



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 t 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.

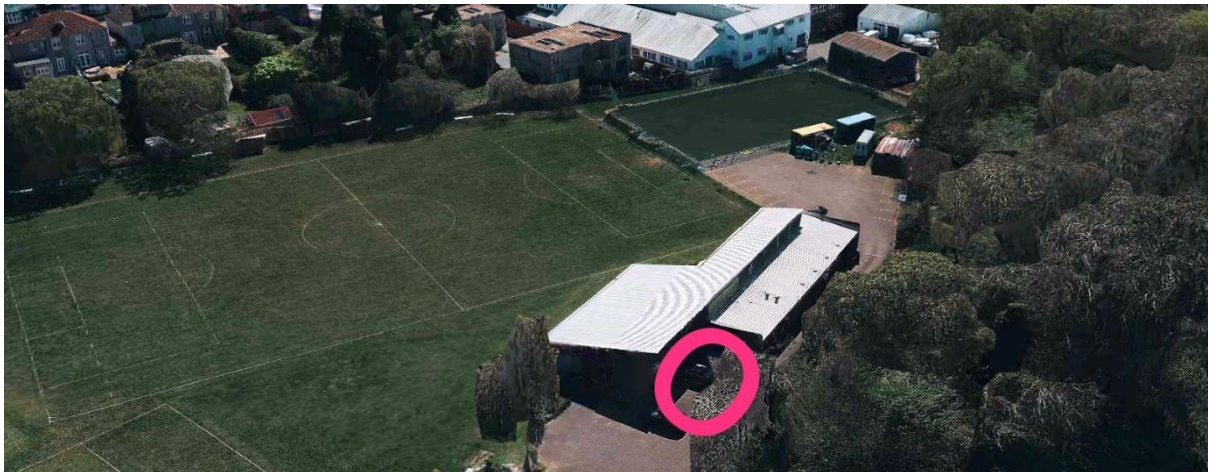
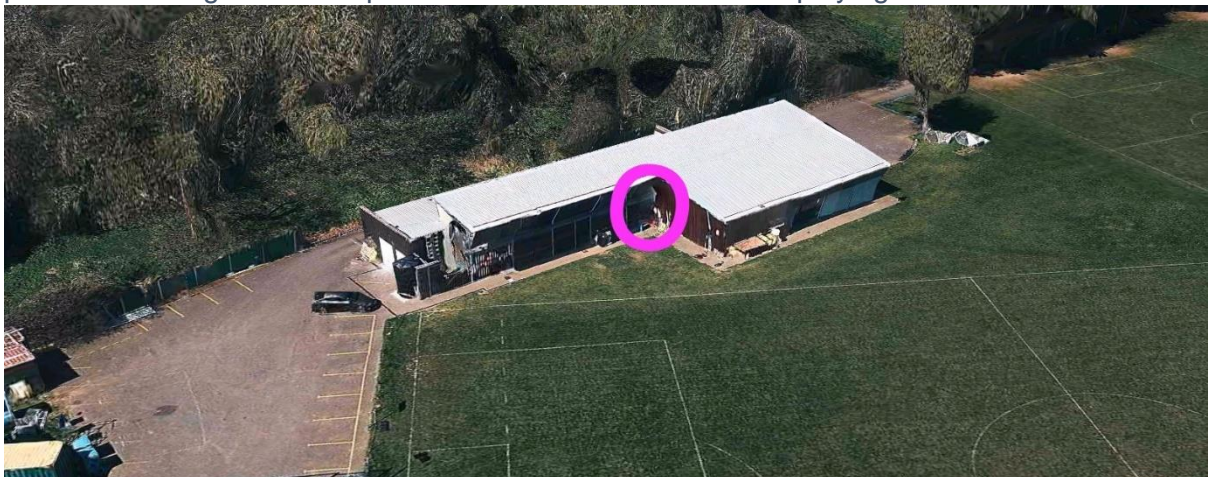


Image 3 – Close up of the “rear” of the clubhouse. The circle shows the position of what is described as the “side door”. This door is underneath a canopy, which could well exacerbate any noise escape and direct it towards the nearest residential properties. For this reason, the premises has agreed to 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 'R. Lockett', is enclosed in a light grey rectangular box.

Richard Lockett

Safer Communities Senior Officer - Licensing