



SUMMONS AND AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 27 FEBRUARY 2024 at 7.00 pm

Remote - Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>

Enquiries to: Clare Weaser
Email: clare.weaser@lewisham.gov.uk

MEMBERS ARE SUMMONED TO ATTEND THIS MEETING

Councillors:

Councillor Susan Wise (Chair)
Councillor Yemisi Anifowose (Vice-Chair)
Councillor Dawn Atkinson
Councillor Bill Brown
Councillor Coral Howard
Councillor Edison Huynh
Councillor Mark Jackson
Councillor Eva Kestner
Councillor Liam Shrivastava
Councillor Luke Warner



Jeremy Chambers, Monitoring Officer
Laurence House
Catford
London SE6 4RU
Date: 19 February 2024

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private.

ORDER OF BUSINESS – PART 1 AGENDA

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Licensing Committee

Minutes

Date: 27 February 2024

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to consider the Minutes of the meeting of the Licensing Committee, held on 13 December 2023.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 13 December 2023 be confirmed and signed.

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LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 13 DECEMBER 2023 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Councillors Atkinson (Observing), Huynh, Howard, Jackson, Kestner, Shrivastava and Warner.

Apologies for absence were received from Councillors Anifowose, and Brown.

The Chair said that Councillor Atkinson was a new member on this committee and would be observing the proceedings for this meeting.

Also Present

Rachel Lyne – Lawyer
Kennedy Obazee – Safer Communities Officer
Clare Weaser – Committee Officer

Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

Applicant

Gill Sherratt – Agent.
Inpauaran Tharmalingham – Applicant.

Respondents

3 Residents made a representation.
Richard Lockett - Safer Communities Officer.

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 31 October 2023 be confirmed and signed.

2. Declarations of Interests

Councillor Huynh declared an interest in item 3 because Adana Premier Store was in his ward. He had been contacted by residents in relation to the petition.

3. Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

- 3.1 The Chair welcomed all parties to the Licensing Committee. and outlined the procedure to be followed for the meeting.

Introduction

- 3.2 Mr Obazee said that members were being asked to consider a premises licence application for Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD. He outlined the details of the application. The application was received on 24 October 2023 and served on all responsible authorities on 25 October. Sixteen relevant objections were received during the consultation period and from the local authority and the Police on the grounds of all four licensing objectives.
- 3.3 The applicant had agreed a list of conditions, and as a result, the Police withdrew their objections. The licensing authority also agreed with these conditions. However, the licensing authority still objected to the proposed hours for the sale of alcohol. The representations were not considered to be vexatious or frivolous.
- 3.4 Mr Obazee reminded members of the steps available to them when making their decision, having considered all representations and evidence heard during the hearing.

Applicant

- 3.5 The Chair said that the agent could speak for 10 minutes on behalf of the applicant.
- 3.6 Ms Sherratt was concerned that one member of the Committee had been approached by residents about this application and did not believe that he should be part of the determination. She asked for the context of how he was approached. Councillor Huynh clarified that he had been approached by residents as their ward councillor. He did not have any preconceived view with regard to the application and would not be providing formal representation on behalf of his residents. He had not discussed the application with residents.
- 3.7 Ms Sherratt said that she was still concerned because she did not know the contents of the emails between the member and residents, or the conversations that had been had. The Chair said that it was not an unusual situation. Every member would make a declaration if the application was within their ward and unless they had been involved in discussions with residents, it was the practice that they be allowed to be part of the Committee and its decision.
- 3.8 Ms Sherratt made a representation on behalf of the applicant. She raised the following points.
- Concern had been expressed about the hours of sale of alcohol. It was important to highlight the applicant's experience and knowledge. He started his career in 2012; he had managed six stores and still owned three. Some of the stores were in challenging areas. He lived locally and knew the area and the community well. He was experienced in selling alcohol from 6am until 11pm and had also managed a shop with a 24-hour licence. Three families were involved in the business, they were contributing to the economy employing staff and they had never received any complaints or experienced any problems with any of the shops. In September 2023 one of

their shops passed a test purchase which was evidence of good practice. The applicant had the experience to uphold the four licensing objectives.

- The premises was in a residential area and would serve the local people. In order to promote professionalism of his service, the applicant had decided to partner with Premier; this would provide the business with an extra layer of support. He would have to goods buy from Premier; there would not be any discounts and prices would be similar to Tescos. It would be a convenience store with a small sale of alcohol.
- The applicant would be investing £100,000 in the business and £100,000 in stock. This would fund new equipment including CCTV and till prompts. The applicant would be managing the shop and would employ 2/3 people who would receive online training with refresher training every 6 months. The applicant had proved that he was capable of upholding the four licensing objectives.
- The applicant understood residents' concerns about the application, but a well-run business could improve an area; an empty premises would be worse for the community. The applicant wanted to improve the area because he wanted to be part of the community.
- The main objection to the application was a petition, which was very repetitive. It was recommended that members, when making deliberations, should give very little weight to this petition.
- Ms Sherratt had contacted licensing officers about the opening hours. The applicant would agree to the sale of alcohol from 8am rather than 6am but his business would not be viable if he could not sell alcohol until 11am; patrons would go to the nearest Tesco where alcohol could be purchased at this time. The Council's statement of Licensing Policy and preferred hours had been taken into consideration when making this application. Members could depart from the policy but there would need to be evidence. When making a decision, members cannot simply refer to a policy, there must be an evidence-based decision. Hours should not be reduced because something might happen, there must be evidence to support the decision. If there was a problem, residents had a right to review the licence. The Police were the main source of the advice and they had not objected to the application or the sale of alcohol from 6 am.

3.9 Councillor Huynh said that residents had complained that the premises were close to their properties. Residents could experience noise nuisance at the beginning and the end of the day. He asked what plans were in place to monitor any noise disturbance given the courtyard structure of the residential properties. Ms Sherratt said that a good manager always monitored every aspect of the business. Staff would be well trained and able to identify and address any issues immediately. In addition, new CCTV would monitor inside and outside the premises.

3.10 The applicant was asked whether he had already agreed to limit alcohol sales until 8am, or whether that was something that he would agree to if added as an extra condition to the licence. Ms Sherratt explained that the applicant was offering this as a condition at this meeting.

3.11 Councillor Howard said that some of the objections referred to potential difficulty for delivery vans delivering to the site. She asked how deliveries would be made to

the site without affecting local residents. Ms Sherratt said that deliveries of goods would not always be alcohol, so were not relevant to the licensing objectives. The applicant said that large lorries would not be used for deliveries because he would be using his own van. He would use Premier's cash and carry but there would not be any deliveries early in the morning or late at night. He would not disturb the neighbours. The Chair clarified that there was a potential condition on the licence which prevented deliveries between 11pm and 7am.

Representation

- 3.12 Mr Lockett said that he was representing the licensing authority. He described the premises and its setting within a residential area. He said that the application was unique within Lewisham because this shop was not situated in a road or an area where high footfall was expected. However, members of the public walked through the area; there were footpaths on the site and was within close proximity of the Docklands Light Railway.
- 3.13 Mr Lockett said that the licensing authority had concerns about the premises because of its close proximity to residential properties and communal outdoor space, including a playground. If granted, the application could cause public nuisance and crime and disorder.
- 3.14 Although there was no evidence to support concerns of the licensing authority because it was a new application, it was appropriate for a local authority to give perspective to this application. The licensing policy designated Lewisham as a town centre. However, he believed that this particular site should be classed as being in a residential area for the purpose of the preferred hours in section 15.7 of the policy, where it suggests that there should be no sale of alcohol between 11pm and 11am.
- 3.15 Mr Lockett said that the application was for the sale of alcohol from 6am and 11pm every day. It was for this reason, and because the premises was in a predominantly residential area, that the licensing authority was aiming to reflect the character of the area and minimise disturbance from patrons entering and leaving the premises between 6am and 11pm. The authority also wanted to minimise the risk of attracting street drinkers and any associated behaviour and to minimise the risk of attracting underage patrons attempting to buy alcohol and other age restricted products.
- 3.16 Three residents opposing the application then addressed the Committee. The following points were raised.
- The premises was situated on a public road it was in the middle of a private, residential courtyard. Residents had invested in 30 CCTVs in the development, but residents were plagued by theft from tailgaters and break-ins. Several Police reports had been made over the previous 2 months. The CCTV installed by the applicant would not prevent crime.
 - Residents were the main people coming into the area, if the application was granted, non residents would be attracted to the area. Residents would have to be more vigilant with regard to tailgating, however, people who

were not allowed to tailgate often became aggressive and intimidating towards residents.

- Residents feared that crime would increase because more people would be attracted to the area when buying alcohol. Shops selling alcohol in the vicinity closed at 7pm and 3pm on a Sunday. The need for the sale of alcohol between 6am and 11pm was questioned.
- Lewisham's licensing policing stated that applications must consider where children congregate. This was not mentioned in this application and yet the premises was within 50 feet from a public children's playground and a popular venue for families throughout the day. The shop opened onto a private garden area maintained by residents and non-residents, wanting to buy alcohol, would be encouraged into the area. There would be loitering, and residents would have to endure noise nuisance and disturbance. A petition had been signed by more than 200 residents because a large number of people did not want this shop in their private residential area.
- The area for the store was isolated from the public footprint. If the application was granted it would turn their intimate and close community into a public space.
- There were benches in the courtyard for residents to gather. There was concern that these benches would be the hub for those buying and drinking alcohol to gather. This raised concerns regarding public safety and crime and disorder.
- Residents wanted to maintain a clean environment but non residents might not share the same commitment.
- There had been a poll in a community group chat of local residents. Out of 74 respondents, 70 expressed strong objection to the application. In addition, 270 residents had signed a petition expressing their concerns about the application and their view was in line with the four licensing objectives.
- The post code for the Adana Premier Store was incorrect and there should be a further 28-day notice period for this application with the correct post code. The Chair said that she accepted the post code as accepted by officers.
- The Change of Use Class, Lewisham Council's conditional decision letter dated 29 February 2012 was read out. The hours for customer business and for deliveries in the application was longer than the hours permitted in the letter.
- The paved route along the front of the proposed Premier Store was primarily a pedestrian zone, not suitable for delivery vans. Access within this zone was controlled by the use of lockable bollards and turning head for emergency access.

3.17 Councillor Kestner asked objectors if their objections would change if alcohol sales commenced from 8am rather than 6am. One of the objectors said that the preferred operating hours were very clear in the licensing policy and it did not allow the sale of alcohol from 6am until 11pm. Mr Lockett clarified that as set out in the licensing policy in a residential area, the preferred hours were 11am until 11pm. His concerns were for the period of sales between 6am and 11am.

- 3.18 Councillor Huynh asked whether there had been a similar application in Lewisham where a store was facing into a courtyard and what conditions were placed on the licence. Mr Lockett was not aware of any other store in the borough that was situated in a courtyard, so could not compare this application to any other similar application in Lewisham.
- 3.19 Councillor Jackson asked objectors whether their objections related to the sale of alcohol or the provision of a shop of any kind in their immediate area. He clarified that the remit of this Committee was the consideration of an alcohol licence. One of the objectors said that the overall planning permission for the site was until 10.30pm not 11pm and for this reason residents believed that the application was void. Residents agreed that having a shop near their homes would be convenient. The current situation in the area was that residents shut their blinds at 8pm and there were no people walking around the area. To allow a shop to trade in this area until 11pm where predominantly young families lived, was unconscionable. A shop situated on a road usually closed at 7pm. Another objector said that residents' main concern was the sale of alcohol from early in the morning until late at night.

Summary

- 3.20 Ms Sherratt said that it was useful to hear that residents would like a local shop and that the sale of alcohol was causing concern. She was not aware of planning hours but was instructed to reduce the application hours to 9am. However, she clarified that this application was not about the character of the neighbourhood or the purpose of the shop. The only concern should be whether the licensing objectives would be upheld if the application was granted. The applicant had promoted the licensing objectives in other establishments and there was no reason why he could not do the same for Adana Premier Store. Although there was support for a local shop, it could not trade financially without an alcohol licence.
- 3.21 The objectors said that there was an overwhelming desire from residents not to have an off licence in the area. The applicant had experience running night clubs, but this application was for the sale of alcohol in a shop in a residential area of over 500 families not a night club area. They were concerned that the sale of alcohol would attract drinkers who would loiter in their clean area on nearby benches. They were also concerned that the application used an incorrect postcode, but Mr Obazee clarified that licensing officers were satisfied that the proposed application site was identifiable by description. Any mistake regarding the post code would not have had an impact on residents being made aware of the application.
- 3.22 Members confirmed that they had been present throughout the meeting and had not lost connection.
- 3.23 A decision letter would be sent out within 5 working days. The Chair thanked all parties for their attendance, and they left the meeting.

4 **Sabrosa Ltd Arch 3 Deptford Market Yard SE8 4BX**

This application was withdrawn.

Exclusion of the Press and Public

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

3. Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

The following is a summary of the item considered in the closed part of the meeting.

Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

In retiring to make its decision, Councillor Huynh, the ward councillor for this area, recused himself from involvement with any decision regarding this application. It remains the Council's position that Councillor Huynh was entitled to sit on the Licensing Committee hearing this application and it was a personal decision for Councillor Huynh to recuse himself.

The application for a new premises licence was GRANTED subject to the conditions agreed with the Police and the additional conditions proposed by the Licensing Authority and also subject to a reduction in the hours permitted for the sale of alcohol Mondays to Sundays from 11:00 hours to 23:00 hours.

The meeting ended at 8.05pm

Chair



Licensing Committee

Declarations of Interest

Date: 27 February 2024

Class: Part 1

Ward(s) affected: All

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
 - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).



Licensing Committee

Report title: Ten Em Bee Sports Development Centre 120A Old Bromley Road BR1 4JY

Date: 27 February 2024

Key decision: No.

Class: Part 1.

Ward(s) affected: Downham

Contributors: Safer Community Services.

Outline and recommendations

Determination of Review Application submitted on 5 January 2024 by 2 members of the public.

After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

The last day for representations was 2 February 2024.

This matter must be heard with 20 days from the day after the last day of representations.

1. Summary

1.1. The premises is currently licenced for the follwing activities:

Provision of entertainment

Plays

Films

Indoor sporting events

Live music

Recorded music

Performances of dance

Supply of alcohol for members and guest

By or on behalf of a club to, or to the order of, a member of the club

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

The times the certificate authorises the carrying out of qualifying club activities

Plays & films	Until 22.00 Monday to Sunday
Indoor Sporting Events	Until 00.00 Monday to Friday
Entertainment	Until 00.00 Monday to Sunday
Alcohol	11.00 – 02.00 Monday to Sunday

2. Outline Grounds for Review

- 2.1 An application for a licence review for Ten Em Bee Sports Development Club was submitted to the Safer Communities Service by 2 members of the public on 5th January 2024. The premises are alleged to be undermining the licensing objective: the Prevention of Public Nuisance.
- 2.2 The application for the review was served on all responsible authorities and has been advertised in accordance with Regulation 38; a notice prominently displayed on or near the premises to which the application relates and at the licensing authority premises for a period of 28 consecutive days. The last date for receiving representations was the 2 February 2024.
- 2.3 We have received no objections supporting this review. We have received a petition and 5 representations from local residents that support the premises in its current format.
- 2.4 The applicants are seeking the following:

A reduction of hours for which Ten Em Bee is licensed to provide entertainment (such as the playing of recorded music) from the current 12:00am midnight cut-off to 10:00pm. This is consistent with general noise expectations in a residential setting and this should not be extended through Temporary Event Notices

A strengthening of provisions around the avoidance of public nuisance,

Is this report easy to understand?

