

LICENSING SUB-COMMITTEE SUPPLEMENTARY AGENDA

13 October 2021

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

**6 APPLICATION TO VARY A PREMISES CERTIFICATE - GROSVENOR LAWN
TENNIS CLUB** (Pages 1 - 14)

Additional information supplied by the applicant and Objector.

**Andrew Beesley
Head of Democratic Services**

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MN

Mike Bullen - NoiseMeters <mike@noisemeters.com>

Tue 06/07/2021 13:39



To:

Hi Eamonn,

As discussed by phone there are no simple answers to this.

We do have a variety of rental meters that would allow you to quantify the noise levels but I am not sure how much real use this would be. These range from 'point and shoot meters' to a fully specified Class 1 Environmental Noise Meter:

<https://www.noisemeters.co.uk/hire/slm/cel244/>

<https://www.noisemeters.co.uk/hire/slm/ck171b/>

We have weatherproof noise activated signs that you could place outside the clubhouse:

<https://www.noisemeters.co.uk/product/noise-sign/ns-qzon-aw/>

We also have a indoor version (which could be used outdoors on a temporary basis)

<https://www.noisemeters.co.uk/product/soundear/se2ear/>

These signs would immediately raise awareness of noise levels and encourage people to reduce noise levels.

As discussed, initially I would suggest having a chat with your local authority to see if they have any suggestions.

Best regards,

Mike

Mike Bullen
NoiseMeters Ltd

NOISE MEASUREMENT EQUIPMENT

Tel: 0845 680 0312

E: mike@noisemeters.com

W: www.noisemeters.com

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From: JotForm <noreply@jotform.com>
Sent: 06 July 2021 12:25
To: iPad <iPad@jacksons-fencing.co.uk>; acoustic <acoustic@jacksons-fencing.co.uk>
Subject: Acoustic Product Quote or Enquiry Form - 970

This message originated from outside your organization

Commercial - Acoustic Enquiry 970

Full Name	Eamonn flood
Email	eamonn_flood@hotmail.com
Phone Number	07768748837
How would you prefer to be contacted?	Email Phone
Address	Street Address: 23 Grosvenor Gardens City: Upminster County: Essex Postcode: RM14 1DL Country: United Kingdom
What is the acoustic fence to be used for?	Other
Project Information:	Investigating introducing acoustic fencing between our tennis club and our neighbours. At present we have a rendered block or brick wall. Unsure if acoustic timber fencing would improve the situation

You can [edit this submission](#) and [view all your submissions](#) easily.

☐ Hide message history

A

acoustic <acoustic@jacksons-fencing.co.uk>
Fri 09/07/2021 14:19

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Grosvenor Lawn Tennis Club

Merchant ID MCYNQ2MD

30-Aug-2021 00:00 → 29-Sep-2021 08:00

Revenue and tax summary	Number of transactions	Amount
Revenue gross	40	GBP281.44
Taxes		
Net total		GBP0.00
Tax total		GBP0.00
Unassigned		GBP281.44
Revenue		GBP281.44
Revenue by category (gross)		
Uncategorized		GBP281.44
Revenue by employee		
grosvenorltc@yahoo.com	40	GBP281.44
Total	40	GBP281.44
Sales revenue per payment method (gross)		
MC	14	GBP114.34
VISA	26	GBP167.10
Total	40	GBP281.44

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Dear sub-Committee

GLTC brief submission regarding the clubs application to vary our CPC

- Grosvenor Lawn Tennis Club has been located in Grosvenor Gardens for the past 100 years and is a members club comprising off adults and juniors
- The club was granted an alcohol license in 1965.
- For 56 years the club/committee has been under the impression that the alcohol license for the premises included the club house plus outside area. When you examine our existing CPC 1713 there is no mention of the word 'clubhouse' the license only references to the 'premises'. Since 1965 we have renewed our license a number of times and the solicitor acting for the club in recent years was also under the impression that the complete premises was covered under the alcohol license.
- Due to this misunderstanding, which we apologise for, we are here today to request a variation to our license.
- The club has held its alcohol license for 56 years and as far as we are aware there have been no alcohol related complaints from our neighbours, LBH Licensing Authority, the police or the environmental health.
- If our application is approved there would be No additional drinking on the patio, No additional noise and No additional traffic. As our excellent record over the last 56 years is a testament to how well the club is run.
- Our error only became apparent when we attempted to utilise the patio area as Covid restrictions were eased. With the clubhouse still closed we planned to have social distance drinking on the patio and emailed our members, including Mr Martin outlining our plans. We then received an email from LBH Licensing Department advising us of our error in thinking the outside area was included in the conditions of our existing CPC.
- Mr Martin is the complainant and our closest neighbour, he rented his home before purchasing for a considerable period so was fully aware of the activities associated with the tennis club.
- In Mr Martins' submission he wished to object to the addition of a 'beer garden' within the proposed variation. In fact the word 'beer garden' is mentioned 32 times. In reality the club has asked for the variation to include the patio area plus the passage area situated directly outside the clubhouse doors. In our certificate of Lawful Development LBH planning department refer to the area as a 'Spectator Area', which it has been for a 100 years.

