

# Public Document Pack

## MINUTES OF THE LICENSING COMMITTEE

Tuesday, 26 March 2024 at 7.00 pm

PRESENT: Councillors Yemisi Anifowose (Vice-Chair), Coral Howard, Yemisi Anifowose (Vice-Chair) and Mark Jackson.

OFFICERS PRESENT: Crime Enforcement and Regulation Officer (x2), Safer Communities Senior Officer – Licensing, Committee Officer and Senior Committee Manager.

Apologies for absence were received from Councillor Bill Brown, Councillor Susan Wise, Councillor Edison Huynh, Councillor Eva Kestner, Councillor Liam Shrivastava and Councillor Luke Warner.

### 1. Minutes

RESOLVED that minutes of meetings of the Licensing Committee held on 27 February and 13 and 14 March 2024 be confirmed as accurate records.

### 2. Declarations of Interests

No interest was declared at the meeting.

### 3. Hospitality in the Wood at Beckenham Place Park, Beckenham Hill Road, BR3 5BS

3.1 The Committee received the report presented by the Safer Communities Officer in relation to an application to vary a license for the premises at Beckenham Place Park, Beckenham Hill Road, London, BR3 5BS.

3.1.1 In considering the report, the Committee noted the Officer's direction that it should be mindful to take the appropriate steps to promote the Council's Licensing objectives after having regard to details outlined therein and representations that would be made during the meeting.

3.1.2 The Committee also noted the following:

- That the license application was submitted on 6 February 2024 by Radioactive Clothing Ltd T/A Slammin Events.
- That the application was advertised in accordance with regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

- That the last day for representations following the public consultation was 5 March 2024, but that deadline was extended to 6 March 2024 because the Blue Notice was dated from 7 February 2024.
- That representations were made by some residents in response to the public engagement exercise regarding the application. Thus, in view of policy requirements, a committee hearing must be held to consider objections received which were not withdrawn at the close of the consultation deadline.
- That no representation was received from the 'Responsible Authorities'.
- That the operational schedule, and the particulars of the variations were as follows:
  - To remove the following from our licence: Weekend festival annually on consecutive weekends to PL1294 to be held between May and September.
  - To add a Friday to the event. Friday activities and hours to match a Saturday following this variation.
  - To extend finish times for the following activities as follows:
    - Live music, Recorded music, Performance of dance and anything of a similar description to that falling within (e), (f) or (g)
    - 22:00 – 22:30 Friday & Saturday
    - 21:30 – 22:00 Sunday
  - To extend the sale of alcohol for consumption ON the premises as follows:
    - 22:00 – 22:10 Friday & Saturday
    - 21:30 – 21:40 Sunday
  - To extend the closing time on the licence as follows:
    - 22:00 – 23:00 Friday & Saturday
    - 21:30 – 22:30 Sunday
  - To add a further weekend to the licence - To allow two weekend events a year between May and September for up to 3 days over each weekend.
  - To change the existing licence layout and associated plan.
  - To provide a final detailed plan of the internal layout no later than 30 days prior to the events taking place to the licensing authority, responsible authorities and ESAG.

3.2 The Committee was also addressed by an official from Trumps and Lawrence Tuckets Solicitors who advised that he was representing the applicant. The representative echoed statements made by the presenting Officer in relation to the proposed license variations.

3.2.1 The applicant's representative expressed a view to the Committee that the reason why no objection was made by the 'Responsible Authorities' was because concerns raised during the consultation exercise were adequately

addressed by the applicant, which resulted in amendments to conditions aimed at promoting the Council's licensing objectives further as outlined on pages 28 to 29 in the agenda report pack.

3.2.2 The applicant's representative also requested that the Committee should note that the Metropolitan Police (Police) withdrew their representation dated 15 February 2024 because the applicant had willingly agreed to an additional condition suggested by PC Pearce. The Committee's attention was drawn to the fact that because of the applicant's action in that regard, no event would take place on the Saturday, Sunday, and Monday of the August Bank Holiday weekend to avoid clashes with the annual Notting Hill Carnival celebrations in London, and the arrangements leading up to that.