Please give us feedback so we can improve.

particularly regarding noise from patrons entering and leaving the venue, and the steps to be taken to reduce noise including:

1. the mandatory closure of doors and windows should music be played, regardless of season (ie in the summer as well)
2. reduction or removal of bass emitting speakers (sub-woofers)

A member of Ten Em Bee staff at all events who is appointed to ensure the above licensing provisions are followed, and who is reachable by phone during events should there be any issues

3. Recommendations

- 3.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. In accordance with Section 52 of the Licensing Act 2003, Licensing Committee may;
- 1.) Modify the conditions of the licence (this includes the power to omit or alter existing conditions and add new conditions)
 - 2.) Exclude a licensable activity from the scope of the licence
 - 3.) Remove the designated premises supervisor
 - 4.) Suspend the licence for a period not exceeding three months
 - 5.) Revoke the licence
 - 6.) Take no action if it is considered that no steps are necessary for the promotion of the licensing objectives.

4. Policy Context

- 4.1. Decisions by Members of the Licensing Committee should have regard to the Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which includes the following:
- Protection of Children from Harm
 - Prevention of Crime and Disorder
 - Prevention of Public Nuisance
 - Public Safety
- 4.2. Members should also have regard to the Licensing Authority's Statement Licensing Policy 2020-25.
- 4.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

5. Financial implications

- 5.1. Applicants have the right of appeal against any decision by the Licensing

Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

6. Legal implications

- 6.1 The Licensing Authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 6.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

7. Equalities implications

- 7.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 7.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 7.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 7.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality

duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

7.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

7.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

8. Climate change and environmental implications

8.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

9. Crime and disorder implications

9.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.

9.2. It is a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

10. Background papers

10.1. Application for review from Members of the public received 5 January 2024.

10.2. Grounds for review submitted with the application

10.3. 2 x Diary sheets from applicants, submitted with application

10.4. A letter from the premises with attached appendix 2 - 5

10.5. Appendix 1 – a Petition

10.6. 5 representations in support of the premises

Is this report easy to understand?

Please give us feedback so we can improve.

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Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

11. Glossary

Term	Definition
Appeal	Asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Applicant	A person who carries on, or proposes to carry on, a business which involves the use of a premises for licensable activities to which the application relates or, a person who makes an application pursuant to any statutory function discharged by that person relating to those licensable activities, or a person who applies for the grant of a Personal Licence from a Licensing Authority.
Designated Premises Supervisor	The person named on the Premises Licence as being the person with ultimate responsibility for the running of the premises. He or she must hold a Personal Licence. There can only be one Designated Premises Supervisor for each premises.
Licence	An authority to do something.
Licence Objectives	<p>Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives</p> <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
Licensable Activities	Activities undertaken at premises which require the authority of a Premises Licence, Club Premises Certificate or Temporary Event Notice.
Licensee	The holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.

Is this report easy to understand?

Please give us feedback so we can improve.

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Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Term	Definition
Licensing Committee	A committee of not less than ten and not greater than 15 Council members to which the discharge of the licensing function is delegated by the Council. The whole committee may sit or delegate its responsibility to sub committees consisting of at least three members.
Licensing Policy	Document published by the Local Authority detailing how the licensing regime will be delivered at a local level.
Interested Person	<p>A person who lives in the vicinity of the premises</p> <p>A body who represents the persons who live in that vicinity</p> <p>A person involved in a business in that vicinity</p> <p>A body representing businesses in that vicinity</p> <p>An elected member of the council</p>
Mandatory Conditions	Conditions applied to every Premises Licence and Club Premises Certificate.
Premises Licence	A written authorisation from the Licensing Authority allowing a premises to carry out Licensable Activities.
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.
Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> • Licensing Authority • Chief Officer of Police • London Fire Brigade • Trading Standards • Planning Authority • Public Health • Environmental Enforcement (with respect to Noise) • Children’s Services • Home Office Immigration

Is this report easy to understand?

Please give us feedback so we can improve.

Term	Definition
Review	A review is where any interested party or responsible authority asks the licensing authority to review a premises licence because of a matter arising that is alleged to be undermining one or more of the four licensing objectives. The Committee members may take such steps at the review as they deem appropriate to promote licensing objectives. This can include amendments to licence terms or revocation of the licence.

12. Report author and contact

- 12.1. Angela Mullin-Murrell, Safer Communities Service Officer - Licensing
angela.mullin-murrell@lewisham.gov.uk

Application & Grounds.



Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW
020 8314 6400

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I MICHAEL
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description THE PAVILION, 120A OLD BROHLEY ROAD	
Post town BROHLEY	Post code (if known) BR1 4JY
Name of premises licence holder or club holding club premises certificate (if known) TEN EM BCC SPORTS DEVELOPMENT CENTRE	
Number of premises licence or club premises certificate (if known)	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address	H [redacted] H [redacted] [redacted] [redacted] Bromley BR1 [redacted]
Telephone number (if any)	[redacted]
E-mail address (optional)	[redacted]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Telephone number (if any)	
E-mail address (optional)	

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

SEE ATTACHED GROUNDS FOR REVIEW

Please provide as much information as possible to support the application
(please read guidance note 3)

SEE ATTACHED SUPPORTING INFORMATION

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 05/01/2024

Capacity Applicant CO-APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Grounds for Review:

The below background, context, and request for review are in relation to the following licensing objective:

- The prevention of public nuisance

Background:

My co-applicant and I are residents of [REDACTED] (together, the "Residents"), [REDACTED] which is used by the Ten Em Bee Sports Development Center ("Ten Em Bee"). Ten Em Bee is a registered charity with an excellent cause, seeking to promote social welfare through sport, especially for those who may be excluded from mainstream sports programmes. This is a highly commendable undertaking and one that the Residents fully support.

While the Residents are fully supportive of the sports-related activities taking place at Ten Em Bee, a repeated issue has arisen regarding the use of the clubhouse for non-sports related activities, specifically the renting out of the clubhouse for events such as parties on Friday and Saturday nights. These events, which often carry-on later into the evening than is appropriate for a residential setting, are a source of repeated disturbance due to 1) the playing of recorded music at levels inconsistent with the residential setting in which the clubhouse is located, and 2) general noise from attendees when entering/leaving the venue.

These disturbances have had a repeated detrimental impact on the residents and the right of residents and guests to [REDACTED] peaceful and quiet enjoyment of our homes. Measures taken by the residents including the constant closing of windows and doors (regardless of exterior temperature), or the wearing of earplugs (including custom fitted) have proven ineffective to blocking the level of disturbance repeatedly experienced.

As detailed below, these steps have led the Residents to engage Lewisham Council's Licensing and Anti-Social Behaviour teams in an effort to resolve the issues in a constructive manner.

Steps taken thus far:

As Ten Em Bee operates under a license which includes a provision relating to the prevention of public nuisance, the Residents have engaged Lewisham Licensing to seek a resolution directly with Ten Em Bee. Over the past three months Lewisham Licensing and Ten Em Bee have exchanged numerous pieces of correspondence regarding the disturbances being raised by the Residents, and Lewisham Licensing have made multiple suggested actions to resolve the concerns. Lewisham Licensing has also visited Ten Em Bee in person, after which additional suggestions for minimising noise disturbance (such as closing exterior doors/windows while music is playing, reducing the level of bass from the sound system) were recommended.

Unfortunately, the issues have remained ongoing. In some cases licensing breaches, such as playing recorded music beyond the time period for which the venue is licensed, have also continued to occur (see Disturbance diary in Supporting Information which includes instances in which Lewisham Licensing visited [REDACTED] to confirm the noise disturbance).

Page 8

Licensing review and amendments requested to resolve:

Given the repeated disturbances the Residents are seeking a review of Ten Em Bee's club premise license. It is the strong view of the Residents that the current licensing provisions for Ten Em Bee are inconsistent with the prevention of public nuisance and the harmonious co-existence of the club within its residential setting. As part of the licensing review the Residents are proposing a set of reasonable and modest alterations to the licensing provisions, including:

- A reduction of hours for which Ten Em Bee is licensed to provide entertainment (such as the playing of recorded music) from the current 12:00am midnight cut-off to 10:00pm. This is consistent with general noise expectations in a residential setting and this should not be extended through Temporary Event Notices
- A strengthening of provisions around the avoidance of public nuisance, particularly regarding noise from patrons entering and leaving the venue, and the steps to be taken to reduce noise including:
 - the mandatory closure of doors and windows should music be played, regardless of season (ie in the summer as well)
 - reduction or removal of bass emitting speakers (sub-woofers)
- A member of Ten Em Bee staff at all events who is appointed to ensure the above licensing provisions are followed, and who is reachable by phone during events should there be any issues

It is the hope of the Residents that, by implementing the above changes, a stable long-term balance can be maintained for the benefit of all parties involved. It is the view of the Residents that reaching a harmonious solution for all parties would be in the best interest of the Downham community, the residents of [REDACTED] Road, and the patrons of Ten Em Bee.

Michael [REDACTED]

On behalf of the Residents of [REDACTED]














DIARY OF DISTURBANCE

REPORTER'S NAME: Michael


ADDRESS: [REDACTED]


TELEPHONE NUMBER: [REDACTED]


DATE OF OCCURRENCE	TIME NOISE STARTED	TIME NOISE FINISHED	LOCATION OF LISTENER	SOURCE OF NOISE (ADDRESS)	DESCRIPTION OF NOISE	DISTURBANCE CAUSED; LEVEL OF NOISE	PERSON RESPONSIBLE FOR NOISE	NAMES OF OTHER WITNESSES
15/10/99 (Example)	11pm	3am	Front Bedroom 3 Tall Trees Avenue	2 Tall Trees Avenue (Example)	Very Loud Music	Walls Vibrating	Mr Stuart	Mr Smith 4 Tall Trees Ave
02/09/2023	8pm	12:30am	[REDACTED]	120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass		First Reported to Lewisham Council Noise Nuisance
09/09/2023	8pm	1am	[REDACTED]	120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass		Reported again to Lewisham Council Noise Nuisance
22/09/2023	7pm	12pm	[REDACTED]	120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass		
23/09/2023	8pm	12pm	[REDACTED]	120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass		Called Lewisham Community Safety Officers who attended.
29/09/2023	5pm	10pm	[REDACTED]	120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass		Called Met Police CAD6483 & CAD6975 Called Lewisham Council: OOH - 630,417 LBL 630 421
30/09/2023	10pm	10:45pm	[REDACTED]	120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass		Called Lewisham Community Safety Officer



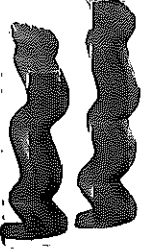
2/10/2023	8pm	10:30pm		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	
3/10/2023	8pm	10pm		120A Old Bromley Rd, Bromley, BR1 4JY	Loud Shouting		
4/10/2023	2:30pm	6:30pm		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	
11/10/2023	5pm	7pm		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	
14/10/2023	11pm	12am		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	Called Lewisham Community Safety Officer who attended and validated noise issue
15/10/2023	12pm	2:30am		New Studio Club - 29 Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	Attempted to call Lewisham officers but were unable to connect
21/10/2023	8pm	12am		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	Attempted to call Lewisham Community Safety Officers - Phone was turned off
02/11/2023	6pm	9pm		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music		
04/11/2023	8pm	11:30pm		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	Back door open despite previous assurances regarding closure
08/11/2023	2:30pm	6:00pm		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	
11/11/2023	10:00pm	12:20am		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	Called Lewisham Community Safety Officer who attended and validated noise issue
17/11/2023	9:00pm	12:10am		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music		Called Lewisham Community Safety Officer who attended and validated noise issue
18/11/2023	10:00pm	1:10am		120A Old Bromley Rd, Bromley, BR1 4JY	Very Loud Music	Walls vibrating from bass	Called Lewisham Community Safety Officer who was unable to attend


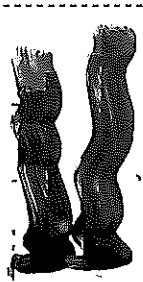

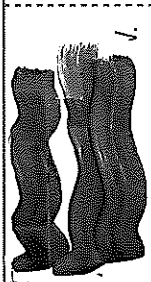
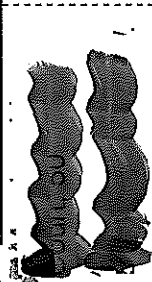
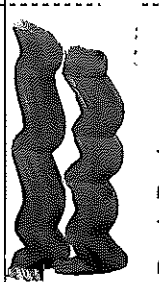
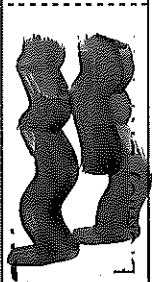
DIARY OF DISTURBANCE

REPORTER'S NAME: 

ADDRESS: 

TELEPHONE NUMBER: 

DATE OF OCCURRENCE	TIME NOISE STARTED	TIME NOISE FINISHED	LOCATION OF LISTENER	SOURCE OF NOISE: (ADDRESS)	DESCRIPTION OF NOISE	DISTURBANCE CAUSED; LEVEL OF NOISE	PERSON RESPONSIBLE FOR NOISE	NAMES OF OTHER WITNESSES
15/10/99 (Example)	11pm	3am	Front Bedroom 3 Tall Trees Avenue	2 Tall Trees Avenue (Example)	Very Loud Music	Walls Vibrating	Mr Stuart	Mr Smith 4 Tall Trees Ave
2/10/23	8pm	10:30pm	 Living Room	120A Old Bromley Rd	Very Loud Music	Audible Sub-woof er. Wall vibrate		
3/10/23	8pm	10pm	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate		
14/10/23	11pm	12am	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate		

15/10/23	12am	2:30am	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	
21/10/23	8pm	12am	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	
4/11/23	8pm	11:30pm	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	
11/11/23	10pm	12:30am	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	
17/11/23	9:30pm	12:30am	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	
18/11/23	10pm	1:10am	 Back Bedroom	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	
17/12/23	9pm	11pm	 L.	120A Old Bromley Rd,	Very Loud Music	Audible Sub-woof er. Wall vibrate	



Safer Communities Service
9 Holbeach Road
Catford
London SE6 4TW

licensing@lewisham.gov.uk

Date 1st February 2024

Dear Licensing Team,

**RE: Representation to Review Application
Ten-Embee Sports Development Centre PL0563/C - The Pavillion, 120A Old
Bromley Road, Bromley, BR1 4JY**

The Licensing Team within the Safer Communities Service, is aware that a review of the Club Premises Certificate for Ten-Embee Sports Development Centre, The Pavillion, 120A Old Bromley Road, Bromley, BR1 4JY has been sought by local residents under the following grounds;

- The prevention of public nuisance

The review has been requested following numerous occasions of alleged noise nuisance at two residential properties in the vicinity.