- Mr Martins has submitted photographs as evidence of the club using the patio we believe these were taken during finals day which is an annual event, starts at noon and is wrapped up about 6.30. From the photos you can see it's a very civilized event with a few members relaxing on the patio watching tennis. To be honest we have been doing this for the last 56 years, Mr Martin and our neighbours have often joined us on the patio over the years and there have been no complaints.
- In Mr Martin's submission he expresses concerns regarding his children's welfare. These concerns have never materialised and we have never received a single complaint relating to his children being disturbed.
- The club recently took the initiative and arranged a meeting with Mr Martin to discuss his concerns. There were no alcohol related complaints discussed and no mention of the introduction of a 'beer garden'. Mr Martin did have concerns relating to noise generated by the club carrying out its normal activities. As a result of his concerns the club sought the advice of several 'noise' specialists. Unfortunately, the consensus of opinion was it would be very difficult to control the noise which is being generated by the club carrying out its normal activities.
- When Covid restrictions were eased the club erected a temporary gazebo to allow the juniors to shelter from the rain during coaching sessions. At no stage was the area under the gazebo used for 'drinking' during this period. However prior to covid over the years for events such as finals day the club has used the gazebo if the weather forecast was bad.
- Within Mr Martin's submission there are some confusing comments for example. He confirms in item 10/11 he 'objects to the additional 30 minutes on a Thursday' and yet in item 12 he says 'providing our application is refused he would have no particular issue with the clubhouse being able to serve alcohol for the extra 30 minutes'.
In item 5/11 he says 'it is not the noise of customers leaving the premises which is the issue' and yet in item 11 he contradicts this by saying 'Likely to make more (not less) noise leaving at a later time at night.'
- To sum up the club is proud of its record regarding our alcohol license. We feel our members conduct themselves in a reasonable and thoughtful manner. As we have stated there have been no alcohol issues raised with the club from the LBH, Licensing Authority, the police or the environmental health. We feel that our request, if granted, will not increase the current use of the patio, increase the noise level or our membership level. In effect it will continue to operate as it has done for the past 56 years.

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Further representations of Elliot Martin of 25 Grosvenor Gardens, Upminster RM14 1DL dated 7.10.21:

Late on 6 October I received a copy of the submissions by the applicant. My comments in response to these submissions are as follows:

1. It is incorrect for the tennis club to claim that it did not know that the patio was not included within the licensed premises. Following a substantial party in 2018 I explained to two members of the club that the club premises certificate did not allow for drinking outside of the clubhouse. This was then reported to the club's committee and on 2nd October 2018 I received an email from the club's chairman, Mr Mundy, enquiring about a 'problem' that I had with the club's licence. I replied to Mr Mundy on 4th October 2018, explaining that the club's licence did not allow for drinking in the patio area. The club has therefore known since 4th October 2018 that the use of the patio as a beer garden (or otherwise to consume alcohol purchased in the club house) is not permitted by the licence.
2. In 2019 the use of the beer garden for alcohol consumption increased significantly despite the knowledge of the club that this was illegal. If the use of the beer garden is legalised, I expect its use and the noise associated with such use to increase substantially, especially in view of the fact that the club is seeking to extend drinking up times on every day of the week (see point 7 below). It cannot be stressed enough the huge negative impact this would have on my children, who could be kept awake until midnight every day of the week.
3. The applicant has commented on the fact that my wife and I rented our house before buying it and therefore should have been aware of the associated activities at the club. We purchased our house in 2015. The patio was then built in 2016. Before the patio was built the area was not used as a beer garden or as a place where parents now gather as it was just a grassy area with no tables and chairs (just a wooden bench). In recent years the use of the club has also changed significantly in

that the courts are used mainly by a coaching business, which has been allowed to use the patio area as a place where the parents of children having lessons gather and socialise on a daily basis. I have complained to the club about this use but the club has decided not to take any action. Regardless of the outcome of the current application to vary the licence, my wife and I will be seeking, to the full extent possible, enforcement action against the club and/or coaching business to restrict the noise nuisance caused by the coaching business's use of the patio and courts.

