

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 30 November 2023

### Present:

Councillor Nicholas Bennett J.P. (Chairman)

Councillors Kira Gabbert and Simon Jeal

### 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed as Chairman for the meeting.

### 2 DECLARATIONS OF INTEREST

None.

### 3 APPLICATION FOR A NEW PREMISES LICENCE AT ROEBUCKS CRICKET CLUB WEST COMMON ROAD HAYES BROMLEY BR2 7BY

#### The Application

The application was for a new premises licence for the provision of live and recorded music from 13.00 to 23.00 hours every day and the supply of alcohol on the premises from 12.00 to 23.00 hours every day. The application stated that both amplified, unamplified live and recorded music will be played in the 18m x 6m marquee only.

#### Case for the Applicant

The owner of the club advised that the cricket club was started in 2005 on a playing field at Colfe's School. In 2013 his family acquired the cricket ground in West Common Road. The club relied on voluntary support and sponsorship. There was a constant need to raise money, hence the decision to acquire the marquee. The club has a 1<sup>st</sup> X1 and 2<sup>nd</sup> X1 playing in the Kent Cricket League. It also had a junior cricket section and was trying to encourage youngsters into cricket. The cricket club also had Sunday football at the ground. If a premises licence was granted, the intention would be that the marquee would be let primarily for Members of the club. The aim would be not to take bookings for stag or hen parties or for 18/21 birthday parties. Example of the types of functions to be held under the licence would be children's birthday parties, anniversary parties etc. If a licence was refused the impact on the Club's finances would be severe and the club may have to sell the ground.

In response to a question as to why the Club Premises Certificate was not sufficient, the Sub-Committee was advised that the applicant wanted to take bookings from the general public. The owner advised that it was difficult to comply with the advance notice requirements for temporary event notices given the cricket club is more a hobby than a business. The applicant was prepared to consider a noise limiter and also using material that might reflect sound back into the marquee. The club was also prepared to accept a limit on the number of events with the indication that 8 events would be the minimum. The maximum capacity of the marquee was between 100-120.

The applicant was surprised by the volume of objections generated by the application. The owner accepted that mistakes had been made. The club was prepared to work with the Council in the future to ensure the events were properly organised. On one occasion the club itself turned off the music when an event organiser failed to respond to a request to turn the music down. The advertising complained of by residents had been discontinued and was not an indicator of the future intentions of the club.

#### Case for the Objectors

The Council's public health nuisance team advised that a number of events had been held over the Summer 2023 giving rise to complaints regarding loud music coming from events being held in the Marquee. On 6<sup>th</sup> September 2023, a Noise Abatement Notice was served by the Council. The team maintained its objection and pointed out that the venue was a marquee with no soundproofing. Although the owner said he was aiming to hold for a limited number of events, the licence sought was for 7 days a week. It was not felt that a particular level could be set using a noise limiter given the construction of the marquee. Certain sounds (for example bass music) can create more noise than others.

The Council also received 29 written objections from nearby residents, some of whom also attended the hearing. Local residents advised that over the past few years there had been several occasions when noise from events at the premises reached an unacceptable level. More than one resident reported being able to hear the noise from within their house. Some residents challenged the information provided by the club referring to the advertising of the marquee as a party venue and for weddings, stag and hen parties. The objections also challenged the application saying a marquee because of its construction could not be a suitable venue to hold events. Concerns were also raised concerning anti-social behaviour from those attending events and concerning traffic generation.

#### Reasons for Decision

The Committee considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. It noted that the evidence from the Council's Public Health Nuisance Team that events being held under the Club Premises Certificate had been of such concern in terms of statutory nuisance as to lead to the

service of an abatement notice. It also noted the evidence of other residential objectors that noise from events being held were of sufficient volume as to be heard within their houses. If so, the noise would also be heard from within nearby residential gardens which could be disturbing.

However, the Committee also noted the evidence from the club that events in future would be of a different character and likely to be quieter in nature. The club was prepared to accept a limit on the number of events to be held. The club was prepared to use a noise limiter although it was noted that such a measure was not supported by the Public Health Team. The Panel noted the existence of the abatement notice, but that has its own appeal system and method of enforcement.

Having considered all the representations, it was deter that a limited number of events could be held at the marquee but only if quieter events were selected. Effective management would be a key component of this and an adequate number of staff would need to be engaged by the club, both during the event and at its conclusion. It was felt that by conditions the Council could specify the number of staff needed for larger events and also by condition ensure appropriate risk assessments were made for those events. The Committee noted the lack of communication being extended by the Club to nearby local residents, but felt this could be addressed by a condition requiring a dedicated phone line.