Licensing Context

This premises has a Club Premises Certificate which permits the following activities:

- Provision of entertainment
- Plays
- Films
- Indoor sporting events
- Live music
- Recorded music
- Performances of dance
- Supply of alcohol for members and guest

The times the certificate authorises the carrying out of qualifying club activities are:

- | | |
|--------------------------|--------------------------------|
| • Plays & films | Until 22.00 Monday to Sunday |
| • Indoor Sporting Events | Until 00.00 Monday to Friday |
| • Entertainment | Until 00.00 Monday to Sunday |
| • Alcohol | 11.00 - 02.00 Monday to Sunday |

The Current Club Premises Certificate has the following conditions:

Annex 1 – Mandatory conditions

The purchase of alcohol for the club and the supply of alcohol while the club are managed by an elected committee.

No arrangements are, or are intended to be, made for any person to receive at the expenses of the club any commission, percentage, or similar payment on, or with reference to, purchases of alcohol by the club.

No arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club members or guests, apart from-

(a) any benefit accruing to the club as a whole, or

(b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

The admission of Children, that is persons under 18 years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Annex 2 – Conditions consistent with the Club Operating Schedule

Refer to club rules.

CCTV maintained to date protection standards and to be made available to the Police and Licensing Authority on request. Recordings shall be kept for 31 days

Visitors must be signed in when an event is open to the general public.

Building fitted with full alarm system.

Emergency lighting, adequate directional signage in place.

Patrons are requested to leave the premises quietly.

Stewards are employed when premises are open to non-members.

All staff CRB checked.

No unaccompanied children allowed at the bar.

Building is a no-smoking environment.

Review Context

The applicant has requested the following amendments to the current club premises certificate:

- A reduction of hours for which Ten Em Bee is licensed to provide entertainment (such as the playing of recorded music) from the current 12:00am midnight cut-off to

10:00pm. This is consistent with general noise expectations in a residential setting and this should not be extended through Temporary Event Notices

- A strengthening of provisions around the avoidance of public nuisance, particularly regarding noise from patrons entering and leaving the venue, and the steps to be taken to reduce noise including: o the mandatory closure of doors and windows should music be played, regardless of season (ie in the summer as well) o reduction or removal of bass emitting speakers (sub-woofers)
- A member of Ten Em Bee staff at all events who is appointed to ensure the above licensing provisions are followed, and who is reachable by phone during events should there be any issues

Investigation

In total, there have been three registered complainants in respect of noise nuisance from the premises since September 2023. Two of the complainants (Complainants 1 and 2) live together at the same property, and the third (Complainant 3) is a close neighbour.

Complainant 3 made contact with the Council on 29th September following discussions with their neighbours. A diary sheet was sent to this complainant on 2nd October 2023 but this has not been sent back to us.

Complainants 1 and 2 were sent diary sheets and these have been filled in and returned to the authority. Copies of diary sheets from all complainants have been included within the applicants review documents.

A warning letter was sent to TEN Em Bee on 13th September 2023 making them aware of complaints and warning them that any further nuisance could lead to action under the Licensing Act or Environmental Protection Act.

The Safer Communities Service carry out patrols at the weekend and the contact number has regularly been provided to those complainants who returned diary sheets. This has led to various site visits to the premises as well as to the home address of complainants 1 and 2.

Details of these visits are as follows:

23/9/23 - We visited the complainant and witnessed loud music from his property. The music wasn't heard within the property. Complainant took us to the rear garden where the music can be clearly heard. He advised that the music can be heard in the bedroom and that the noise levels fluctuate.

We visited NEW STUDIO CLUB, which is close to Ten EMbee (as loud music could be heard from here) and advised the manager to reduce the bass and ensure all doors are closed (the had the doors to the fields open) which they complied with.

Received another call from, resident at about 23:40 and he advised that the noise levels have been increased again however called back approx. 5 to 10 minute later to advise the event had concluded and the music was turned off.

30/9/2023 - Call received from complainant at 22:37 regarding loud music from Ten Em Bee. Visit to premises carried out at 22:40 where officers drove into the site. The premises was closed and we could see people clearing up. Complainant's were called back with an update.

7/10/2023 - No call from complainants.

14/10/2023 - 2331- Complainant called about loud music from Ten Em Bee. We visited the premises and it wasn't too loud but there were a number of young people outside the front making lots of noise. We visited the complainant at around midnight and the music couldn't be heard loudly inside his premises although when the back door was opened we could hear it. It was heard clearly from the front of his premises bouncing off the neighbouring homes, I returned to complainants back garden to confirm it was Ten-Em-Bee and not another premises. It was from Ten-Em-Bee.

28/10/23 - No call received from complainant.

3/11/23 - No call from complainant.

11/11/23 - Site visit to complainant's address 23:32. Slight music could be heard in living room, however this was not at a level to be considered a stat nuisance.

17/11/23 - Site visit to premises 22:45. Music could only be heard from the vicinity of the front entrance.

17/11/23 - Site visit to complainant's address 23:45. Slight bass music can be heard from outside in courtyard and inside the property with back door open downstairs. With doors closed the music is inaudible and no vibration from walls. Upstairs in rear room, music can be heard slightly when window on latch. Premises closing up and patrons leaving after midnight. No Stat nuisance witnessed.

18/11/23 - TEN event due to carry on until 2am. Call received from complainant to OOH team, however the event had finished early and officers were unable to witness.

24/11/23 - No call from complainant.

2/12/23 - No call from complainant.

9/12/2023 – No call from complainants. Officers did visit the premises (at 2344) however and did not witness any noise that would be considered to be a nuisance. Music could only be heard directly outside the main entrance. In car park (between premises and residential properties), music was only heard very briefly as back (side) door was opened to take rubbish out.

17/12/2023 - OOH report - Received a call @ 00:03 that people noise and music, started to make our way there, complainant called back at 00:12 to say the noise had stopped. He mentioned the noise had been on and off throughout the night

23/12/2023 – No call from complainants.

13/01/2024 – No call from complainants.

20/01/2024 - *No call was received from the complainant. Officers visited the premises to do a notice check at about 22:20 and no noise nuisance was witnessed.*

27/01/2024 – *No call from complainants. Officers entered the Ten Embee site to check on any music and the premises appeared closed.*

Steps taken by Premises

Ten Embee have historically carried out various activities under Temporary Event Notices (TEN). Since the reports of noise, the ASB/Stat Nuisance team have objected to a TEN, which led to a planned event into the early hours being cancelled by the management of the premises.

The management of Ten Embee have also stated that they will no longer apply for TENs (except for club fund raising events), in an attempt to prevent further nuisance to neighbours late at night.

In addition to this step, following two site meetings with officers, the premises have also agreed to mitigate further complaints by:

- No longer applying for TENs for Private Hire events
- Only hiring the premises to members/guests of members whilst operating under the current club premises certificate
- Removing the large bass speaker and replacing with a smaller unit
- Ensuring that any external music supplier is routed through the existing sound limiter
- Reducing the sound limiter level
- Ensuring windows and doors are closed (unless for ingress and egress)
- Ensuring all shutters closed at midnight.
- Asking all members/guests to use the front entrance doors and area outside to smoke, rather than the side door (see images 2 and 3, below)
- Displaying signs asking patrons to leave quietly (and verbally reinforcing this)
- Providing officers a list of planned events for November, December as well as the early part of 2024, which has been shared with complainants.
- Providing the complainant (via Council) a direct telephone number to the manager of the site

Image 1 – Ten Embee clubhouse (L shaped building with white roof) in background, with closest residential premises in foreground.



Image 2 – Reverse angle, with closest residential properties shown in background. The area marked by the circle is where the Council have advised the premises allow smokers to stand, as any noise escape should be directed in the direction of the park.

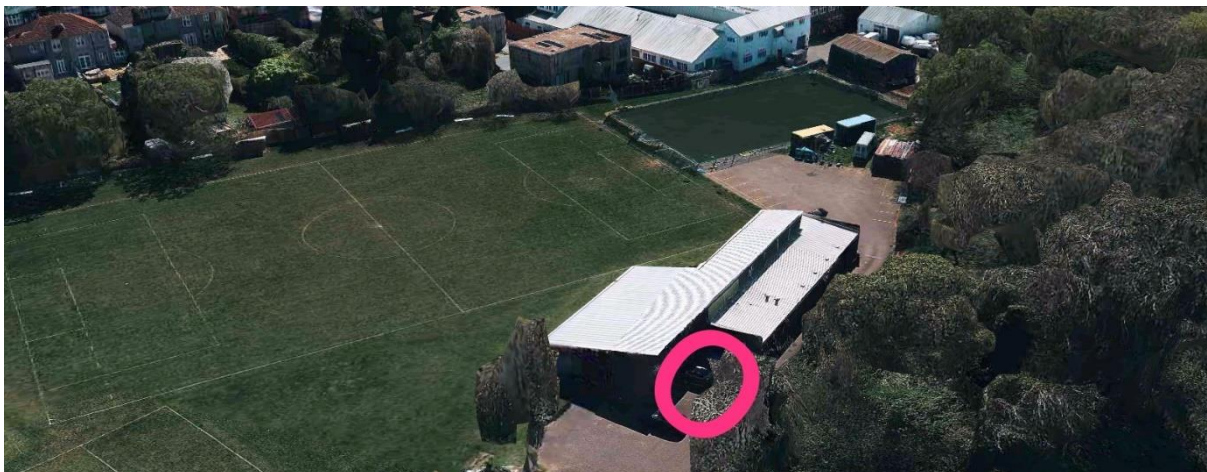
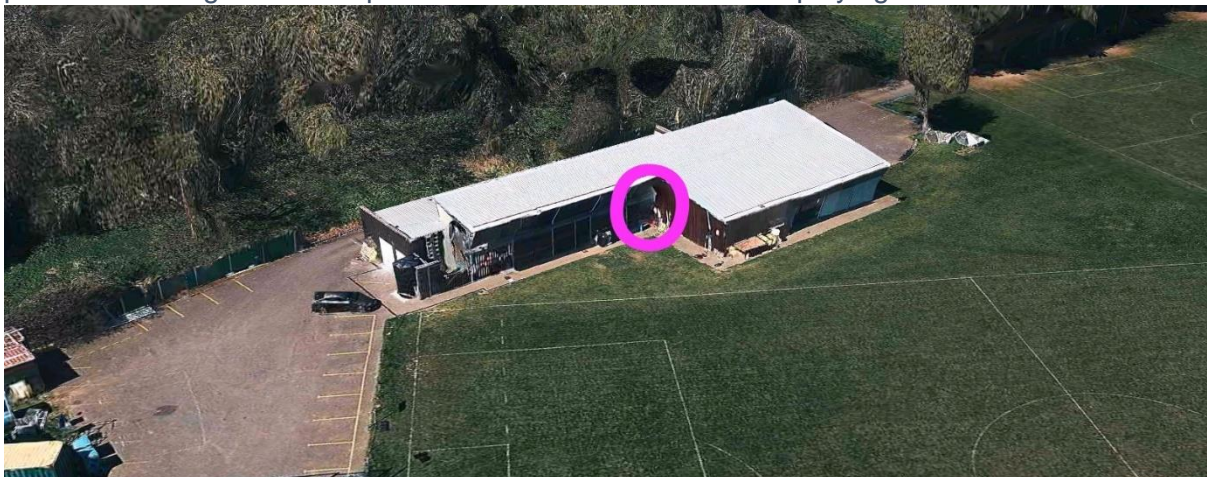


Image 3 – Close up of the “rear” of the clubhouse. The circle shows the position of what is described as the “side door”. This door is underneath a canopy, which could well exacerbate any noise escape and direct it towards the nearest residential properties. For this reason, the premises has agreed to keep this door closed when music is playing.



Recommendation

Section 9.9 of the Lewisham's Statement of Licensing Policy states that *It remains the over-riding intention of this Authority, the Police and the other relevant enforcement agencies to work together at all times with responsible licence holders and operators to help run successful venues and facilities that play a positive role within the local community. We will look to provide support, advice and education and give early warning of any concerns identified at any premises. In return we expect licence holders to act responsibly and work together with us. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.*

Since being made aware of noise nuisance complaints, the licensee in this case has been open to suggestions made by the licensing authority and our colleagues in the ASB/Nuisance team. They have put in place measures they believe should mitigate any further reports of noise nuisance from the premises.

The result of these measures would appear to be a clear reduction in reports of nuisance as well as calls to our officers at weekends over the last few months. In addition to this, the diary sheets provided by the applicants show only one single disturbance (noted by complainant 3) since 18th November 2023.

There have been no visits to the property of complainant 3, however they have noted in their diary sheet that they suffered a disturbance of very loud music on 17th November 2023 until 00:30 (presumably into the 18th November). My colleague and I were present in the property of Complainants 1 and 2 on this evening and can confirm that the music from the premises was turned off just after midnight, with patrons leaving the site.

There have been numerous visits to the premises, as well as the nearby residential properties that have not resulted in any witnessed statutory noise nuisance. The premises themselves have also taken steps to ensure that they are abiding by the terms of their licence and upholding the objectives. With this in mind, the Licensing Authority would suggest that the reduction in licensable hours sought by the applicants on the basis of public nuisance, would not be sufficiently justified.

If members were minded to reduce the hours of the current club premises certificate, any condition restricting the premises from applying for TENs would not appear to be enforceable. A TEN is a separate authorisation and can be objected to in its own right by the Police or Environmental Health, who will assess each proposal on its individual merits.

The conditions sought in respect of closing windows and doors, removing bass producing speakers and having a designated staff member in place, in my opinion, would not be justified by the findings of our investigation thus far. These conditions would not appear to be overly onerous on the premises if members were minded to agree to them however, as management have already put in place similar mitigation voluntarily.

This is not to say that there has not been, or never will be, some instances of nuisance caused by noise from the premises. The complainants are regularly made

aware of out of hours patrols and the Safer Communities Service will continue to monitor the situation and work with the premises, in order to uphold the licensing objectives.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Lockett', is enclosed in a light grey rectangular box.

Richard Lockett

Safer Communities Senior Officer - Licensing

Ref 2.

