

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10am on 9 March 2023

Present:

Councillor Keith Onslow (Chairman)
Councillors Mike Botting and Robert Evans

Also Present:

Councillor Nicholas Bennett J.P. and Councillor Mark Brock

13 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Onslow was appointed Chairman.

14 DECLARATIONS OF INTEREST

With respect to the application concerning the Railway Hotel, Note: Councillors Brock and Bennett declared a personal interest in that they had eaten at the premises.

15 APPLICATION FOR A NEW PREMISES LICENCE AT L A SPORTS CLUB, ST DUNSTAN'S LANE, BECKENHAM, BR3 3SS

The Application:

The applicant sought a premises licence for the supply of alcohol within a renovated pavilion for both on and off sales from 11.00 to 23.00 on Monday to Saturday and from 11.00 to 22.00 on Sunday. The premises being open to the public from 08.00 to 23.30 Mondays to Saturday and 08.00 to 22.30 on Sunday.

The case for the applicant:

The applicant's consultant, Mr Mayhew advised that the applicant was a private company owned by four families. The site was currently used by three football teams for children's and young persons' football. It was mainly used on Saturday and Sundays. The club house needed refurbishment and to raise funds, a licence to supply alcohol at the pavilion was being sought. Many of the bookings would be from members of the club, but not exclusively so. The pavilion would not just be limited to football use and could be hired for a wide range of purposes. It was explained that the clubhouse, when refurbished, could be used by up to 150 persons, although this would be dependent on a fire risk assessment.

Mr Mayhew explained that his client had carefully considered the large number of objections. Some of the objections, in his submission, were not a matter for licensing. There were complaints about inconsiderate parking in the nearby streets and also traffic conflicts due to the narrow nature of St Dunstan's Lane, backing onto Wickham Way. While public safety was a licensing objective, Mr Mayhew pointed out that the applicant had no control over parking issues outside of the site. Likewise, if persons were currently loitering in the area, this could not be related to the application. With reference to concerns about school children from the nearby schools passing the site, the applicant managed football for children and young persons and had child protection policies in place. Environmental issues and issues concerning the planning designation of the surrounding area as an area of special residential character were not for the licensing hearing.

Mr Mayhew said the objections had been carefully considered by the applicant. In addition to the agreed police conditions, the applicant had put forward 27 additional conditions for consideration. The car park could hold about 50 cars which was reasonable for the property. The hours were usual hours for a licensed premises. A dispersal policy could minimise the risk of nuisance when patrons left the premises.

(ii) The case for the objectors

In addition to the written representations, the sub-committee was addressed by a representative of the Park Langley Residents Association. She pointed out the proximity of nearby residential properties in Wickham Way. The residents were already subject to noise within their houses from the use of the playing fields. This would be likely to worsen if the supply of alcohol was permitted. She was concerned that there was not a sufficient link with the sporting function of the site and the proposal could be described as for entertainment venue. There had been a dramatic increase in traffic using St Dunstan's Lane since the applicant took ownership of the site. Another resident felt the application would be a "trojan horse," allowing the use of the site to change from a use connected with sport. A further resident confirmed she could hear noise from the playing of football in her sitting room.

Reasons for decision

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. Members noted the positive steps being taken by the applicants to encourage football by children and young persons. They noted that the pavilion building was in need of refurbishment and that funds needed to be raised for this. They also noted that the sporting use was a longstanding one which should be supported. Current traffic issues seemed to arise outside the site and were difficult for the applicant to control.

Members also noted the evidence that the current use did cause some disturbance to nearby residential properties. They felt that the application, by introducing new activities onto a difficult site, both in terms of the nearness of

residential properties and access, would increase the potential for nuisance to nearby residential properties in Wickham Way. Members were particularly concerned that new activities would be introduced well into the evening when the occupiers of those nearby properties, might reasonably expect a higher degree of peace and quiet.

When balancing all of the considerations, Members concluded that the application could be permitted without harm to the Licensing objectives, but only if the hours within which alcohol could be supplied was restricted to between 11am and 6.30pm.

Decision

That the application for the grant of a premises licence at L A Sports Club, St Dunstan's Lane, Beckenham BR3 3SS be permitted subject to the following conditions:

1. That alcohol shall only be supplied between the hours of 11.00 and 18.30 on any day
2. Where amplified live music or recorded music is played windows and doors will be kept shut
3. All external doors to the premises shall remain closed except for entrance and egress

16 APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE AT THE RAILWAY HOTEL, RED LODGE ROAD, WEST WICKHAM, BR4 OEW

The application

The application was to vary the licence as follows:

1.Amend the terminal hour of the sale of alcohol and late night refreshment on Friday and Saturday to midnight; 2.Amend the terminal hour for opening hours to permit 30 minutes drinking up time; 3.Amend the start time of the sale of alcohol and opening hours on Sunday to begin from 10:00 (currently 12:00); 4.Remove the restrictions set out in condition 9 which related to the times when alcohol may be sold, as these conflicted with the usual for the sale of alcohol. Condition 9 & 9a - f to be removed. Condition 9g to be retained. 5.Remove conditions 10 & 10a – j which contain outdated conditions and narrative from the Licensing Act 1964. 6.To add conditions as set out in the operating schedule of the application form.

(i) The case for the applicant

Members were advised that a number of TENS had been granted between August and September 2022 until midnight with 30 minutes drinking up time. No complaints had been made. A consultation meeting had been held with local residents. The applicant had a large number of licensed premises and the variation sought for Friday and Saturday evening was not unusual. The

additional ten minutes drinking up time sought, accorded with more modern licensing practice and would allow a more orderly dispersal of customers. Councillor Brock was asked by the applicant to speak in favour of the proposal.

(ii) The case for the objectors

There was a sole objector, Councillor Bennett. He addressed the Sub-Committee and referred to the residential nature of the area, in particular with a nearby elderly persons' home in Red Lodge Road. In his opinion, the area was not suitable for extended hours. He had also visited the premises during the last two weeks and observed possible breach of licensed conditions in terms of closing hours.

Reasons for decision

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. They did not feel there was sufficient evidence for them to conclude that the application would cause public nuisance. Members agreed that with the agreed condition concerning keeping the doors and windows shut, the application could be permitted without harm to the licensing objectives. Members noted that the police and the environmental health officer had not raised an objection. Nor had there been objections from members of the public. Although a concern had been raised about a possible breach of licensing closing hours, the Licensing Team had not raised an objection.

Decision

That the application for a variation of the premises licence be granted as applied for subject to the condition:

After 11pm, doors and windows at the premises shall be kept closed except for access and egress.