Monday to Thursday and Sunday from 09.00 hours to 22.30 hours, and on Friday and Saturday from 09.00 hours until 23.30 hours. The opening hours sought from Monday to Thursday were from 09.00 hours until 23.00 hours and on Friday and Saturday from 09.00 hours until midnight. The Applicant confirmed that these were the hours being applied for.

Case for Applicant:

The Applicant confirmed that his aim was to run a family restaurant. He was not currently planning to sell food after 23.00 hours and therefore did not need a licence to sell late night refreshment; there would only be recorded music and not live music. However, in the future, the Applicant stated that he would like to provide live music and there may be birthday parties at the premises.

A licence was currently held at the premises. The Applicant stated he was not responsible for any issues arising because of the previous management and any complaints made against them. He was aware of an additional complaint made in respect of his occupation of the premises concerning events on 12th October 2023, but he regarded this as unfair. In response to another complaint that the residents of the flats above had to walk through a terrace full of customers to reach their homes, he had now made sure the residents had clear access.

Representations and the Case for the Objectors

The Council had received five representations in support of the application, which welcomed the additional offer of a local restaurant. There were also four representations in objection, including the reference to 12th October 2023. This related to a football match being viewed on a large screen at the premises. The complainant said he felt threatened when he visited the premises and intended to make a formal complaint to the police. More generally, the representations emphasised the residential nature of the premises with flats above. The representations expressed concern at the later hours being proposed and the additional disturbance this might involve. The Council was advised that with the previous business running to 9.30pm, residents were disturbed by loud chatter, laughter, movement of furniture and music. This would be worse with the later hours being sought. Residents had young children and needed to get up early for work.

Reasons for the Decision:

The Sub-Committee noted that a premises licence, albeit for lesser hours up to 21.30 hours, was in existence. The principle of licensable activities taking place at the premises was already established. The Committee considered that an extension to the hours permitted under the current licence would be possible without harm to the licensing objectives, including the prevention of public nuisance. However, given the residential nature of the premises with flats above, the Committee considered the appropriate balance between the interests of the business and the residents above, should be accommodated by requiring alcohol sales to cease at 22.00 hours Monday to Thursdays, 23.00 hours Friday and Saturdays and 21.30 hours on Sundays. For similar reasons, the Committee considered the opening hours should be from 09.00 hours to 23.00 hours Monday to Thursdays, and from 09.00 hours to 23.30 hours on Friday and Saturdays. It was felt that on Sundays, residents could reasonably expect a higher degree of peace and quiet and concluded the opening hours should be from 09.00 hours until 22.00 hours.

Decision

That the application for a new premises licence at Bella Vista, 85/89 Elmer's End Road, Beckenham BR3 4SY be granted as follows:

Sale of alcohol: Monday to Thursday 12.00 hours to 22.00 hours, Friday and Saturday 12.00 hours to 23.00 hours, Sunday 12.00 hours to 21.30 hours

Opening hours: Monday to Thursday 09.00 hours to 23.00 hours, Friday and Saturday 09.00 hours to 23.30 hours, Sunday 12.00 hours to 22.00 hours

AND SUBJECT to the conditions agreed with the police on pages 48 and 49 of the agenda with the following changes:

Condition 10: The outside/garden/smoking areas to close approximately 1 hour prior to the premises specified opening hours.

Condition 11: All doors and windows are to be kept closed when regulated entertainment is taking place, save for the purpose of access and egress.

The seasonal variations for New Years Eve are as follows:

The terminal hours for the supply of alcohol on New Years Eve shall be varied to 01.00 hours on the following New Years Day. The playing of live and recorded music is permitted on New Years Eve but shall cease no later than on 01.00 hours on the following New Years Day. The premises shall thereafter close at 01.30 am on New Years Day.

4 APPLICATION FOR A VARIATION TO CLUB PREMISES CERTIFICATE AT WICKHAM PARK SPORTS CLUB, PICKHURST RISE, WEST WICKHAM, BR4 0AU

The Licensing Sub-Committee carefully considered the application for the variation of the Premises Club Certificate at **Wickham Park Sports Club, Pickhurst Rise, West Wickham**.

The Licensing Sub-Committee made the following decision having regard to:

The four licensing objectives:

The Council's current Statement of Licensing Policy (as amended):

Guidance issued under the Licensing Act 2003 (As amended); The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended):

Written and oral representations from the Applicant:

Written representation from local residents:

Written representation from the Health & Safety and Licensing Team:

Written representation from the Metropolitan Police:

Written representation from the Ward Councillor:

The Decision of the Licensing Sub-Committee was as follows:

On the 26th October 2023, the Licensing Sub-Committee considered the application, **and decided to grant the variation to Wickham Park Sports club premises certificate, subject to the amendments made at the Hearing**. The amendments related to the licenseable activities and the relevant permitted hours, the revised Metropolitan Police conditions 1,3,8,10 and 15. The applicant offered to provide the Council with a copy of the revised club rules by the end of January 2024.