Mullin-Murrell, Angela

Subject: FW: TEN-EM-BEE Premises Licence

Sent: 01 February 2024 00:03
To: Licensing <Licensing@lewisham.gov.uk>
Subject: TEN-EM-BEE Premises Licence

Subject: Notice of Application by members of the public for a review of the Club Premises Certificate PLO5G3/C

With reference to the above Notice dd. 05/01/2024 (Prevention of Public Nuisance) we wish to make a representation in support of the Club and its Management:

We are the closest neighbours of the Club Premises with our property bordering the large playing fields and the access lane to the TEN-EM-BEE Clubhouse so any excessive noise would impact on us first.

Having known the dedicated management for 38 years with its long-term track record at the Club and commendable work ethics, we have no hesitation to express our great respect for their achievements. The widely welcome premises are used by many football clubs and supporters as well as members of the Public for social events etc.

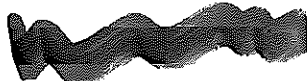
Over all these years we have not felt a need to complain to the Authorities about the Club's activities. As far as we are concerned, the noise level from football matches and other events in the modern, musical sound absorbent and adjustable Function Hall has been tolerable beyond our expectations, helped by the responsible and considered Management with whom we have an amicable personal relationship. They do care about the neighbourhood and keep in touch, and actively request users of the Club facilities to respect the neighbours.


We are also aware of their appeals to car drivers (who thankfully use the Club Premises' parking areas along the access lane and at the rear - away from the often severely overcrowded Old Bromley Road) to respect the neighbours and leave the premises quietly after events.

We have heard of attempts by few appealing neighbours to restrict the Licence hours to 10:30 p.m. which, if granted, would in our opinion severely impact on the Club's ability to attract users to book events, thereby reducing the much needed income to keep the premises and the maintenance financially viable.

The TEN-EM-BEE Sports Development Centre is a long established, successful and well managed sporting facility. As an "Icon" of success we mention Ian Wright for whom the Club was the starting point as a Lewisham amateur football player to progress to a stunning career as English professional and national player. Even more important is that the Club provides the opportunity for engaging in a sporting activity of many young people irrespective of age, race or gender, which is widely accepted as being essential for their physical and mental well-being as well as providing an opportunity to channel their energy into a socially beneficial activity.

With kind regards,



Bromley, Kent BR1 

Rep 3

Michael 

 | Bromley

Kent BR1 


13th January 2024

Ten Em Bee
Sports Development Centre
The Pavilion
120A Old Bromley Road
Bromley BR1 4JY

To whom it may concern,

My property overlooks Ten Em Bee grounds and club house.
From my conservatory and kitchen, I can see clearly into the club house when a function is on.

During the summer months when there are functions happening within the club house, I can hear minimal music and people. also, during the winter months our patio doors are closed therefore we do not hear noise from the club house.

I am willing for the environment health to obtain meter readings from my house at their connivance.

Please do not hesitate to contact me if you would like to discuss further.

Kind Regards,


Michael

Rep 4

John

Ten Em Bee
Sports Development Centre
The Pavilion
120A Old Bromley Road
Bromley BR1 4JY

Bromley
Kent BR1
13th January 2024

To whom it may concern,

I am the owner of [REDACTED] Bromley BR1 4JY, my property overlooks Ten Em Bee grounds. From my dining room, lounge, and kitchen areas I can see clearly into the club house when their shutters are up.

During the summer months when there are functions happening within the club house, I can barely hear the music with our patio doors open and during the winter months our patio doors are closed therefore we do not hear noise from the club house. In addition to that from the back bedroom where my daughter sleeps there has never been an issue and the front bedroom where I sleep, I cannot hear anything from the back of the house.

I am willing for the environment health to obtain a meter reading from my house at their connivance.

As a local in the area, it is a pleasure to have this function hall servicing the community, they are also encouraging, and supporting the youth.

Please feel free to contact me on the above detail if required,

Yours faithfully

John Senior

Rep 5

Subject Re: Unreasonable noise complaint
against Ten Em Bee

From caroline [REDACTED]

To: tenembee1@yahoo.co.uk
<tenembee1@yahoo.co.uk>

Date 15 Jan at 21:35

To whom this may concern,

My family and I live at number [REDACTED]
BR1 4. [REDACTED] for six years; and my garden overlooks
Ten Em Bee community hall.

From my observation Ten Em Bee provides a
valuable service to the community which is very
much welcomed by many people. The activities
noise levels from both music; football matches;
cricket matches; children playing and social
functions are all at an acceptable level. It's not
too loud nor disturbing and when it comes to the
evening the noise level is turned down to an
acceptable level and time. Unlike, Beckenham's
yearly concert that I find disturbing during
unreasonable hours and extremely loud
throughout the neighborhood.

There are not enough community centers that
serves a cross section of the community with
good parking, and without having to interrupt
residential parking spaces.

For this reason, our community center benefits
outweigh a few negative comments and should
be allowed to continue their good work within
the community, without any interference.

Should you wish to discuss this matter further,
please don't hesitate to email me.

Kind regards
Caroline [REDACTED]

Sent from Outlook for Android

Ref 6

M. [redacted] Sc [redacted]
[redacted] Bromley Road
Downham, Bromley
BR1 4 [redacted]
12th January 2024

To Whom It May Concern:

Re: Review of the Club Premises Licence for Ten-Em-Bee Sports Development Centre

I have lived at the above property since 1999 and my property backs onto Ten-Em-Bee. During my 20 plus years at this address, I have never been disturbed by any noise above a "reasonable" level from Ten-Em-Bee. The only times I have been disturbed by unacceptable noise have been the times when music events have taken place in Beckenham Place Park nearby.

It is a pleasure to live adjacent to Ten-Em-Bee and the staff are very accommodating to the local residents. We have been invited to use the fields to exercise, etc and my children were allowed to play there. I very much like the work they do with local youths, organizing various age related football teams, etc.

The vast majority of my neighbors are in support of Ten-Em-Bee and we would certainly not like to see any restrictions put on them that could affect the viability of them remaining at that location.

Sincerely

[redacted signature]
M. [redacted]
(adjacent Neighbor)

PETITION IN SUPPORT OF:
 TEN-EM-BEE SPORTS DEVELOPMENT CENTRE
 The Pavilion, 120A Old Bromley Road, BR1 4JY

OVERVIEW

Ten-Em-Bee is self-funding and provides vital services to the local community, especially sports activities to youngsters of varying age ranges in the borough. They also provide social interactions for retired people by way of the "TenEmBee Elders Club" which takes place on Wednesdays. Ten-Em-Bee is a vital facility in the Borough, catering to the needs of our community.

A review of the Club Premises Certificate is currently taking place and it is vital that the License is maintained in order that Ten-En-Bee can continue raising the necessary funds to serve the community.

Please support this petition by writing your details below:-

FULL NAME	HOUSE NUMBER	ROAD	P/CODE	SIGN	MISC.
M [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	[REDACTED]
K [REDACTED] G [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
R [REDACTED] L [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	[REDACTED]
Z [REDACTED] J [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
K [REDACTED] S [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
B S [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
K S [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
D. S. [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
[REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
g L [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
J. L [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	
L. K [REDACTED]	[REDACTED]	OLD BROMLEY ROAD	BR1 4JY	[SIGNATURE]	[REDACTED]
		OLD BROMLEY ROAD	BR1 4JY		

PETITION IN SUPPORT OF:
 TEN-EM-BEE SPORTS DEVELOPMENT CENTRE
 The Pavilion, 120A Old Bromley Road, BR1 4JY

OVERVIEW

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A review of the Club Premises Certificate is currently taking place and it is vital that the License is maintained in order that Ten-En-Bee can continue raising the necessary funds to serve the community.

Please support this petition by writing your details below:-

FULL NAME	HOUSE NUMBER	ROAD	P/CODE	SIGN	MISC.
J [redacted] S [redacted]	[redacted]	ASHGROVE ROAD	BR1 4JW	[redacted]	
A [redacted] A [redacted]	[redacted]	ASHGROVE ROAD	BR1 4JW	[redacted]	
[redacted]	[redacted]	ASHGROVE ROAD	BR1 4JW	[redacted]	
K.C. [redacted]	[redacted]	ASHGROVE ROAD	BR1 4JW	[redacted]	
		ASHGROVE ROAD	BR1 4JW		
		ASHGROVE ROAD	BR1 4JW		
		ASHGROVE ROAD	BR1 4JW		
		ASHGROVE ROAD	BR1 4JW		
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		ASHGROVE ROAD	BR1 4JW		
		ASHGROVE ROAD	BR1 4JW		

PETITION IN SUPPORT OF:
 TEN-EM-BEE SPORTS DEVELOPMENT CENTRE
 The Pavilion, 120A Old Bromley Road, BR1 4JY

OVERVIEW

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A review of the Club Premises Certificate is currently taking place and it is vital that the License is maintained in order that Ten-En-Bee can continue raising the necessary funds to serve the community.

Please support this petition by writing your details below:-

FULL NAME	HOUSE NUMBER	ROAD	P/CODE	SIGN	MISC.
[REDACTED]	[REDACTED]	PENBENTH	SE6 16	[REDACTED]	SAVE MY ELDER'S CLUB
[REDACTED]	[REDACTED]	HACTON	SE6 16	[REDACTED]	SAVE 10+13
[REDACTED]	[REDACTED]	COURTMILL	SE13 2	[REDACTED]	DONT CLOSE
[REDACTED]	[REDACTED]	DEPTFORD	SE8 4	[REDACTED]	SAVE FOR EVERYONE
[REDACTED]	[REDACTED]	ELMER	SE6 20	[REDACTED]	SAVE TEN-EM-BEE SPORTS IS KEY!
[REDACTED]	[REDACTED]	HITTER GREEN LANE	SE13 6Q	[REDACTED]	SAVE THE CLUB!
[REDACTED]	[REDACTED]	PLYMOUTH ROAD	BR1 3BE	[REDACTED]	SAVE OUR CULTURE
[REDACTED]	[REDACTED]	KIRKDALE ROAD	SE 20 1A	[REDACTED]	SAVE OUR CULTURE
[REDACTED]	[REDACTED]	WELLMEDON RD	SE 11 1H	[REDACTED]	SAVE KIDS OUR
[REDACTED]	[REDACTED]	INCHMERY ROAD	SE6 2ND	[REDACTED]	SAVE THE CLUB FOR KIDS
[REDACTED]	[REDACTED]	INCHMERY ROAD	SE6 2ND	[REDACTED]	SAVE MY ELDER'S CLUB
[REDACTED]	[REDACTED]	ARDOCH ROAD	SE6 1SL	[REDACTED]	SAVE OUR CLUB
[REDACTED]	[REDACTED]	ENGLEHEART ROAD	SE6 2EL	[REDACTED]	SAVE BENEFICIAL FOR YOUNG & OLD!

PETITION IN SUPPORT OF:
 TEN-EM-BEE SPORTS DEVELOPMENT CENTRE
 The Pavilion, 120A Old Bromley Road, BR1 4JY

OVERVIEW

Ten-Em-Bee is self-funding and provides vital services to the local community, especially sports activities to youngsters of varying age ranges in the borough. They also provide social interactions for retired people by way of the "TenEmBee Elders Club" which takes place on Wednesdays. Ten-Em-Bee is a vital facility in the Borough, catering to the needs of our community.

A review of the Club Premises Certificate is currently taking place and it is vital that the License is maintained in order that Ten-En-Bee can continue raising the necessary funds to serve the community.

Please support this petition by writing your details below:-

FULL NAME	HOUSE NUMBER	ROAD	P/CODE	SIGN	MISC.
[REDACTED]	[REDACTED]	WICKHAM RD	CR0	[REDACTED]	I have had a number of events here. Please keep it opened.
[REDACTED]	[REDACTED]	WICKHAM RD	CR0 8	[REDACTED]	THIS IS BEING GIVEN TO THE COMMUNITY
[REDACTED]	[REDACTED]	PARKSIDE AV.	DA7 6	[REDACTED]	I have and continue to use this space for family events.
[REDACTED]	[REDACTED]	CATERY COURT	SE26	[REDACTED]	I HAVE HAD A NUMBER OF EVENTS PLEASE KEEP IT OPEN.
[REDACTED]	[REDACTED]	Dartmouth Road	SE23	[REDACTED]	I have had a number of events here keep it open.
[REDACTED]	[REDACTED]	CHAPMAN'S ENO	BR5	[REDACTED]	THIS IS SUCH A GREAT EVENT SPACE FOR FAMILY FUN.
[REDACTED]	[REDACTED]	REAM APARTMENTS	SE23	[REDACTED]	This venue has sentimental value for so many - please keep it open.
[REDACTED]	[REDACTED]	Bellingham Rd	SE6 2	[REDACTED]	I love this venue I've had a few events here - Been great.
[REDACTED]	[REDACTED]	BELLINGHAM RD	SE6 2PR	[REDACTED]	This place has sentimental value. I've had Births since a kid.
[REDACTED]	[REDACTED]	Tonicham Rd	SE6 1R	[REDACTED]	loads of family & friends have events here.
[REDACTED]	[REDACTED]	PERIS ROAD	SE14 6S	[REDACTED]	LOVE THIS VENUE PLEASE KEEP OPEN
[REDACTED]	[REDACTED]	CULVERLEY RD	SE6 2LR	[REDACTED]	

PETITION IN SUPPORT OF:
 TEN-EM-BEE SPORTS DEVELOPMENT CENTRE
 The Pavilion, 120A Old Bromley Road, BR1 4JY

OVERVIEW

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A review of the Club Premises Certificate is currently taking place and it is vital that the License is maintained in order that Ten-En-Bee can continue raising the necessary funds to serve the community.

Please support this petition by writing your details below:-

FULL NAME	HOUSE NUMBER	ROAD	P/CODE	SIGN	MISC.
[REDACTED]	[REDACTED]	LEGGYD COURT SILVERDALE	SE13	[REDACTED]	
[REDACTED]	[REDACTED]	BROCKHILL CRES	SE14 9PT	[REDACTED]	
[REDACTED]	[REDACTED]	Bellingham RD SOUTHVIEW	SE6 2	[REDACTED]	
[REDACTED]	[REDACTED]	Elfrida CRES	SE6 3E	[REDACTED]	
[REDACTED]	[REDACTED]	Silverdale Sydenham	SE26 4-55	[REDACTED]	
[REDACTED]	[REDACTED]	DYFALLS RD	SE 8 3A	[REDACTED]	
[REDACTED]	[REDACTED]	ARGWAN	SE61	[REDACTED]	
[REDACTED]	[REDACTED]	LOXTON	SE23	[REDACTED]	
[REDACTED]	[REDACTED]	2 DALLIES RESCUE	SE14	[REDACTED]	
[REDACTED]	[REDACTED]	DITCHET RD	SE6 4BS	[REDACTED]	
[REDACTED]	[REDACTED]	QUEENSWAY PLACE	SE61	[REDACTED]	
[REDACTED]	[REDACTED]	CUMBERLAND PLACE	SE61	[REDACTED]	
[REDACTED]	[REDACTED]			[REDACTED]	

Club premises certificate number

PL 0563 / C

Club details

Name of club in whose name this certificate is granted and relevant postal address of club	
TEN-EMBEE SPORTS DEVELOPMENT CENTRE	
Address	
The Pavillion 120A Old Bromley Road	
Post town Bromley	Post code BR1 4JY
Telephone number 020 8313 9510	

If different from above the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description	
Post town	Post code
Telephone number	

Directorate for Customer Service
Licensing Team
5th Floor, Laurence House
1 Catford Road
London
SE6 4RU

Proper Officer for Licensing
London Borough of Lewisham

Where the club premises certificate is limited, the dates	
Qualifying club activities authorised by the certificate	
<u>Provision of entertainment</u> Plays Films Indoor sporting events Live music Recorded music Performances of dance	
<u>Supply of alcohol for members and guest</u> By or on behalf of a club to, or to the order of, a member of the club The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	
The times the certificate authorises the carrying out of qualifying club activities	
Plays & films	Until 22.00 Monday to Sunday
Indoor Sporting Events	Until 00.00 Monday to Friday
Entertainment	Until 00.00 Monday to Sunday
Alcohol	11.00 – 02.00 Monday to Sunday
The opening hours of the club	
Where the certificate authorises supplies of alcohol whether these are on and/or off supplies	
ON	

Annex 1 – Mandatory conditions

The purchase of alcohol for the club and the supply of alcohol while the club are managed by an elected committee.

