

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 13 October 2021

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION TO VARY A PREMISES CERTIFICATE - GROSVENOR LAWN TENNIS CLUB	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Grosvenor Lawn Tennis Club Grosvenor Gardens Upminster RM14 1DL</p> <p>1. Details of requested licensable activities The application to vary a club premises certificate (CPC) was made by Grosvenor Lawn Tennis Club under s.84 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 3 August 2021.</p> <p>Details of the application Current Club Premises Certificate hours:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th align="center" colspan="3">On supplies of alcohol</th> </tr> <tr> <th align="center">Day</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td align="center">12:00 to 14:30</td> <td align="center">16:30 to 22:30</td> </tr> <tr> <td>Friday & Saturday</td> <td align="center">12:00 to 14:30</td> <td align="center">16:30 to 23:00</td> </tr> <tr> <td>Sunday, Good Friday & Christmas Day</td> <td align="center">12:00 to 14:00</td> <td align="center">19:00 to 22:30</td> </tr> </tbody> </table>	On supplies of alcohol			Day			Monday to Thursday	12:00 to 14:30	16:30 to 22:30	Friday & Saturday	12:00 to 14:30	16:30 to 23:00	Sunday, Good Friday & Christmas Day	12:00 to 14:00	19:00 to 22:30
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		<p>vary the licence as stated in page 12 of agenda pack.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under S182 of the Licensing Act and the Council’s own Statement of Licensing Policy.</p> <p>Where relevant representations are made, the authority must, having regard to the representations and take such of the steps mentioned as follows, as it considers appropriate for the promotion of the licensing objectives;</p> <p>(a) to modify the conditions of the licence; (b) to reject the whole or part of the application</p> <p>Representations against the application have been received from 10 residents and representations in support of the application have been received from 2 residents.</p> <p>Having read and heard all evidence, the Members have made the following decision with reasons.</p> <p>1. <u>To Increase on Sale alcohol on Thursday nights from 16:30 to 22:30 to 16:30 to 23:30</u></p> <p>The Sub-Committee found that increasing the sale of alcohol on sales to 23:00 would cause public nuisance to nearby residents. The members are concerned that the premises is situated in the middle of quiet residential street, which possesses no commercial or licensed premises within it. The character of the street makes it very likely that any noise will travel clearer and further during the night, in particular on a weeknight. By allowing this variation will result neighbouring residents to suffer from sound pollution by egressing club members. The Sub-</p>

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		<p>Committee have already read representations that state neighbouring residents suffer from noise nuisance on Thursday nights and allowing an additional 30minutes of licensable activity in sensitive hours will amplify the issues faced by residents. The Sub-Committee are aware of local schools within the neighbourhood, which suggests that many of the neighbouring residents are likely to be young family with schoolchildren and working professionals. The residents are likely to be to be sleeping or preparing to sleep ahead of their respective endeavours the following day.</p> <p>In addition, the Sub-Committee were told the club accommodates up to 60 persons within the club. The Sub-Committee appreciates that the nature of the club is a tennis club and not a premises set up for retail of alcohol. Never the less, the Sub-Committee accept that the variation can allow up to 60 club members to utilise the hours of 10:30pm to 11:00pm, thus whether the club members leave in a staggered approach or all at once, the sensitive hours in which they leave the club on to a residential street will cause public nuisance to the residents.</p> <p>The Sub-Committee considered whether imposing conditions such a notices, dispersal policy or regular noise observations would be an appropriate step to promote the licensing objective, however, were satisfied due to the location of the club, no condition will be able to competently prevent public nuisance. The Committee also reconciled the principle that beyond the immediate area surrounding the premises are matters for the personal responsibility of individuals under the law, however in this case, the immediate area around the premises are residential homes and naturally noise will be caused by leaving members. Therefore, this variation is refused.</p> <p>2. <u>Variation of opening hours</u></p> <p>During the hearing, the sub-committee were informed by the applicant that they seek no variation in the opening and closings hours of the premises and the request on the application</p>

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		<p>was an error in completing the form. Therefore, no decision is required by the sub-committee.</p> <p>3. <u>Live Music</u></p> <p>No decision is required. The hours sought to play live music falls within the hours of where the club is permitted the on sale of alcohol.</p> <p>4. <u>Recorded Music</u></p> <p>Majority of the hours sought by the applicant to play recorded music falls within the hours where premises are open for the purposes of being used for the sale or supply and as such those hours are deregulated, requiring no licence to play the recorded music.</p> <p>The following hours, where the sale of alcohol is not permitted, does require a licence. Monday to Thursday - 09:30 to 12:00 & 14:30 to 16:30 Friday to Saturday - 09:30 to 12:00 & 14:30 to 16:30 Sunday - 09:30 to 12:00 & 14:00 to 19:00</p> <p>The Sub-Committee found no representations were made against the application to permit the playing of recorded music during the hours stated above therefore the above hours are permitted to play recorded music.</p> <p>5. <u>Variation of Premises Plans</u></p> <p>The Sub-Committee found that allowing alcohol to be consumed on the patio adjoining the club house and on the passage overlooking the courts situated in front of the club house, will cause public nuisance to nearby residents, in particular Mr Martin who is a direct neighbour of the club.</p>

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		<p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>.</p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
A1		
A2		