3.2.3 In his closing remarks, the applicant's representative suggested that the Committee should approve the application as no representation was made by the 'Responsible Authorities'. The applicant's representative added that in reaching such a decision, the Committee should give significant weight to the following:

- That the capacity and attendance for the event on the Licensed Site was already 12,000 in accordance with Condition 22 on Page 67 of the agenda papers.
- The number of conditions in the application to achieve the Licensing Objectives.
- The applicant's business track record for holding events on the Licenced Site
- The applicant's experience for several years as a successful operator in managing other event venues.
- Statements in the revised Licensing Guidance in relating to the following:
  - Paragraph 9.12, which required that each responsible authority should be an expert in their respective field; and
  - Paragraph 9.44, which required that "the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business".

3.3 In response to questions raised, the applicant's representative advised the Committee as follows:

- That track records of events operators should be a fundamental consideration in licensing decisions. It was stated that those relating to the applicant were outlined in the summary papers submitted with the licensing application and included:

- Evidence of that the applicant always took steps to work with the relevant experts in relation to safety management plan, noise management plan and traffic management plan to ensure compliance to the Licensing Objectives.
- Evidence that the applicant received encouraging feedback from the Safety Advisory Group and residents, including compliments from the Council's Parks' Team in the way the applicant managed events on the Licensing site last August.

3.3.1 The applicant's representative continued with his response, advising the Committee that it would be unreasonable to attribute concerns about urination by members of the public near residential houses, and those relating to noise pollution and the management of people during and after events on Licensed Site to the applicant because there was no mention about a specific operator or event by complainants.

3.3.2 The applicant's representative concluded his response by stating that the applicant would not accept responsibility for controlling every aspect of behaviour by members of the public's outside of the proposed Licensed Site. Notwithstanding that, the Committee should be reassured that the variation application under consideration consisted of mitigation measures to manage such matters, including the submission of an extensive Traffic Management Plan. He added that the arrangements included local liaisons and the provision of a dedicated telephone line by the applicant for the public to raise pre- and post-concerns and suggestions in relation to the forthcoming events.

3.4 The Committee further noted representations made by two residents on behalf of their neighbours and others living in areas close to the Licensed Site.

3.4.1 The residents' representatives stated that even though the only event hosted by the applicant on the proposed site took place on 19 and 20 August 2023, based on the experiences of earlier events by previous operators, the Committee should consider the following as a prerequisite to approving the application under consideration:

- To keep a 75-metre buffer zone from residential areas close to the application site.
- Mandatory use of Beckenham Park entrance, with stewards redirecting traffic from Beckenham Place Park Road, Southend Avenue and Falstoke Road.
- To keep the gates of all roads that lead up to Beckenham Park should always be closed, except when required for emergency services or for peculiar ad hoc usage/access.
- To have security patrols aimed at limiting anti-social behaviour and littering drug usage stubs.
- That noise levels should be always checked.

- That arrangement should be in place for rubbish collection immediately after the events, and steps taken to make good of any damages to verges and grass in the park.
- To have in place arrangements to enforce ticketing, with a view to control event numbers to make sure of capacity of attendees was appropriate.
- No multiple day event to occur in the park.
- Widely promotion of the telephone hotline for resident to access pre and within a reasonable period post the events to provide feedback.
- The stage area should be rotated in the park so that one set of residents would not be consistently affected by high volume of sound effects.
- That wild life habitats should not be adversely affected pre and post the events.
- That a littering plan should be in place.

3.5 The Committee considered all the submissions made, and upon confirmation that Members were present throughout the duration of the meeting, it

RESOLVED to grant permission to vary the Premises Licence subject to amendments to conditions 54, 55 and 57 of the Premises Licence. The summary of the deliberations and details in the Decision Letter dated 3 April 2024 were as follows:

1. An application was received from Radioactive Clothing Ltd t/a Slammin Events ("**Applicant**") for a variation of premises Licence, PI1376, Beckenham Park Place, Beckenham Hill, Beckenham, BR3 5BS ("**Premises Licence**").
2. The application for variation received representations from a number of local residents. The application did not receive representations from any of the Responsible Authorities.
3. The Licensing Committee held a hearing on 26 March 2024 to consider the application. The Applicant was represented at the hearing and made submission in support of the Application. The Committee also heard submission from two local residents who were speaking on behalf of a number of local residents who had made written representations to the application.