No arrangements are, or are intended to be, made for any person to receive at the expenses of the club any commission, percentage, or similar payment on, or with reference to, purchases of alcohol by the club.

No arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club members or guests, apart from-

- (a) any benefit accruing to the club as a whole, or
- (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

The admission of Children, that is persons under 18 years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority

Annex 2 – Conditions consistent with the Club Operating Schedule

Refer to club rules.

CCTV maintained to date protection standards and to be made available to the Police and Licensing Authority on request. Recordings shall be kept for 31 days

Visitors must be signed in when an event is open to the general public.

Building fitted with full alarm system.

Emergency lighting, adequate directional signage in place.

Patrons are requested to leave the premises quietly.

Stewards are employed when premises are open to non-members.

All staff CRB checked.

No unaccompanied children allowed at the bar.

Building is a no-smoking environment.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Full plans available at Licensing Services, London Borough of Lewisham

Ground floor



The Pavillion
120A Old Bromley Road
Downham, BR1 4JY
Tel: 020 8313 9510
Email:
tenembee1@yahoo.co.uk
Registered Charity No.
1090441

Angela Mullin-Murrell
Licensing Authority
Safer Communities Officer (Licensing Team)
Safer Communities Services
9 Holbeach Road
Catford
SE6 4TW

17 January 2024

Dear Angela Mullin-Murrell,

Licensing Act 2003 – Review of Premises Licence

This is Ten-Em-Bee Sports Development Centre's ("Ten-Em-Bee") response to the Application for Review of our premises license.

For ease of reference we have adopted some of the headings used in the attachment to the review form entitled "Grounds for Review".

Background

We, Ten-Em-Bee, appreciate the sentiments you have made in the background to your review, which is an accurate account recognised by yourselves as to the exceptional benefits Ten Em Bee offers to the entire community as a whole. Ten-Em-Bee has been running for 50 years.

We are a charity run entirely by volunteers/trustees, some of whom have been with Ten-Em-Bee since its inception. The chairman, Danny Fairman, being one of the founding members, has stated that he is "very proud of the club we have built and our successes and achievements throughout the years in providing a wholesome and safe environment for all concerned". This is an enormous testament to the commitment of the trustees to maintain these sporting facilities for the benefit of residents of Lewisham Borough and its youth, and training as well as offering an excellent well preserved space for the people within the immediate vicinity to enjoy for the purpose of exercising, and/or their daily walks. This proved particularly essential during the recent covid pandemic, where social distancing was a priority and many residents in the adjoining properties were given access to the fields to enjoy at their leisure.

To be able to maintain the outstanding condition of the building and grounds, and to run the facilities we offer for the local community, we are inevitably faced with huge

A Company Limited by Guarantee Registered in England & Wales No. 4241843

Registered VAT No. 814815432

Phone: 44(0)208 313 9510 Email:tenembee1@yahoo.co.uk Website: www.tenembee.org

maintenance costs. The evening events are a necessary means of meeting these costs. As we are a self-sufficient charity, our principal way of gaining an income is by hiring out our sports hall for certain events such as weddings, funerals wakes, mature people's birthday celebrations and christening and also a weekly Wednesday social elders group. As we are a self-funding organisation these incomes are vital in order to cover expenses.

Ten-Em-Bee is a purely non-profit organisation. All funds generated from the hiring of the facilities, bar sales and football subscriptions goes back into the organisation in order to cover running costs for the premises and the surrounding football pitches.

We were surprised and disappointed that, after so many years at 120A Old Bromley Road, a minority of residents have applied for a review of Ten-Em-Bee's premises licence.

We have always been extremely mindful of the neighbouring properties and have continuously taken great steps to put extensive measures in place to ensure our neighbours' quiet and peaceful enjoyment of their homes are not adversely affected in any way. This has resulted in the excellent relationship Ten-Em-Bee has enjoyed with the majority of its neighbours. Evidence of this is attached at **Appendix 1**, where many of the neighbouring residents have signed a petition and provided letters/emails to show their appreciation and support for Ten-Em-Bee as its neighbours.

We have a **noise limiter** installed. The level of which has been prescribed by Lewisham Council and staff are extremely vigilant in making sure that any appliances used are contained by the noise limiter.

We believe that these measures have mitigated the potential for any more disturbance to our neighbours. In addition to the noise limiter, doors are often closed and shutters lowered during events. We have an air conditioning system for the comfort of members in the summer months.

Neighbours have been furnished with Ten-Em-Bee's contact details, and invited to communicate to staff/trustees at any time they feel it necessary to do so when neighbours believe that the noise levels are excessive in any way. Those few residents who have now complained have never made contact with us during an event in order to resolve any immediate issues, but instead those seeking the review have raised complaints to you and proceeded to commence a grounds for review procedure.

Steps taken thus far:

It is disappointing, and very alarming for us to read that a minority of residents are of the opinion that Ten-Em-Bee have not acted upon any noise complaints "over the past three months".

This allegation is denied. Ten-Em-Bee is confident that it has complied with Lewisham's proposals to further eliminate any disturbances at all times. We believe that this will be supported by officials who have visited and were sent to monitor said complaint.

Appendix 2 is a letter sent by Ten-Em-Bee to Lewisham in 2015 following an allegation of noise disturbance. Subsequent to this, there have been **NO** complaints made against us until in September 2023 when emails received from Lewisham were acted upon and responded to with immediacy. **See Appendix 3.**

Appendix 4 is a schedule of all events requested by Lewisham following the communication in relation to the complaint in September/October 2023.

Licensing review and amendments requested to resolve:

The allegations of "repeated disturbances" is denied. We attach previous communication that observes that there have been complaints about disturbances on dates where there were no functions taking place on these premises. **(Appendix 5)**

Therefore, we do not accept the accusation of "repeated disturbances" which has been made by a minority of residents. In all the circumstances, we request that Lewisham dismisses these unmeritorious allegations. Further, we would appreciate, for the sake of the neighbouring community, the majority of residents and youths within the Lewisham Borough, that this request to review the premises licence No. PL0563/C should not be upheld and that Ten-Em-Bee is able to continue to provide the valuable services it does to the community in which it serves.

Further, we would add that any application for Temporary Event Notices is reserved for the use of Ten-Em-Bee's fundraising events only, notably New Year's Eve, Black History Month.

In Summary

Ten-Em-Bee is of course happy to work with Lewisham to consider any supplementary proposals set by Lewisham going forwards, in our effort to resolve this issue amicably and continue to maintain the exemplary relationship we have established over the years with our neighbours. Indeed we have held a meet and greet session with residents in the past, which proved very effective.

The suggestion of having a "cut-off" at 10pm is not viable and would prove detrimental to Ten-Em-Bee's finances and, consequently, on the sporting events/facilities we can run.

We hope Lewisham will consider the history of Ten-Em-Bee and the work we have accomplished in the past and up to the present.

Thank you for your consideration.

Yours sincerely,



For and on behalf of
The Trustees of Ten-em-Bee Sports Development Centre

APPENDIX 2

Ten-Em-Bee Sports Development Centre
120A Old Bromley Road
Bromley
Kent
BR1 4JY

7 August 2015

Your Ref: ETW/WK/201511156

By Email and post:
noiseandnuisance@lewisham.gov.uk

Duty Officer
Environmental Enforcement Team
Enforcement Team West
Environmental Enforcement
Wearside Service Centre
Wearside Road
London
SE13 7EZ

Dear Sir/ Madam,

ENVIRONMENTAL PROTECTION ACT 1990: SECTION 80
Alleged Nuisance: Ten-Em-Bee Sports Development Centre, 120A Old Bromley Road, BR1 4JY

Ten-Em-Bee Sports is a registered charity sport development centre for over 40 years. The objectives of the charity are for the public in the Downham area of the London Borough of Lewisham and the adjacent neighbourhoods to advance education and to provide and assist in the provision of facilities for recreation in the interests of social welfare so that the conditions of life of the beneficiaries may be improved.

Recently we received two complaints from neighbouring residents with regards to driveway lights and noise from children playing in the field area / PA MIC Music noise/ people looking into her garden. The first complaint occurred on 25th July 2015 at a 35th birthday party. The second complaint was made on 30th July 2015 when The National Fostering Agency held a fun day between 12pm to 4pm for the children and their parents.

The Management Committee of Ten-Em-Bee take noise complaints very seriously and have attempted to engage with the complainants in order to try and resolve these complaints in an amicable manner. Unfortunately the complainants have refused to talk to us.

Nevertheless the Committee of Ten-Em-Bee have taken the following measures in order to try and deal with the complaints, which we feel are

unreasonable and vexatious.

The Sentry Sound Noise Limiter inside the main hall has recently been reset to a limit of 80dB, which we believe is well below the local authority limit imposed when it was originally installed. The limiter is sealed and tamper-proof and positioned in a designated area of the main hall. The sound-limiting device is reset on an annual basis.

All companies or individuals who want to hire the hall for entertainment have to sign an agreement to abide by the following conditions:

All sound producing equipment, e.g. amplifiers, equalisers, speakers etc. will only be plugged into the 4 double plugs directly below the Sentry Sound Noise Limiter. Members of the management team are on hand throughout the event to ensure they abide by this condition.

Members of the management team walk the perimeter of the field close to the rear gardens of the neighbouring premises to ensure that noise from the main hall is barely audible when entertainment is taking place.

Committee members have inspected the driveway lights and lighting generally around the building and feel that the complaint about light pollution is frivolous.

The Committee cannot afford to ignore complaints and therefore invite a Members Noise Environment Enforcement Team ("the Environment Team") to attend our premises to check that the noise limiter is correctly set to the council's required level. We also invite Environment Team to attend our premises when it is convenient to make an assessment of the noise levels when entertainment events are taking place.

The Committee will notify the Environmental Team of the dates entertainment events are taking place over the next 2 months and invite them to monitor them at their own convenience.

Lewisham Council's Entertainment License criteria stipulates:

"The licensee shall ensure that music provided at the premises shall not cause a nuisance to nearby residents and any form of amplification shall be controlled by the licensee as to prevent such a nuisance."

In line with the Council's licensing policy, the Management Committee have tried to ensure that noise from entertainment events taking place in the premises do not cause a nuisance to neighbouring residential premises. However, due to the fact that the complainants have refused to engage with us, we feel that we have no option but to bring this matter to your attention so that you are aware of the efforts we are making to try and deal with the complaints recently raised.

However, preliminary noise assessments made by members of the

Management Committee during their perimeter walk when entertainment events are taking place do not indicate that a nuisance has taking place.

Ten-En-Bee are in the unenviable position of being accused of causing a noise nuisance but not being allowed to carry out a full and proper noise assessment to determine the extent of the allegations. Therefore we are writing to the Council's Environmental Enforcement Team to advise us on the best way forward to deal with these allegations apart from the steps already outlined above.

We have already spoken to Chris Houard from the Environmental Enforcement Team regarding the noise complaint and await further advice.

Yours faithfully

D Fairman
Chairman Ten-Em-Bee Sports

APPENDIX 3

1.Re: Allegations of Noise Nuisance - Ten EmBee

8 Oct 2023 at 19:56

[PrintRaw message](#)

TenEm Be <tenembee1@yahoo.co.uk>
To: Lockett, Richard <richard.lockett@lewisham.gov.uk>
Hi Lockett,

Thanks for your visit on Friday it was good to go through the issue of Noise complaints.

As discussed these are the confirm booking we have for October and November 2023.

14th October- Family Party 6-12pm
11th November Birthday Party 6-12pm
17th November- Wedding Reception 6-12pm
18th November- 60th Birthday Party 6-2am (I believe this extension was granted a while back.
25th November- 1st Birthday Party- 3-9pm

In between these dates we sometimes get requests for funerals or 9 nights. If we do will up you.

Regards

Frank Stanislaus
Trustees- TenEmBee

Sent from Yahoo Mail for iPhone

On Thursday, October 5, 2023, 4:38 pm, Lockett, Richard
<Richard.Lockett@lewisham.gov.uk> wrote:
Dear Mr Fairman

Thank you for your recent letter with regards to allegations of noise nuisance at the above premises.

I continue to receive daily updates from neighbours relating to noise from music coming from the premises and wanted to know if anyone would be around tomorrow to meet me on site?

One particular problem would appear to be the level of bass coming from the sound system, so I wondered if there was a possible quick solution that may alleviate the concerns of your neighbours.

Please let me know if someone is available as I will be in the area at around 1 o'clock tomorrow.

Kind regards

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW

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1.Re: Allegations of Noise Nuisance - 14 October 2023 - Ten-Em-Bee

6 Jan at 14:12

TenEm Be <tenembeel@yahoo.co.uk>

To: Lockett, Richard <richard.lockett@lewisham.gov.uk>

Hi Richard,

Forgot to also mention that we also run an elders club every Wednesday 12-6pm.

Then they is a Lime Dance classes from 6.30pm -9pm

Frank

Sent from Yahoo Mail for iPhone

On Saturday, January 6, 2024, 1:56 pm, TenEm Be <tenembeel@yahoo.co.uk> wrote:

Hi Richard,

Happy New Year!

These are the events we have pencil in as present. Some are confirm other to be verified.