4. In October 2020 the applicant obtained a certificate of lawful use in relation to the construction of the patio on account of the fact that it had been built over four years ago. This application for this certificate contains a statement by Mr Mundy that *'The existing use is for spectators/members to watch tennis and for parents to watch coaching activities. Please note – this is the same use as when the area was grass.'* This statement is incorrect because (1) it makes no mention of the use since 2016 of the patio as a beer garden and (2) wrongly states that the area was used by parents before the patio was built. Before the patio was built there were no tables and chairs for them to use and accordingly, they used to sit either on the benches across the front of the clubhouse or inside the clubhouse where there is plenty of seating overlooking the courts.
5. It should be noted that the restrictions on the hours that the club is currently permitted to serve alcohol until and keep the club open until are regularly abused, in particular on Thursdays when members sometimes leave the club as late as midnight. Two of the photos submitted with my original representations show drinking in the patio area. It should be noted that one was taken on a Saturday at 14:52 and the other at on a Sunday at 16:19, both at times when the bar should be closed under the permitted hours in the Club Premises Certificate. The photos submitted with my application are not the only occasions that the patio has been used as a beer garden. As already stated, before the pandemic the patio was used regularly for drinking during the summer. The photos were taken after I became aware of excessive noise coming from the patio.

6. Regarding my meeting with two of the club's committee members in July this year, the club requested this meeting because the club was aware that I had complained to the Council about the use of the patio as a beer garden. My complaint to the Council was entirely related to the consumption of alcohol in the patio area and the noise nuisance that this was causing me and my family. At this meeting, the committee members told me that they would be applying to legalise the beer garden. I explained that if they did this, I would no longer tolerate the frequent abuses of the licensing hours. This is why the club has applied to extend the hours for serving alcohol on Thursdays – so that the members can continue to drink beyond the current permitted hours as they have been accustomed to doing so for many years.
7. I can see from the application form that the applicant is seeking to extend the drinking up time and closing hour on every day of the week. This part of the application was not mentioned in the Blue Notice advert placed on the outside of the club (or presumably the advert in a local paper). As such, local residents will have been unaware of this part of the application and denied their opportunity to object. Further, section I of the application form states that the only variation to the current licensing times is for an extension of 30 minutes on Thursdays from 22:30 to 23:00, which is again materially misleading to anyone reading the application. In fact, this variation application seeks to extend the closing hour by 40 minutes on Thursdays (from 22:50hrs to 23:30hrs), by 40 minutes on Fridays and Saturdays (from 23:30hrs to midnight) and by 40 minutes on Sundays (from 22:50hrs to 23:30hrs). I object strongly to the increase in the hours that the club proposes staying open until every day of the week on account of the noise and disturbance that the members of the club make when leaving already.
8. The applicant has claimed that I have often joined the members on the patio. Although not relevant, this is incorrect. Although I used to be a regular member of

the club and used to socialise inside the clubhouse, I have never socialised or consumed alcohol on the patio.

9. The two representations in support of the application have been made by two committee members of the club (they are directors of the club, although this is not referred to in their representations) who do not live in Grosvenor Gardens. They are supporting the application not because they think that a beer garden operating until late in the evening will be of benefit to local residents but because they wish to use the beer garden.
10. The tennis club has three floodlit tennis courts. It is a condition of the use of these floodlights that they have to be turned off at 9:30pm Monday to Saturday and that they are not to be used at all on Sundays, bank or public holidays. The planning consents concerned were granted by Havering Council (P0465.13 and P0602.09). The object of this condition is clearly to protect residential amenity and prevent the late night use of the outside floodlights becoming a public nuisance. The current variation application that seeks to authorise an intensification of the use of the outside patio, including late at night, would undermine this approach and would, more likely than not, undermine the licensing objective of preventing a public nuisance.