1.THE APPLICANT / THE CLUB'S CASE

Two representatives for Wickham Park Sports Club ('the Club'), Ben Hayward and Lynne Hayward (the Applicants) attended the Hearing. The Applicants introduced the application and in brief mentioned that the current club premises certificate license granted in 2006 was not appropriate for the Club in practical terms as a result of an increase in the services which the club was now able to provide its members, and the local community. The Club had therefore submitted its application to extend its hours to allow it to serve more people, to extend its indoor activities for sporting events, to attract other members and the local community. The applicant(s) mentioned that they had agreed to the proposed Metropolitan Police conditions. Those conditions were amended at the Hearing and the applicant agreed to the amended conditions 1,3,8,10 and 15 and included a new condition number 15. Areas of discussion concerned a) Sale of Alcohol b) Indoor Sports c) Live Music d) Recorded Music e) Performance of Dance f) Late night refreshment g) Opening Hours (see paragraph 3 below). Also discussed were the points raised in objections which included noise nuisance, and issues regarding dispersal after large evening events.

The Applicants mentioned that the Club's plan was to hold events on behalf of schools, sports providers, its members, and to serve the community.

The Club allowed only members to book for the specific events. The Club attracted a varied age group. During the special events, the Club wanted to provide refreshments. The Applicants mentioned that the Club had accepted the police conditions.

The Applicants said that the nursery school (which was located within the building), did not object to the application. The Applicants mentioned that the nursery had a separate wing; it did not have access to the bar area and had its own toilets.

The Club was in the process of employing a new Bar Supervisor (Bar Manager). The new person would be in place as soon as possible to allow the Club licensable activities to operate in accordance to licensing regulations. The Club anticipated holding about 3 events a month. The hall capacity under the original Club Certificate was 100 persons and the Club would like to increase the number to 180 persons.

The Applicants mentioned that the Club was aware that soundproofing was required and that the Club would look into this. Also, the Club would place appropriate signage to remind all persons to leave the premises quietly.

The type of membership, the events to be held, and how the bookings would be made, were discussed and also the number of car parking spaces. The applicants mentioned that the Club intended to keep a record of when members booked events and to monitor the type of event being booked, and how each was managed. A member of the Licensing Sub-Committee asked about the number of car parking spaces. The Licensing Sub-Committee was

informed that there were 24 spaces. Questions around the CCTV in and around the Club premises were also discussed.

The Licensing Manager reminded the Applicant to consider the application within the requirements of a Club Premises Certificate, rather than a nightclub or public house licence. It was important that the distinction between the two was clearly noted. Where the Club's activities intensified, (or where the Club outgrew its Premises Certificate), the Club would need to consider a full Premises Licence.

2. REPRESENTATIONS IN SUPPORT AND IN OBJECTION TO THE APPLICATION

There was one resident in support of the application and 14 residents who objected. Oral representations were received from the Applicants. It was noted that some of the objections were not for the entire application. There were aspects of the application which some objectors indicated to be in support of. Support had been expressed for the nursery school, the engagement with the community, the exercising facilities, the proposed extension of time, the indoor sporting, and performance of dance. Councillor Brock submitted his written representations on behalf of the residents. Part of that written representation included Councillor Brock's views. The Licensing Sub-Committee followed the licensing guidance when considering those representations on behalf of the residents (and indeed for all the representations as a whole). The main concerns were on the extended hours which potentially intensified the noise nuisance factor and may have the potential for increasing antisocial behaviour within the residential area.

3. THE LICENCE

The original Premises Licence was noted in the application pack Appendix 2 (pages 30 to 39). Details of the application and its changes are noted in Appendix1 in (pages 9 - 29) and the proposed variation is on page 5. The application bundle is found in the following Link:

<https://cde.bromley.gov.uk/documents/s50111435/Ctte%20Report%20Wickham%20Park%20Sports%20Club%20-%20amended%20date.pdf> Please see the table below showing a summary of the application; the Licensable Activities , the current hours and the proposed hours.

Licensable Activity	Current Hours	Proposed Hours
Sale of alcohol	Mon – Thurs 20:00 –23:00 Fri 19:00 – 23:00 Sat 12:00 – 23:00 Sun 12:00 – 22:30	Mon – Thurs 12:00 –23:00 Fri – Sat 12:00 – 23:59 Sun 12:00 – 23:00
Indoor Sports	Mon – Thurs 19:30 – 23:00 Sun 09:00 – 12:00	Mon – Fri 17:00 – 23:00 Sun 09:00 – 17:00
Live Music	Fri 19:30 – 23:00 (Alternate Fridays) Sat 19:30 – 00:00 (Perhaps twice a year)	Fri 17:00 – 23:59 Sat 12:00 – 23:59 Sun 12:00 – 23:00

Recorded Music	Sat 19:30 – 00:00 Sun 16:00 – 18:00	Fri 17:00 – 23:59 Sat 12:00 – 23:59 Sun 12:00 – 23:00
Performance of Dance	Mon 15:30 – 17:30	Thurs 15:00 – 19:00 Sat 08:00 – 13:00
Late Night Refreshment	Not licensed on current Club Premises Certificate	Mon - Thurs 12:00 – 23:00 Fri – Sat 12:00 – 23:59 Sun 12:00 – 23:00
Opening Hours	Not specified on current Club Premises Certificate	Mon – Thurs 09:00 – 23:00 Fri – Sun 09:00 – 23:59

4. THE VARIATION

The Licensing Sub-Committee, having considered the application, **decided to vary the Club Premises Certificate**. The conditions agreed between the Metropolitan Police and the applicant, were amended (please see below). The varied licensable activities and the new hours are shown in the table below. The Applicants agreed to provide the revised Club Rules which would be attached to the Premises Club Certificate by the end of January 2024.