JANUARY - 13th - 70th Birthday (Not Yet Confirm)

JANUARY - 27th - Christening (Not Yet Confirm)

JANUARY - 28th - Birthday (Not Yet Confirm)

FEBURARY - 2nd - Funeral (Awaiting Confirmation of time)

FEBURARY - 10th - Christening Fe (Not Yet Confirm)

FEBURARY - 16th - Funeral - (3-10.30pm)

FEBURARY - 17th - Ten-Em-Bee (Not Confirm)

FEBURARY - 24th Ten-Em-Bee (Not Confirm)

MARCH - 2nd - Birthday 5pm -12pm

MARCH - 3rd - Baby Blessing - 3-10pm

MARCH - 9th - (Not Confirm)

MARCH - 16TH - 80th Birthday - 6-12pm

APRIL - 21st - Christening - 2-8pm

I will update you if any of the not yet confirm events become active.

We have also received a notice that our Licence will be reviewed. which was a bit of a surprise, have there complain after you last visit

Regards

Frank
Ten-Em-Bee Sports
On Friday, 5 January 2024 at 16:31:58 GMT, Lockett, Richard
<richard.lockett@lewisham.gov.uk> wrote:

Hi Frank,

Happy New Year!

Any chance you could send me a list of upcoming events for the next month or two please?

Thank you

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW

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From: TenEm Be <tenembee1@yahoo.co.uk>
Sent: 01 December 2023 17:41
To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>
Subject: Re: Allegations of Noise Nuisance - 14 October 2023 - Ten-Em-Bee

Hi Richard,

Thanks for the visit today and discussing the matter in question. As mentioned here is the list of events we have booked for the remainder of the year.

Saturday 2nd December- wedding Reception 4-11pm

Friday 8 December birthday party 6-12pm

Saturday 9th December Birthday Party 6-12pm

Monday 11 December- Funeral 4-10pm

Tuesday 12 December. - Men walking group meeting Dinner 6-10pm

15th December 60th Birthday 6-12pm

16th December 60th Birthday 6-12pm

17th December/ family Christmas dinner 3-10pm

31st New Year Eve Fundraising Dance - TenEmBee 8 -2am

The Wednesday Elder Member group last day for this year will be on the 13th December

The Wednesday Dance group last day will be on the 6th December.

If anything changes between now and end of year will let you know.

Regards

Frank

Tenembee

Sent from Yahoo Mail for iPhone

On Tuesday, November 28, 2023, 11:51 am, TenEm Be <tenembee1@yahoo.co.uk> wrote:

Hi Richard,

Friday midday is good for me, see you Friday

Regards

Frank

Sent from Yahoo Mail for iPhone

On Tuesday, November 28, 2023, 11:27 am, Lockett, Richard <Richard.Lockett@lewisham.gov.uk> wrote:

Hi Frank

How would midday on Friday be?

I'll come down to you.

Many thanks

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW

Do you live in, work in, or visit Lewisham? *If yes, we want to hear how you feel about serious violence in the borough. Your views will help to shape the new Serious Violence Duty Strategy for Lewisham. Our short survey is now open and ends at midnight on 3 December 2023. If you would like to share your views or comment about this Strategy, please visit our [Consultation Hub](#).*

Please note: I may email you outside of your normal office hours; however I do not expect a response outside of your working hours.

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From: TenEm Be <tenembee1@yahoo.co.uk>

Sent: 24 November 2023 13:42

To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>

Subject: Re: Allegations of Noise Nuisance - 14 October 2023 - Ten-Em-Bee

Hi Richard,

I am disappointed that complaints are still being made, as we walk the fence area at every function to insure noise is not being heard.

I am available on Monday 27th - Wednesday 29th Thursday 30th or Friday 1st December off next week, anytime between 10am - 1pm.

Regards

Frank
Tenembee

Sent from Yahoo Mail for iPhone

On Friday, November 24, 2023, 11:36 am, Lockett, Richard
<Richard.Lockett@lewisham.gov.uk> wrote:

Hi Frank

I am still receiving complaints regarding noise from the premises and whilst these have not been corroborated by officers, I wondered if it would be possible for us to meet and discuss these?

Are you available next week at some point? Let me know some times and I'll pencil in a time to come down.

Many thanks

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW

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From: TenEm Be <tenembee1@yahoo.co.uk>

Sent: 12 November 2023 23:59

To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>

Cc: TenEm Be <tenembee1@yahoo.co.uk>

Subject: Re: Allegations of Noise Nuisance - 14 October 2023 - Ten-Em-Bee

Hi Richard,

We are disappointed and surprised to hear neighbours are still raising noise complaints.

After your last email, we have taken steps to prevent any noise coming from the building during events. The music system in the building has been altered to reduce output from the speakers. We have also set the music level so it cannot be changed by anyone other than a member of staff. This is also linked to the limiter that was set by the council. We have tested this by playing the music at it highest point and walked the surrounding boundary area to make sure music cannot be heard. We are satisfied that we have taken all the necessary steps than can be taken to prevent any disturbance to our neighbours going forwards.

(The other option, I believe, would be for some sort of noise detection device be installed on the boundary.)

As to the external doors being open on the night of this latest complaint, I checked with my colleague who was there on the night and have been told the doors where not open. The

external glass doors are only open during the summer months when it is hot, we have a wedding with a marquee or childrens birthday parties where a bouncy castle is being used outside. and then only background music is allowed to play.

We would welcome another visit from you or your colleague to go through what we have put in place. We are also concerned as to why all of a sudden these noise complaints are being made, when we have been holding events with the current music system over the past few years with no complaints.

Regards

Frank Stanislaus

Ten-Em-Bee Sports

On Friday, 10 November 2023 at 17:18:37 GMT, Lockett, Richard
<richard.lockett@lewisham.gov.uk> wrote:

Hi Frank

I have received a complaint about noise from the premises last Saturday.

It would appear as though the external doors were left open whilst music was being played.

If the Council continue to receive complaints regarding noise from the premises, further enforcement action may be considered, including the service of an Abatement Notice under the Environmental Protection Act and/or a review of the Club Premises Certificate under the Licensing Act (2003).

Please could you take steps to prevent any further complaints of this nature.

Kind regards

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW

Do you live in, work in, or visit Lewisham? If yes, we want to hear how you feel about serious violence in the borough. Your views will help to shape the new Serious Violence Duty Strategy for Lewisham. Our short survey is now open and ends at midnight on 21 November 2023. If you would like to share your views or comment about this Strategy, please visit our [Consultation Hub](#).

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From: TenEm Be <tenembee1@yahoo.co.uk>
Sent: 25 October 2023 20:03
To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>
Subject: Re: Allegations of Noise Nuisance - 14 October 2023 - Ten-Em-Bee

Hi Richard,

Thanks for getting back.

Have been noted and will look to get this action as a matter of urgent. But will also put the measures in place as mention

Regards

Frank
On Wednesday, 25 October 2023 at 13:52:25 BST, Lockett, Richard <richard.lockett@lewisham.gov.uk> wrote:

Hi Frank

Thank you for your email.

Please could I also suggest that the bass level be turned down, as this is one of the main causes for complaint.

Many thanks

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW

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From: TenEm Be <tenembee1@yahoo.co.uk>
Sent: 22 October 2023 22:14
To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>
Subject: Re: Allegations of Noise Nuisance - 14 October 2023 - Ten-Em-Bee

Hi Richard,+

We are disappointed to hear that noise was detected from from our premises on the above day.

After our meeting and discussion, we hope that the noise issue was resolved.

Going forward, we will be reducing the music level that can be played through the limiter. We will also be taking additional action to reduce any music coming from the building by pulling down the shutters at the two side doors from 10pm.

With these additional measures, we hope this will resolve any issues with noise coming form the building.

As to our licence agreement, we are fully aware that the music should be turned off by midnight.

It has also been brought to my attention that on the same night, music was being played from a private party which could be heard at the club. Was this something that could have been picked up on the night when your colleague visited for the noise complaint.

Regards

Frank Stanislaus
Ten-Em-Bee Sports

On Friday, 20 October 2023 at 11:37:27 BST, Lockett, Richard <richard.lockett@lewisham.gov.uk> wrote:

Dear Frank

Thank you for your emails.

My colleagues received calls on Saturday 14th October from neighbours complaining of noise nuisance from the premises.

After attending the resident's address, colleagues have confirmed to me that the music was clearly audible in the area, which is a considerable distance away. With this in mind, I would ask that further mitigation is carried out to prevent noise nuisance, especially after 11pm at night.

Also, I would like to take the opportunity to remind you that all music should be turned off at midnight.

Kind regards

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
Community Services
Lewisham Council

Direct Line: 020 8314 3389

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From: TenEm Be <tenembee1@yahoo.co.uk>
Sent: 09 October 2023 08:51
To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>
Subject: Re: Allegations of Noise Nuisance - Ten EmBee

Hi

Just to add that we have a elder group every Wednesday from 12-6pm and Lime Dance glass from 6.30-9pm.

Sent from Yahoo Mail for iPhone

On Sunday, October 8, 2023, 7:56 pm, TenEm Be <tenembee1@yahoo.co.uk> wrote:
Hi Lockett,

Thanks for your visit on Friday it was good to go through the issue of Noise complaints.

As discussed these are the confirm booking we have for October and November 2023.

14th October- Family Party 6-12pm
11th November Birthday Party 6-12pm
17th November- Wedding Reception 6-12pm
18th November- 60th Birthday Party 6-2am (I believe this extension was granted a while back.
25th November- 1st Birthday Party- 3-9pm

In between these dates we sometimes get requests for funerals or 9 nights. If we do will up you.

Regards

Frank Stanislaus
Trustees- TenEmBee

Sent from Yahoo Mail for iPhone

On Thursday, October 5, 2023, 4:38 pm, Lockett, Richard
<Richard.Lockett@lewisham.gov.uk> wrote:

Dear Mr Fairman

Thank you for your recent letter with regards to allegations of noise nuisance at the above premises.

I continue to receive daily updates from neighbours relating to noise from music coming from the premises and wanted to know if anyone would be around tomorrow to meet me on site?

One particular problem would appear to be the level of bass coming from the sound system, so I wondered if there was a possible quick solution that may alleviate the concerns of your neighbours.

Please let me know if someone is available as I will be in the area at around 1 o'clock tomorrow.

Kind regards

Richard Lockett

Safer Communities Senior Officer - Licensing
Safer Communities Service
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Lewisham Council

Direct Line: 020 8314 3389

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Email to Denis.Savin@lewisham.gov.uk
Cc: Alfene.Rhodes@lewisham.gov.uk

Re: TEN – Ten-Em-Bee, 21st - 22nd October 2023

Dear Denis Savin,

Many thanks for your email of 22nd September 2023 regarding the Temporary Event Notice application for the above dates.

We have responded under separate cover to the letter dated 14th September 2023 from Richard Lockett of the Licensing Authority.

The complaints in question concerns:

Sunday 3rd September 2023 – This was a Christening party. We are surprised that a complaint regarding noise at the time of 23.57 was reported for this event as we can categorically state that we do not have events going on beyond 10pm on a Sunday evening. Sundays are normally reserved for Christening/baby showers and toddlers/young childrens' birthday parties only.

The other specified date, Monday 11th September 2023 – there was no event taking place on this date.

Replying in response to your email regarding the existing premises certificate number PL 0563/C. We are in total agreement with the current provisions that this licence requires and undertake to keep in line with these requirements as previously and going forwards.

The conditional obligations are also all in place and where there are any items not currently in place please be assured these will be rectified without delay. This includes **DBS** checks for those personnel, who were not directly involved with the children, and felt it was not initially an obligation.

Your email stated that you had “concerns...” regarding “regulated entertainment up until 2am in the morning”. Please note that following a meeting with the Board of Trustees, it was agreed that, going forwards, we will not be giving prospective members/guests the opportunity to apply for a personal TEN and private functions will therefore always end at **12am**. For those events where a TEN approval has already been granted, we will of course honour these events and these will be regulated in line with keeping noise levels in total check.

In future, the only applications for a TEN will be made directly by Ten-Em-Bee officials for our own charitable fundraising events. i.e. New Year's Eve, Valentines, a Summer light entertainment evening and a Black History Month event. These could total approximately 5 functions; although we are aware of the entitlement for 11 Extensions per year.

Significantly, due to the current uncertainty, we have decided to withdraw the present application for dates of 21st/22nd October 2023.

In conclusion, the council is aware we do have a noise limiter installed, the level of which was set by the council and keeping noise levels under control and the consideration towards our neighbours is of the utmost importance to us and we always endeavour to request the same from our patrons and this is duly monitored by staff.

Please do not hesitate to contact us if you have any further questions.

Yours sincerely,

Danny Fairman
Chairman
Ten-em-Bee Sports Development Centre

APPENDIX 4

Date of Confirm Event Booking	Start Time	Finish Time	Event Type
02/09/2023	6pm	12pm	60th Birthday
09/09/2023	6pm	12pm	50th Birthday
22/09/2023	7pm	12pm	Wake
23/09/2023	6pm	12pm	80th Birthday
29/09/2023	3pm	10pm	Funeral Reception
30/09/2023	4pm	11pm	Baby Christening
02/10/2023	3pm	10pm	Funeral Reception
04/10/2023	1pm	6pm	Elder Social Group / After this group Line Dancing Classes till 8.45pm
11/10/2023	1pm	6pm	Elder Social Group / After this group Line Dancing Classes till 8.45pm
14/10/2023	6pm	12pm	Family Birthday Celebration
02/11/2023	2pm	8pm	Funeral Reception
04/11/2023	6pm	12pm	60th Birthday Party:-
08/11/2023	1pm	6pm	Elder Social Group / After this group Line Dancing Classes till 8.45pm
11/11/2023	6pm	12pm	Birthday Party
17/11/2023	4pm	12pm	Wedding Reception
18/11/2023	6pm	2am	60th Birthday

As to external door being open on the night of this complain, we checked and was told door was not open. We have Air Conditioner system in the Hall if its get too hot (and policy in place regarding the door opening, see attach)

17/12/2023	4pm	10pm	Family Surprise Birthday :
03/10/2023	No Booking occurred at TenEmBee Sports on this date		
15/10/2023	No Booking occurred at TenEmBee Sports on this date detail given on the applicant Diary of Disturbance list showing event at New Studio		
21/10/2023	Event was cancelled No booking at TenEm on this day		

CONDITIONS & AGREEMENT OF FUNCTION HALL HIRE

Please retain this section for your reference



AN AGREEMENT made on the date shown in the booking form between TEN-EM-BEE SPORTS DEVELOPMENT CENTRE ("the Centre") and the person or organization specified on the Booking Form ("the Hirer").

