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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 27 FEBRUARY 2024 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Councillor Anifowose (Vice-Chair) Councillors, Brown Howard, Kestner, Shrivastava and Warner.

Apologies for absence were received from Councillors Atkinson, and Huynh Jackson.

Also Present

Rachel Lyne - Legal advisor
Angela Mullin - Safer Communities Officer
Richard Lockett - Safer Communities Senior Manager - Licensing

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

Applicant

Michael Stewart – Applicant

Objector

Paul Palmer- Representing Ten Em Bee Sports Development Centre

1. Minutes

RESOLVED that the minutes of the meeting of Licensing Committee held on 13 December 2023 be confirmed and signed.

2. Declarations of Interests

None.

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

- 3.1 The Chair welcomed all parties to the Licensing Committee. She introduced those present and outlined the procedure to be followed for the meeting. She then invited the Safer Communities Senior Officer to introduce the application.

Introduction

- 3.2 Ms Mullin said that this hearing was being held to determine a review application made by two members of the public in relation to Ten-Em Bee Sports Development Centre The Pavilion 120A Old Bromley Road BR1 4JY. The application was received on 5 January 2024 and served as per requirements. The last date for receiving representations was 2 February 2024 and during this consultation period, 5 representations and one petition were received in support of the Ten Em Bee club. No objections were received from local residents or any responsible authority. The club had submitted documents to the review and were included in the agenda. The Safer Communities Officer in the licensing team had also submitted a report.
- 3.3 Ms Mullin then outlined the options available to members when making their decision.

Applicant

- 3.4 Mr Stewart said he was addressing the Committee on behalf of residents in Meadowside Court. He wished to make clear that they valued Ten Em Bee in the community and did not wish to impede the valued service they provided in Downham. The noise nuisance had improved, and he thanked Ten Em Bee and licensing officers for their co-operation. However, before the review application, residents had been suffering from noise nuisance and had not been able to sleep until the noise ceased after midnight. The impact on their wellbeing had been too great to ignore.
- 3.5 Mr Stewart proposed two positive steps forward. Dialogue was the first; residents would be willing to engage directly with Ten Em Bee. Secondly, residents were willing to consider a mutual agreement and he suggested that events should end at 11pm as recommended in the Council's licensing policy. Many successful events were held at the premises including on New Year's Eve; residents did not want to impede these special events. He made suggestions about how noise nuisance could be reduced. He looked forward to finding a solution for all parties which enabled them to thrive together in this location.
- 3.6 Councillor Howard said that the relationship between the parties had improved, and she asked the objector what he hoped to achieve from this review. The objector said that there had not been any objections since the application to review the licence was made in January 2024 and the work that had been done was appreciated. Residents wanted more dialogue or adjustment to the licence and the hope that good relations would continue. Some physical adjustments could be made to the building in an effort to reduce noise nuisance. The side door caused most of the noise nuisance for local residents.
- 3.7 Councillor Brown asked whether there had been changes to the times of the events. The objector advised that the nature of the events had changed, and they did not end so late. Noise from these events had been at a reasonable level.

- 3.8 In response to a question from Cllr Anifowose, the objector said that prior to the review application, most of the noise nuisance had been created from events held on a Friday and Saturday night. Although events were held during the week, they did not end late, and any noise had not disturbed residents.

Representation

- 3.9 Mr Palmer said that Ten Em Bee strongly believed in communication. It had held the community together over many years and this 'togetherness' had been important during some testing times; most recently during Covid. Whilst feedback was taken seriously, he urged members to consider the broad support that they received from residents for over 30 years.
- 3.10 Ten Em Bee were proud of their community, of Downham and proud to have a BR1 post code and all that it stands for on the boundary with Bromley.
- 3.11 Mr Palmer said that the pressure for local housing stock was understood. Meadow court had been squeezed between an industrial estate, which operated throughout the night as a sorting depot, and a sports club that had a longstanding entertainment licence. It had been operating for a number of years without any noise complaints.
- 3.12 The community had been harmonious for many years. It had been disheartening to receive a complaint from residents in the new build complex, but Ten Em Bee had been part of the community long before the construction of these properties.
- 3.13 Their commitment to operating responsibly and in harmony with neighbours had been paramount and management had taken a pro-active response to mitigate any problems.
- 3.14 Mr Palmer said that there had been a noise complaint listed against their friends from the new studio club on 15 October 2023. It was over 110 metres away from the Ten Em Bee building and further away from the Meadow Court complex. He was surprised that complaints had been received from this complex and no other residents in the area. The local residents had supported Ten Em Bee; they signed a petition and others had submitted letters of support to the Council. This proved that Ten Em Bee had a positive effect on the community.
- 3.15 Mr Palmer said that reducing their entertainment licence based on the evidence of two residents from the Meadowside Court new complex would be unjust and disproportionate because of the support they had received from residents and the contribution they had made to this community. He was proud of the sporting events they held; all funded by events held at the premises. If the ability to generate this income was withdrawn or reduced, it would have a detrimental effect on their ability to supply free football for the youth of the borough. He asked members not to allow the complaints of two people to overshadow the good work of Ten Em Bee and the support received over many years.
- 3.16 Members asked questions and the following issues were raised.