The agreed police conditions are found in the application bundle Appendix 4 *Additional Conditions Agreed with the Police* pages 49 to 51 refer to the following Link:

<https://cde.bromley.gov.uk/documents/s50111435/Ctte%20Report%20Wickham%20Park%20Sports%20Club%20-%20amended%20date.pdf>

Conditions 1,3,8,10 and 15 were amended as follows:

Condition 1: At the Hearing the Applicant agreed to ensure that the approved CCTV system provided coverage of an additional area, namely, the car park area of the premises. The amended condition incorporated the car parking area as follows:

The Revised Condition 1: ‘The Premises has an approved CCTV system which is regularly maintained by NSI NACOSS Gold Standard/AIB registered installer subject to a maintenance contract. The system will always be fully operational, as stipulated /recommended by the installer. The CCTV system should cover the interior and exterior areas of the premises including the car park area and the driveway.

Condition 3, was amended by removing the words ‘Personal Licence Holder’ and inserting the words ‘Bar Manager’ (Bar Supervisor). The amended Paragraph 3 reads as follows: ‘Ensure that a Bar Manager is on the premises at all times whilst licensing activity is taking place’.

Condition 8, The words ‘large number of persons’ was amended to read ‘more than 20 persons’. The amended paragraph reads as follows: ‘Where the premises is being used for a pre-booked event/function/celebration, or there are more than 20 persons anticipated in attendance at the venue, then a risk assessment be carried out by the management prior to the commencement date’.

Condition 10, reads: ‘The garden/patio areas of the premises shall not be used after 22:00 hrs on any day, with no regulated entertainment taking place in outside spaces. The amendment adds the following to that condition: ‘no alcohol is allowed outside the premises after 21:00 hrs’.

Condition 15: The Licensing Sub-Committee deleted the original agreed Condition 15 which was submitted in the application pack ‘Alcohol sales shall cease approximately 30 minutes prior to closing to allow for drinking up time’ that condition most likely was added in error. That condition was not applicable to Club Premises Certificates.

The Licensing Sub-Committee decided to delete that original condition and to insert a new Condition 15 instead, which reads as follows: ‘Club Staff at the premises shall effectively supervise the Club egress at the end of each evening, to ensure there is minimal disturbance at the Club.

Narrative: In addition, the applicant in good faith agreed at the Hearing to provide the Council details of the revised Club Rules which will incorporate suggestions raised by the Council’s Licensing Manager, notably how Club members’ limitation of visitors by the end of January 2024.

The new hours are as follows:

Licensable Activity	New Hours	
Sale of alcohol	Mon – Fri	15:00 – 23:00
	Sat	12:00 – 23:00
	Sun	12:00 – 22:30
Indoor Sports	Mon – Fri	17:00 – 23:00
	Sun	09:00 – 17:00
Live Music	Fri	17:00 – 23:00 (alternative Fridays)
	Sat	12:00 – 23:00
	(To take place not more than three times a month)	
	Sun	None
Recorded Music	Fri	17:00 – 23:00
	Sat	12:00 – 23:00
	Sun	12:00 – 18:00
Performance of Dance	Thurs	15:00 – 19:00
	Sat	08:00 – 13:00
Late Night Refreshment	Fri – Sat until – 23:30 (Time premises close)	
Opening Hours	Mon – Thurs	09:00 – 23:00
	Fri - Sat	09:00 – 23:30
	Sun	09:00 – 23:00

5. THE DECISION

The Licensing Sub-Committee decided to **grant the application to vary the above Premises Club Certificate subject to the amendments made at the hearing.**

- a) The Licensing Sub-Committee considered all the licensing objectives, the relevant licensing policies and guidelines relating to the application. The Licensing Sub-Committee considered the application as a whole, both the written and oral representations, and all the steps which the applicant(s) intended to take to promote the licensing objectives.
- b) The relevant Licensing Act 2003 (as amended) provided for a review process applicable to any licensable premises and, may be utilised whenever appropriate.

The Sub-Committee believed that the above mentioned reasons and conditions attached to the Club Premises Certificate were necessary, in order to uphold the licensing objectives. In conclusion, the Licensing Sub-Committee, in line with the relevant policies and guidelines, decided that; the above variation for a Premises Club Certificate to be **granted subject to the amendments at the Licensing Sub-Committee Hearing and as noted in the above full decision.**

The Meeting ended at Time Not Specified

Chairman