WHEREAS The Hirer may have use of the Centre premises for the Function (details of which are given in the booking form), upon the following terms:-

1. A deposit of £100.00 is required with the return of the Agreement. The deposit is non-refundable in the event of cancellation by the Hirer. **The full booking fee should be paid 30 days before the event.**
2. Upon receipt of the completed Agreement and deposit, the Centre shall confirm the booking to the Hirer. To avoid confusion, provisional bookings are not accepted.
3. The function must not be advertised in any way whatsoever whereby members of the general public may be induced to attend. The only people entitled to attend shall be the Hirer and their personal friends and bona fide family members and friends of the Hirer's organization.
4. The Hirer must not exceed the maximum number of guests stated on the application form.
5. No sale of tickets for the function, or payment for such tickets, shall take place at any entrance to the Centre or upon any part of the Centre premises.
6. All breakages, damage to the Centre premises, property shall be the sole responsibility of the Hirer. The Hirer is responsible for leaving the Centre premises in a clean and tidy condition after the function has finished. Should the facility not be left in the same order as given an extra charge will be made and deducted from the deposit.
7. **The Hirer is at all times responsible for the control and supervision of the function.**
8. No drinks or alcohol is to be brought onto the premises or building as we run a fully licensed bar. ALL wines, beers, spirits and soft drinks consumed at the function must be purchased through the Centre. **BAR CLOSSES 15 MINUTES BEFORE FUNCTION END TIME!**
9. The Hirer may request an extension to the normal opening hours in line with the Centre's licensing agreement and a fee of £80 per additional hour will be payable for this facility.
10. Entry must be by invitation only. We regret that the Centre cannot allow the use of FOIL CONFETTI as decoration or for any other purposes on the premises.
11. **In line with the Centre's licensing conditions** a Noise inhibitor will be in operation at functions where DISCO music is included. **DJ only need to bring they Mixer /Laptop as they is a Speaker Sound System in place for DJ to use. All systems and disco equipment will be used inside the hall only. Music should be turned down or Off when the Hall doors are open, if not door will remain shut. No Disco or Sound System Equipment to be used inside Marquees. When a Mic is in use the Outer Glass Doors should remain shut.**
12. **NO** cooking allowed in the kitchen. Only the reheating of food and preparation of cold dishes. **KITCHEN MUST CLOSE 30 MINUTES BEFORE END OF FUNCTION!**
13. You are allowed 3 free hours to prepare and dress the hall for your function. **ALL CLIENTS' DELIVERIES to Old Bromley Road, i.e. TABLEWARE, BOUNCY CASTLE ETC. MUST BE SIGNED FOR BY THE CLIENT AND REMAINS THE RESPONSIBILITY OF THE CLIENT WHILST ON THE PREMISES.**
14. **ALL electrical musical equipment is to be PAT Tested/Certificated.**
15. NO smoking of any kind is permitted anywhere within the building.
16. Your function must end ½hour before the time stated on your application to allow you time to clear up.
17. Please ask your guests to leave the function, premises and grounds in a quiet manner as a mark of respect to our immediate neighbour's.

Signed-----

Dated-----

APPENDIX 5



The Pavillion
120A Old Bromley Road
Downham, BR1 4JY
Tel: 020 8313 9510
Email:
tenembee1@yahoo.co.uk
Registered Charity No.
1090441

SENT VIA POST
AND EMAIL: licensing@lewisham.gov.uk

Richard Lockett
Licensing Authority
Safer Communities Service
Licensing Strand
9 Holbeach Road
Catford
SE6 4TW

Your Ref: WK/202311496
26 September 2023

Dear Richard Lockett,

TEN - Ten-Em-Bee, 21st – 22nd October 2023

Many thanks for your letter dated 14 September 2023. Sorry for not getting back to you sooner. We do take complaints from our neighbours very seriously and wanted to conduct our own investigations before reverting.

We have responded under separate cover to an email received from Denis Savin, Safer Communities Officer.

The complaints in question concerns two dates:-

Sunday 3rd September 2023 – This was a Christening party. We are surprised that a complaint regarding noise at the time of 23.57 was reported as we can categorically state that we do not have events going on beyond 10pm on a Sunday evening. Sundays are normally reserved for Christening/baby showers and toddlers/young childrens' birthday parties only.

The other specified date, **Monday 11th September 2023** – after consulting our diary schedule, please note there was no event taking place on this date.

Indeed, there have been noise disorders reported to the council in the past, but on investigation by the visiting council official, these complaints were unfounded as there were no issues whatsoever with the level of noise. We are hopeful that these visits were appropriately recorded at the time and remain on the council's record as evidence of these prior, groundless complaints.

Additionally, council officials have visited the premises during an evening event, without any prior warning at all, and noise levels were found to be regulated.

Your letter states the importance of the requirement for licenced premises to uphold licensing aims, which includes the “prevention of public nuisance”. Ten-em-bee’s policies on noise is entirely in agreement with this requirement and we do our utmost to remain within these guidelines at all times.

It is to be noted that we have been in occupation at these premises for a very long time without any cause for concern.

We have a noise limiter installed, the level of which was set by the council and keeping noise under control remains an absolute priority for us.

Please be assured we are always endeavouring to work in the best interests of our neighbours to prevent future complaints in this manner.

We have responded in more detail to an email received from Denis Savin, the Safer Communities Officer, which relates to this complaint and also, specifically, to our application for a Temporary Event Notice for 21/22 October 2023.

Please do not hesitate to contact us if you have any further questions.

Yours sincerely,

p.p.



Danny Fairman
Chairman
Ten-em-Bee Sports Development Centre

Agenda Item 4



Licensing Committee

Silks 177-181 Rushey Green SE6 4BD

Date: 27 February 2024

Key decision: No.

Class: Part 1.

Ward(s) affected: Rushey Green

Contributors: Community Services – Safer Communities Service

Outline and recommendations

Determination of a Full Variation submitted on 15 January 2024 by Marie Samuel

After having regard to the representation heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

This application was advertised in accordance with regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

The last day for representations was 12 February 2024.

1. Summary

1.1. Particulars of Application

To add off sales for pre purchased alcohol ONLY.

The VIP area allows customers to buy alcohol by the bottle. The alcohol will be decanted into plastic bottles for the customer to take away. This will help prevent customers drinking quickly to finish their purchased alcohol and prevent customers trying to leave the premises with glass bottles.

To change the seasonal variation from specific days to the following:

Any day preceding a Bank holiday until 5am – The times for activities will remain the same

To extend closing times for Sunday & Thursday nights until 3am.

Increase the hours on a Thursday & Sunday for Live & Recorded music, Performance of Dance and Late night refreshment until 03:00 hours.

Increase the hours on a Thursday for Alcohol until 02:00 hours

Increase the hours on a Sunday for Alcohol until 02:30 hours

Increase the hours on a Sunday & Thursday until 03:00 for Late Night Refreshment

Currently Licensed:

Supply of Alcohol (ON)

09:00 – 01:30am Sunday – Thursday

09:00 – 04:00am Friday – Saturday

Regulated Entertainment

09:00 – 02:00am Sunday – Thursday

09:00 – 04:30am Friday – Saturday

Late Night Refreshment

23.00 – 02.00am Sunday – Thursday

23.00 – 04.30am Friday – Saturday

Seasonal Variations

Boxing Day, New Year's Eve, New Year's Day, Easter Sunday

9.00 – 4.00am Sale of alcohol

9.00 - 4.30am Regulated entertainment

- 1.2 Representations have been received from the Licensing Authority and the Police.
- 1.3 The representations received have been examined by Officers and are not considered to be vexatious or frivolous. The representations were received within the specified time.

2. Recommendations

- 2.1 After having regard to the representation heard, Members must take such steps as they consider appropriate to promote the licensing objectives. The steps available to the Licensing Authority:
 - 1.) Grant the full variation to the licence as applied for
 - 2.) Grant the full variation subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives
 - 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - 4.) Refuse to specify a person in the licence as the designated premises supervisor
 - 5.) Refuse to grant the application.

- 2.2 Either party has a right of appeal to the Magistrates Court against a decision which should be submitted to the court within 21 days of the date of the decision letter.

3. Policy Context

- 3.1. Decisions by Members of the Licensing Committee should have regard to the Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which are:
- Protection of Children from Harm
 - Prevention of Crime and Disorder
 - Prevention of Public Nuisance
 - Public Safety
- 3.2. Members should also have regard to the Licensing Authority's Statement of Licensing Policy 2020-25.
- 3.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

4. Financial implications

- 4.1. Applicants have the right of appeal against any decision by the Licensing Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

5. Legal implications

- 5.1 The Licensing Authority is a public authority under the Human Rights Act 1998. Therefore, the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 5.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore, the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

6. Equalities implications

- 6.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.

6.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation, or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

6.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

6.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7. Climate change and environmental implications

7.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

8. Crime and disorder implications

8.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.

8.2. If is the a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

9. Background papers

9.1. Application received 23 October 2023.

9.2. Representation from the Police and a letter from London Fire

10. Glossary

Term	Definition
Appeal	asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Licence	an authority to do something.
Licensee	the holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.
Licence Objectives	Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
Interested Person	A person who lives in the vicinity of the premises A body who represents the persons who live in that vicinity A person involved in a business in that vicinity A body representing businesses in that vicinity An elected member of the council
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.

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Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> • Licensing Authority • Chief Officer of Police • London Fire Brigade • Trading Standards • Planning Authority • Public Health • Environmental Enforcement (with respect to Noise) • Children’s Services • Home Office Immigration
-------------------------	--

11. Report author and contact

- 11.1. Angela Mullin-Murrell Safer Communities Service Officer for Licensing Angela.mullin-murrell@lewisham.gov.uk.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Marie Samuel

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL1169
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 177 – 181 Rushey Green			
Post town	Catford	Postcode	SE6 4BD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£Band B

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Marie Samuel		
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To add off sales for pre purchased alcohol ONLY.

The VIP area allows customers to buy alcohol by the bottle. The alcohol will be decanted into plastic bottles for the customer to take away. This will help prevent customers drinking quickly to finish their purchased alcohol and prevent customers trying to leave the premises with glass bottles.

To change the seasonal variation from specific days to the following:

Any day preceding a Bank holiday until 5am – The times for activities will remain the same

To extend closing times for Sunday & Thursday nights until 3am.

Increase the hours on a Thursday & Sunday for Live & Recorded music, Performance of Dance and Late night refreshment until 03:00 hours.

Increase the hours on a Thursday for Alcohol until 02:00 hours

Increase the hours on a Sunday for Alcohol until 02:30 hours

Increase the hours on a Sunday & Thursday until 03:00 for Late Night Refreshment

Currently licensed:

Supply of Alcohol

09:00 – 01:30am Sunday – Thursday

09:00 – 04:00am Friday – Saturday

Regulated Entertainment

09:00 – 02:00am Sunday – Thursday

09:00 – 04:30am Friday – Saturday

Late Night Refreshment

23.00 – 02.00am Sunday – Thursday

23.00 – 04.30am Friday – Saturday

Seasonal Variations

Boxing Day, New Year's Eve, New Year's Day, Easter Sunday

9.00 – 4.00am Sale of alcohol

9.00 - 4.30am Regulated entertainment

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
|
<u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
|
<u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the <u>performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur	02:00	03:00						
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun	02:00	03:00						

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur	02:00	03:00	Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun	02:00	03:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed					
Thur	02:00	03:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun	02:00	03:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)			
Thur	02:00	03:00				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat						
Sun	02:00	03:00				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur	01:30	02:00			
Fri					
Sat					
Sun	01:30	02:30	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Thur	02:00	03:00	
Fri			
Sat			
Sun	02:00	03:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I wish to make the payment over the phone by debit or credit card and have provided a daytime telephone number in order for I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	15/01/2024
Capacity	Premises licence holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



PC Gillian Pearce
9 Holbeach Road
Catford
SE6 4TW

Email:
Gillian.D.Pearce@met.police.uk

Your ref: Silks2 Variation
Our ref: Silks2 Variation

9th February 2024

Objection to full variation application in relation to Silks (2) 177 – 181 Rushey Green Catford SE6 4BD.

Lewisham Police Licensing acknowledge receipt of an application for a full variation to the licence for the above-named premise.

The requested variation is as follows:

1. To add off sales for pre purchased alcohol only.
Currently they have ON sales only.
2. To change seasonal variation from specific days to “anyday preceding a bank holiday until 5am. Times for activities will remain the same”.
Currently they have specific dates.
3. To extend closing times for Sunday to Thursday nights until 3am.
Currently Closing time Sunday to Thursday is 2am.
4. Increase the hours on a Thursday to Sunday for live and recorded music, dance and late-night refreshment until 3am.
Currently 9 to 2am Sunday to Thursday and 9 to 4.30am Friday and Saturday.

5. Increase hours of alcohol on a Thursday until 2am.

Currently this is 1.30am.

6. Increase hours of alcohol on Sunday to 2.30 am

Currently this is 1.30am

7. Increase the hours on a Sunday to Thursday until 3am for late night refreshment.

Currently this is 2300 to 0200am.

Police object to this application under the following Licensing objectives:

Prevent crime and disorder.

Public safety

Prevent public nuisance.

Prior to explaining fully the reason for police objecting, police provide a time line of events for this venue and the problems that have been encountered:

This Venue (and this licence) was originally Nuvo Lounge. It was a dormant licence which had outstanding fees .

When Silks first opened it was on a different licence(Silks 1) that has since been revoked (27/10/2022). Why did the applicant not use this licence in the first instance and why is it choosing to use this licence now?

27/10/22 – Licence review (standard section 51). The committee revoked the licence (Silks1) after a series of violent incidents.

1/10/22 – Victim punched in the face by security on the door.

30/10/22 – Violent disorder (during the statutory period of appeal). No appeal has taken place and police understand this is due to a back log at the courts..

11/22 – Summary review.

13/12/22 Change of DPS to Mary Egwenu

20/4/23 – Meeting took place between police and DPS. 5 Breaches of the licence were found and a form 694 notice of alleged offences was issued.

12/5/23 – An action plan was put in place signed by Silks.

18/3/23 - Disorder and loss of control, a scuffle took place inside and outside the venue. CCTV shows door staff trying to keep people inside knowing that council CCTV are watching the venue.

30/5/23 – Breach of the licence. Not using accredited SIA (door security).

6/6/23 – Action plan in place. Premises licence holder states another SIA company are coming to look at the premises.

16/6/23 – Breach of the licence, not using accredited SIA.

29/6/23 – CCTV footage from 25/6/23 when around 4am, 3 males armed with machetes and zombie knife in the area of Plassy Island carpark behind Silks. Silks security called this in and it was not attributed to Silks.

3/7/23 – Email from Premises licence holder stating an accredited security company will be taking over that weekend.

29/9/23 – Action plan breach. Condition agreed that Silks premises licence holder would supply weekly list of SIA working on site. Also they have not provided details of accredited SIA company being used.

10/10/23 – Silks premises licence holder makes contact and states they are in the process of changing SIA.

31/10/23 – CCTV at EROS house informed police there have been scuffles outside Silks again and premises licence holder has been in contact and have stated they have fallen out with SIA door team and are looking to renew door staff again. In the meantime they are using old door staff.

6/11/23 – Email sent to designated premises supervisor and Premises licence holder informing them they are breaching licensing conditions again due to not using accredited door staff.

9/11/23 – Informed by Silks designated premises supervisor that accredited door team in place called Senturian Security Services.