4. In making its decision the Committee has considered all of the papers contained in the report pack together with the submissions and evidence presented by the Applicant and local residents. The committee has also considered the Council's own Statement of Licensing Policy and the Home Office's Statutory Guidance.
5. The Committee's decision is to grant the application to vary the Premises Licence subject to amendments to conditions 54, 55 and 57 of the Premises Licence.
6. The Committee considers that the variation application should be granted, subject to the amended conditions, for the following reasons:
  - a. The Committee received no representations from the Responsible Authorities, including the Police and Environmental Health, that the premises had not been run in accordance with the conditions on the existing licence. There was no evidence before the Committee that any concerns from local residents had been raised with any of the Responsible Authorities in relation to the previous event held by the Applicant on 19 and 20 August 2023 before the variation application was submitted by the Applicant. In all of the circumstances the Committee considers that on the evidence the applicant has run the previous event, held on 19 and 20 August 2023, responsibly and notes at paragraph 1.5 of the Section 182 Guidance the general principle to support responsible premises;
  - b. The concerns raised by the local residents relate to all four licensing objectives. However, other than assertions the Committee has not received sufficient evidence to suggest that the operation of events under the Premises Licence fails to uphold each of the four licensing objectives. In addition the Premises Licence already includes conditions that require the Premises Licence Holder to implement controls that promote each of the four licensing objectives that are directly relevant to the concerns raised by the local residents.

- c. The local residents made a number of representations relating to previous events hosted at Beckenham Park by previous licence holders which were not relevant to the variation application before the Committee and were not considered. The only event hosted by the Premises Licence Holder and relevant to the Committee's determination of the application was the event hosted on 19 and 20 August 2023;
- d. The Committee was satisfied on the evidence before it that the local residents had not been involved in the meeting held before the event held on 19 and 20 August 2023 because they had not been made aware of it taking place. The Committee has decided that it is necessary to strengthen Conditions 54 and 55 to ensure that all local residents are made aware of the residents meetings held before and after an Event as follow (words in bold and italics added):

**i. CONDITION 54**

- 1. The Premises Licence Holder will set up a publicised meeting each year with local residents prior to the relevant Event to discuss the plans for the Event and received residents' representations. **Such meeting to be advertised in a suitable position, in agreement with the Licensing Authority, at the entrance to the Licensed Site giving residents at least 5 working days' notice of the meeting.**

**ii. CONDITION 55**

- 1. The Premises Licence Holder will set up a publicised meeting each year with local residents after relevant Event to receive residents' representations. Such meeting to be advertised in a suitable position, in agreement with the Licensing Authority, at the entrances to the Licensed Site giving residents at least 5 working days' notice of the meeting.

- e. The Committee was also satisfied that some local residents did not have the telephone number to contact the Premises Licence Holder when an event took place to raise concerns about the promotion of the four licensing objectives. The Applicant did give evidence that the helpline had been manned in compliance with condition 57 of the Premises Licence. The Committee has decided that it is necessary to strengthen Condition 57 to ensure that all local residents are able to access the telephone number for the helpline and have amended the condition as follows (words in bold and italics added):

**i. CONDITION 57**

1. The Premises Licence holder will make arrangements for a dedicated telephone line to be made available and manned for the receipt of any complaints from the general public whilst the Event is in operation. The telephone number will be publicised locally, **and in a suitable position at the entrances to the Licensed Site**, and all complaints recorded, full details of all calls received will be provided to the Licensing Authority and/or Responsible Authorities upon request.

7. All parties have a right to appeal the decision of the Committee to the Magistrates' Court within 21 days of this decision notice.

**4. 147 Stanstead Road SE23 1HH**

This Item was WITHDRAWN.

**5. Exclusion of the Press and Public**

Agreed

**6. Convenience Store 407D New Cross Road, SE14 6LA**