- There had always been a direct dialogue with anyone who had any complaints about Ten Em Bee. Ten years ago, a noise limiter was installed under the guidance of the local Council to reduce the possibility of noise nuisance. It had been installed because music was played outside the building during the day. A resident had called the local authority, the noise was managed, and the complaint was not taken any further. There had not been any further complaints until the new build was constructed and two residents complained.
- Ten Em Bee had a licence until midnight. For special events, an application would be made for a Temporary Event Notice (TEN) for an extra hour. The premises would be closed by 2am.
- Events were usually held on a Friday and Saturday evening with afternoon events on a Sunday. During the week the premises closed early.
- Following recent complaints, staff ensure that doors close behind patrons when possible and that they leave through the front door not the rear door.

3.17 The Chair invited Mr Lockett to speak. He said that the local authority started to receive complaints about Ten Em Bee in September 2023. He sent the premises a warning letter and outlined potential enforcement action. Meetings had been held with management on two occasions to discuss complaints and how problems could be mitigated in future. Officers also visited one of the residential properties on four occasions since September. Statutory noise nuisance was not witnessed.

3.18 Mr Lockett said that Ten Em Bee had held events under a TEN. The ASB and Statutory Noise Nuisance team objected to a TEN and the event was cancelled. Management advised officers that they would only apply for a TEN for fund raising events in an attempt to reduce the possibility of neighbours being disturbed late at night. The licensee had been open to suggestions made by officers to reduce complaints of noise nuisance from residents. The out of hours team had not received any complaints since 17 December 2023. On this occasion the music was turned off at 11pm but officers did not arrive until after the music had ended. There had not been any calls to the service this year. Since the review application, officers had visited the premises and local area on three occasions. No issues were noted. For this reason, officers did not believe that the hours of operation of the premises should be reduced. Imposing the conditions recommended by the objectors would not be justified, although management had implemented some of these conditions. There had been a marked improvement in the management of events in the last few months. Complainants had been made aware of the Council's out of hours patrols and the Safer Communities Service would continue to monitor the situation with the help of neighbours.

3.19 In response to a question from Councillor Shrivastava, Mr Lockett said that the TEN was refused because it was received at the beginning of officers' investigation following the application for a review of the licence. When management were advised of the refusal, they decided to cancel the event.

Conclusion

3.20 Mr Stewart said that they appreciated the importance of Ten Em Bee in the community, and they did not want to impede the important service in any way. He

asked members to note that although there had been incidents of noise nuisance, there had also been progress in mitigating these problems over the last few months. He hoped that direct dialogue could continue with the licensee and management of Ten Em Bee regarding containing the noise around external doors.

- 3.21 Mr Palmer said that he would be willing to speak to Mr Stewart or any of the neighbours that backed onto the field. He preferred to resolve issues with dialogue rather than going through the Council to ensure a harmonious community.

4. Silks 177-181 Rushey Green SE6 4BD

This application was withdrawn.

The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. All members confirmed their attendance throughout the meeting.

The Chair said that a decision letter would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

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

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

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

The Committee's decision was to take no further steps. Its reasons are as follows:

- a. The Committee heard evidence from both the Applicant and Respondent that the changes made at the Premises in recent months had resulted in a significant improvement in the noise levels such that there had been no issues in 2024.

- b. A series of improvements and changes have been made by the Respondent to address the concerns raised by the Applicants including: no longer applying for Temporary Event Notices for private hire events; limiting the hire of the Premises to members/guests; any external music supplier routes their systems through the Premises sound limiter; reducing the sound limiter level; ensuring windows and doors are closed (saving ingress and egress; restricting access via the front door; displaying signs asking patrons to leave quietly; and providing the Applicant with a direct contact number for the Premises (via the Council).

- c. The Committee heard evidence from the Licensing Authority that the Respondent had fully engaged with their investigation of the noise complaints raised by the Applicants. The Respondent had willingly agreed to take steps to mitigate any public nuisance caused by the operation of the Premises. The evidence from the Licensing Authority and supported by both the Applicants and Respondent demonstrated that the changes that had been made had resulted in improvements to the extent that no reports had been made to the Council in 2024.

- d. Section 9.9 of Lewisham's Statement of Licensing Policy sets out the clear intention of the Council together with the Police and other relevant enforcement agencies to work together with responsible licence holders and for licence holders to work with the Council in acting responsibly. The Committee was satisfied that the Respondent had demonstrated that they were a responsible licence holder and had taken the relevant steps to address the concerns raised by the Applicants.

- e. In light of the evidence considered by the Committee including the submission made at the hearing, the Committee do not consider it

reasonable or proportionate to impose any additional conditions on the Club Premises Certificate

- f. The Committee is satisfied that the hours permitted by the Club Premises Certificate are suitable and heard no evidence to support a reduction in those hours. In addition, the Committee is not permitted to restrict licence holders from making applications for Temporary Events Notices as they sit as a separate mechanism allowing all licence holders to apply for extended hours or licensable activities. Any application for a Temporary Events Notice is subject to consideration by the police and environmental health who can object to the grant of the application if they consider that an event could lead to crime and disorder, cause a public nuisance, be a threat to public safety and/or put children at risk of harm.

The meeting ended at 7.45pm

Chair