27/10/23 – Police visit the premise with SIA staff who confirmed the company being used are NOT an accredited company and also a member of the door staff tried to block police licensing officers from entering Silks.

28/1/2024 – Silks held a TEN (Temporary Events Notice) extending their hours from 0400 to 0600 hours. This was approved by police for the reason this was a ticketed event for clientele aged 50 and over. The expectation being the event would be less likely to end in violence due to the age of the attendees. The event passed without incident.

Silks is a night Club which is situated on a one-way section of the South Circular in Catford South East London.

The road directly outside the premise is on a red route frequently used by traffic going to and from London. It is a busy bus route and a major junction.

The road is also a busy high street for local residents with flats above the many shops and also large social housing complexes on either side of the road behind the shops. The roads coming off the main high street are lined with terraced houses. With limited parking. There is a carpark directly behind Silks which can be reached by going through an alley that runs alongside Silks.

In close vicinity to Silks there are various other night-time economy venues none of which are open beyond 4am. In fact the only one that is open beyond 4am is a function room and 4am is only on a Friday, Saturday and Sunday when it is open, which is infrequent.

As can be seen from the timeline of incidents above, Silks has been a problem venue over the past two years and although changing both ownership and then designated premises supervisor the problems have not been resolved. In the last 2 years the level of violence encountered outside the venue has ranged from someone trying to drive a vehicle into the front of the venue, a female being set upon by a mob, one of which smashed a Jack Daniels bottle over her head, doormen using mag light torches as weapons, someone being kicked unconscious and another person being pushed in front of a bus. Most of these incidents being either caused by patrons of Silks or the door staff.

Police have also been called to suspects with knives in the car park and on arrival knives have been found hidden under vehicles. Although this incident was called in by door staff of Silks it remains a problem that patrons of Silks could have been the intended targets as who else is in that vicinity in the early hours of the morning?

Police object to the extension of hours under the licensing objectives of prevent crime and disorder, public safety and public nuisance as we have been working for the past two years to prevent further incidents of the level of violence we have encountered. Patrons drinking alcohol for longer periods could potentially fuel further violence. The premises have not displayed a competent dispersal policy and indeed their patrons tend to spill across the busy South Circular with a complete disregard to the fact this is a busy main road causing danger both to themselves and other road users.

The Premises Licence holder and the Designated Premises Supervisor have not taken seriously the need for accredited SIA and were neither forth-coming or accountable when they continually breached their licensing conditions when it was put to them. Either ignoring police emails or making excuses.(attached)

It was only just before Christmas 2023 that accredited door staff were in place and as Silks seem to be unable to maintain a good working relationship with accredited door staff it remains to be seen if this is a long term arrangement as it has only been in place for such a short time and over the winter period which is an established quieter period for night time economy venues. The real test if things are working better is when the warmer weather arrives, and people start to venture out again.

Police do not feel confident that matters have been resolved with regard to the level of violence and the lack of dispersal at this venue and are yet to see the impact this new SIA company have.

The applicant is also seeking to have off sales of alcohol. Police understand this is due to the female being hit over the head with a Jack Daniels bottle which was sneaked out of the venue by a patron in the clubs VIP area. The applicant we understand is of the view that if they have off sales they can decant the drink from a glass bottle to the plastic bottle so the patrons can take their bottles of drink with them.

Police believe this will encourage the patrons to hang around outside the premise for longer as they now have their drinks still and will make it even more difficult to disperse people. It potentially could also cause more littering and encourage the patrons to drink more as they can now buy their alcohol to take home with them. Alcohol consumption is also a cause of violence. So potentially this could lead to more violence.

An alternative to this could be to sell half bottles or smaller bottles which they could decant inside the venue negating the need for off sales or the bottles to be taken outside of the venue. They would also be able to monitor if their patrons are drunk. Another alternative could be reducing the time they could sell full bottles of alcohol so less remains negating the need to take away the remainder.

It must also be taken into consideration that if this venue is allowed to open longer and be the last venue to be open in the vicinity, patrons from the other venues may venue hop and all end up in this venue at closing time causing more problems at closing time. There would be more people milling around onto the busy south circular, intoxicated.

An alternative could be to open earlier and offer seated meals where their patrons could have food prior to or with alcohol. (In keeping with the Lewisham statement of licensing policy)

After considering the application, conditions offered by the applicant and taking into account the location of the premises and its environs Police licensing feel that the premises will undermine not only the Licensing objectives but also greatly affect the local residents and the quality of their lives. The applicant has failed to consider and address the negative impact that this venue will have. The extensive hours proposed will impact greatly on the lives of those in the surrounding areas, giving very little respite for residents. Further to this, there are already several venues in the immediate surrounding area which is at saturation point with this kind of venue.

Police would also like to high light key paragraphs from Lewisham's statement of licensing policy 2020-2025.

Public health – 2.22

This further stresses the need to ensure licensees undertake responsible management around the sale of alcohol in both the on and off trades, and have regard to the licensing objectives of public safety.

2.24 Key aim of policies within this statement are to discourage drunkenness and excessive drinking and encourage licensees to promote licence objectives by including more availability of food and seating within their operating schedules. This is to encourage the enjoyment of alcohol alongside other entertainment, not as the main offer.

Prevention of crime and disorder

- 7.3 The council and licensing authority recognises that well managed licensed premises can make a valuable contribution to the community and local economy, however, poorly run premises can become a source of crime and disorder, especially if those premises offer late night alcohol, entertainment or refreshment.

Policy 11 Hours of sale and location

The licensing authority has developed the following preferred operating hours for types of premises dependent on the area within which they are located (Town centres Lewisham and Catford)

Night clubs Preferred latest end time Friday and Saturday 2am, Sunday to Thursday 1am.

Vertical drinking

24.1 It is known that there is a strong link between vertical drinking and violent and disorderly behaviour. Increased levels of drinking amongst patrons are also associated with vertical drinking. Given the clear public health (section 2.20) and crime and disorder considerations around this,

the licensing authority expect any application that proposes vertical drinking to make this clear in their operating schedules and outline effective measures for managing associated risks.

Police appreciate the licence on this premise has changed from Silks and now Silks 2 and that the DPS and PLH have changed in the course of two years however we have not gone any length of time when this premise has not come to police attention whether that be for violent behaviour from the patrons, door staff and people hanging around the vicinity and also breaches of the licensing conditions as well as very poor dispersal of the patrons.

Kind regards

Pc Gillian Pearce

Dear Ms Samuel

I am writing in relation to your premises licence application for Silks 2, 177-181 Rushey Green, SE6 4BD. It is a requirement for the responsible authorities to liaise and propose a tailored list of conditions on a premises licence application to address any issues or concerns. Proposed conditions are aimed at promoting the four licensing objectives. (Prevention of Crime & Disorder, Public Safety, Prevention of Public Nuisance, The protection of Children from Harm).

Attached is a list of proposed conditions the Licensing Authority feel will ensure the objectives are met. Please read through the conditions and let me know if you accept these no later than **12th February 2024.**

Please be advised that your application has been objected to and you can find the objection attached. If we do not hear back from you regarding the proposed conditions the objection will be upheld and your application will go before a licensing committee for determination.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Kind regards

Alfene Rhodes
Safer Communities Officer (Licensing Team)
Safer Communities Service
Community Services Directorate
Lewisham Council,

Objection and Suggested conditions for Silks 2.

The Licensing Authority has reviewed the full variation application and objects to the request to an extension for licensable hours at this venue and additions of off sales on the grounds of prevention of public nuisance and the prevention of crime and disorder.

Your licence already has a large number of conditions attached and I feel amending 2 and adding 2 would benefit the running of the premises.

(change)

A minimum of 2 SIA registered door staff, of which one (1) must be female and are all employed by an Accredited Contractor Scheme (ACS) registered company. They must be on duty on Friday and Saturday and/or any Club nights from 22:00hrs until 30 minutes after closing or when the club is conducting licensable activities or any other advertised or private event, this does not include when the restaurant is open. This condition to be reviewed on the successful completion by the DPS of the (ACS) course

A minimum of 6 SIA registered door staff, all to be employed by an Accredited Contractor Scheme (ACS) registered company. They must be on duty each night from 22:00 until 30 minutes after closing or when the club is conducting licensable activities or any other advertised or private event, this does not include when the restaurant is open.

No customers shall be permitted to leave the premise with any glass containers. No alcohol to be sold for consumption off the premises.

No customers shall be permitted to leave the premises with any glass container. Alcohol to be taken away from the premises will be decanted into plastic containers.

(Addition)

Patrons permitted to leave the premises to smoke will be limited to 6 people at any one time.

Once patrons have left the premises with decanted alcohol they will not be permitted to return to the premises.



Licensing Act 2003, Schedule 12, Part A
Regulation 33, 34

Premises licence number

PL1169

Premises name

SILKS 2

Part 1- Premises details

Postal address of premises, or if none, ordnance survey map reference or description

177 – 181 Rushey Green

Post town London

Post code SE6 4BD

Telephone number

Premises licence holder name

Marie Samuel

Original Grant Date: 20th February 2017
Minor Variation: 26th January 2023

Directorate for Community Services
Safer Communities Service
Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW

Director of Communities,
Partnerships and Leisure
Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol
for consumption ON the premises

Regulated Entertainment
Live Music
Recorded Music
Performance of Dance

Late Night Refreshment

Seasonal Variations

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

09:00 – 01:30am Sunday – Thursday
09:00 – 04:00am Friday – Saturday

Regulated Entertainment

09:00 – 02:00am Sunday – Thursday
09:00 – 04:30am Friday – Saturday

Late Night Refreshment

23.00 – 02.00am Sunday – Thursday
23.00 – 04.30am Friday – Saturday

Seasonal Variations

Boxing Day, New Year's Eve, New Year's Day, Easter Sunday
9.00 – 4.00am Sale of alcohol
9.00 - 4.30am Regulated entertainment

The opening hours of the premises

09:00 – 02:00am Sunday – Thursday
09:00 – 04:30am Friday – Saturday

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

ON

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Marie Samuel

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mary Egwenu

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

LEW 5610

London Borough of Lewisham

Annex 1- Mandatory conditions

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

Alcohol all Premises

No supply of alcohol may be made under the Premises Licence.

(a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark or

(b) an ultraviolet feature.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula

$$P = D + (DXV)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Alcohol On License Premises

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Door Supervision

1 Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3.For the purposes of this section:

(a) 'security activity' means an activity to which paragraph 2(J)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31-day period. The CCTV system should be updated and maintained according to police recommendations.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
3. All persons entering the premises shall be captured on an eye level colour CCTV camera. This camera shall capture the full face of any person entering and re-entering the premises and be available to police officers immediately upon request. The CCTV must also cover the ID scanner and capture the customers being scanned in. CCTV at front and back of building with particular regard to the smoking areas and alleyway at the back of the premises.
4. The CCTV must cover all areas of the venue that the public have access to. There should be no obstructions to any internal camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly covering men's urinals.
5. The smoking area must be covered by CCTV that is to the same standards as the internal CCTV system.
6. The premises shall prominently display signage at all entrances informing customers: -
(‘All persons entering this premise are liable to be searched. Agreement to search is a condition of entry. If persons do not consent, entry will be refused.)
(All persons entering the premise will produce identification),
(Police may be called if drugs or weapons are found.)
(CCTV is in operation throughout this premises and is made available to the police.)
(Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.)
(‘Management reserve the right to refuse entry’)
7. A minimum of 2 SIA registered door staff, of which one (1) must be female and are all employed by an Accredited Contractor Scheme (ACS) registered company. They must be on duty on Friday and Saturday and/or any Club nights from 22:00hrs until 30 minutes after

closing or when the club is conducting licensable activities or any other advertised or private event, this does not include when the restaurant is open. This condition to be reviewed on the successful completion by the DPS of the (ACS) course.

8. A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include: full name, SIA badge number, time of commencement of duties. The security operative should then sign their name.
9. At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.
10. All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
12. The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear if lawful to do so.
13. The license holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
14. All customers who enter the premises after 22:00hrs on Club nights must have their personal details recorded by an electronic scanner (such as a club scan or scan net).
15. All customers, promoters and DJ's entering the premises after 22:00 on Club Nights shall have their personal details recorded by an electronic identification scanner. This scanner must record the identification produced and time of entry of any person. This information must be made available to police or Local Authority Officers immediately.
16. There shall be no admittance or re-admittance to the premises after 02:30 unless they are booked promoters or DJs.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g., to smoke, shall not be permitted to take drinks or containers with them.
19. No customers shall be permitted to leave the premise with any glass containers. No alcohol to be sold for consumption off the premises.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. The smoking area at the rear of the premises shall be kept clear from any debris and no access to the car park/garden for customers. A doorman should be on site in the smoking area when in use to ensure that no customers enter from this area, and nothing is passed over the fencing from outside the premises.
22. Unaccompanied children are not permitted on the premises.
23. No children permitted on the premises whilst adult entertainment is in progress.
24. There shall be no payment made by or on behalf of the license holder to any person for bringing customers to the premises off the street.
25. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
 - (i) advertise a number for complaints from the public and all complaints to be recorded in the incident book.
26. A record book of banned individuals shall be held by the SIA registered door supervisors at the front door and will be made available to Police and Council upon request.
27. The premises shall have a written dispersal policy including addressing parked or stationary vehicles across outside the front of the premises. All door staff shall be knowledgeable of this policy and able to enforce it.

28. The license holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
29. When required, staff organize taxis to transport customers are seen off the premises and encouraged to disperse at closing.
30. As soon as possible, and in any event within 1 month from the grant of this license, the premises shall join the local crime reduction partnership (Safer Lewisham) and local radio scheme.
31. Polycarbonate/plastic/toughened glass drink ware is to be used by **all** persons, all alcoholic and 'soft' drinks are to be decanted by premises staff into such drink ware at the point of sale on club nights, except for Champagne, Sparkling wine and spirits sold by the bottle.
32. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
33. A currently qualified first aider must be employed on the premises after 22:00 on Club Nights. The venue will also provide first aid facilities commensurate with the type of event and customers expected.
34. A promotion event risk assessment form will be completed and submitted to the Metropolitan Police for any events other than regular resident DJ's no later than 14 days before the event is due to take place.
35. An Attendant shall be on duty in the cloakroom during the whole time that it is in use on Club Nights.
36. A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer. The limiter must be sealed in such a way that no unauthorised person can tamper with it. The level should be set in the presence of an authorised officer of the Crime Enforcement and Regulation Service of the London Borough of Lewisham.
37. An appropriately qualified acoustic engineer must be engaged to carry out an acoustic report for both sound insulation, egress and dispersal with appropriate recommendations as to how statutory nuisance can be mitigated appropriately.
38. During the 30-minute cool down period after sale of alcohol ceases, the volume of any music being played must be decreased.

Annex 3 - Condition attached after a hearing by the licensing authority

Annex 4 - Plans

Full plans available at Licensing Services London Borough of Lewisham

Ground floor – Plan reference – SLK201

