

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.