Given the residential nature of the area surrounding the premises, it was considered that the appropriate balance between the interests of the club and nearby residents, could be made by limiting the number of events to 12.

The Committee took into account the aims of the club to develop cricket and in particular junior cricket, but its responsibility was to make decisions in accordance with the licensing objectives, in this case to prevent public nuisance.

### Decision

The application was permitted subject to the following conditions:

1. No more than 12 events shall be held in any calendar year.
2. The conditions suggested by the police in their letter dated 27<sup>th</sup> September 2023 shall be imposed, save that condition 5 of that letter shall refer to 120 attendees and not 499 attendees.
3. A written risk assessment shall be carried out before any event involving more than 50 attendees is held. The risk assessment shall among other matters state the policies to deal with alcohol and drug misuse and shall be made available on request for inspection by either the Licensing Authority or the Police

4. At least one manager and two staff members shall be present at all times during any event with more than 50 attendees.
5. Members of staff shall be available at the conclusion of an event with the aim of ensuring that attendees leave the event quietly.
6. A dedicated phone number shall be made available and publicised on the Club's website to enable nearby local residents to contact the Club and raise any concerns. The phone line shall be in operation during an event.
7. The Club shall seek advice from the Council's Environmental Health Officer as to possible measures to limit the breakout of noise from the use of the marquee.

#### **4 APPLICATION FOR A NEW PREMISES LICENCE FOR FULL FAT EVENTS AT CRYSTAL PALACE PARK THICKET ROAD PENGE LONDON SE20 8DT**

##### The Application

The application as originally submitted sought a premises licence for the provision of live and recorded music, films and dance on Sunday and Monday from 12.00 to 22.00, Friday and Saturday from 12.00 to 22.30 and the supply of alcohol on Sunday and Monday from 12.00 hours until 21.30 hours and Friday and Saturday 12.00 to 22.00. The maximum capacity was stated as 9,999. While it was the intention to hold the event on the terraces, an alternative site was identified in case there were any restoration works taking place on the terraces at the time of the event.

The Applicant confirmed that a licence was required for 12 months and that the maximum capacity was to be 4,999. As a result of the amendment to the duration of the licence, it was also confirmed on behalf of the applicant that a secondary site would not be needed and that the event would take place on the terraces.

##### Case for the Applicant

The Applicant's solicitor stated that his client was highly experienced and had a significant history in the delivery of comparable events. The aim was to provide a "polygon" or spatial audio event with 3D sound directed at an audiophile audience. The applicant had engaged with the ward councillors. A comprehensive set of conditions had been agreed with the police. A copy of the conditions was included with the applicant's outline submissions. This provided for three event days during 2024. An Event Safety Management Plan (ESMP) would be developed in discussion with the Safety Advisory Group, which would include as a minimum the Council, the Police and the Crystal Palace Park Trust. The matters to be included in the ESMP would be defined by condition. A suitable Security and Stewarding company would be

appointed to ensure public safety and to prevent crime and disorder. An event and site-specific Risk Assessment and Fire Risk Assessment would be carried out. A Traffic and Transport plan would also be developed.

### Representations and the Case for the Objectors

The Council had received 14 written objections which raised issues concerning noise pollution, traffic and parking, safety, environmental impact and access. A particular concern related to the possible use of the secondary area which had now been withdrawn from the application. One of the objectors attended and spoke to the hearing but withdrew his objection after hearing the secondary area was not in the application.

### Reasons for decision

The committee considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. The committee felt that a new premises licence could be granted for the Polygon event without harm to the licensing objectives including the prevention of public nuisance. A detailed list of conditions had been prepared which are exhibited as an Appendix to this decision. These conditions would ensure that the necessary plans and risk assessments would be prepared for the event. Many of the objections related to the secondary site, but this was no longer part of the application. The committee judged that the remaining objections could be overcome through the careful planning required by the conditions. The event itself would last for no longer than 3 days which the committee felt was not unreasonable. The event would also be considered by the Safety Advisory Group.

### Decision

That the application for a new premises licence for Full Fat Events at Crystal Palace Park Thicket Road, Penge, London SE20 8DT **be granted** as follows:

Provision of Live and Recorded Music, Films and Dance: Sunday and Monday 12.00 hours to 22.00 hours, Friday and Saturday 12.00 hours to 22.30 hours.

Sale of alcohol, Sunday and Monday 12.00 hours to 21.30 hours, Friday and Saturday 12.00 hours to 22.00 hours.

AND SUBJECT to the conditions attached at the Appendix to this decision.

Chairman