

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 22 MARCH 2019

HTH ROOM G90

MINUTES

Present: Councillor Morris (Chair); Deane and Hyde

Officers: Sarah Cornell (Licensing Officer). Rebecca Sidell (Lawyer), and Caroline De Marco (Democratic Services Officer).

PART ONE

75 TO APPOINT A CHAIR FOR THE MEETING

75.1 Councillor Morris was appointed Chair for the meeting.

76 PROCEDURAL BUSINESS

76a Declaration of Substitutes

76.1 There were none.

76b Declarations of Interest

76.2 There were none.

76c Exclusion of the Press and Public

In accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2003, the Licensing Panel considered whether the public interest in excluding the public and press from all or any part of the hearing outweighed the public interest of the hearing taking place in public.

76.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of Item 77. (Item 78 had been withdrawn).

77 QUEENS PARK TENNIS CLUB, TENNIS PAVILION, QUEEN'S PARK, EAST DRIVE, BRIGHTON - APPLICATION FOR A NEW PREMISES LICENCE

77.1 The Panel considered a report of the Executive Director of Neighbourhoods, Communities & Housing in relation to an application for a New Premises Licence under the Licensing Act for Queens Park Tennis Club, Tennis Pavilion, Queens Park, East Drive, Brighton. The applicant Conrad Brunner was in attendance.

Introduction from the Licensing Officer

77.2 The Licensing Officer highlighted the following:

- This was an application for a new premises licence. The application proposed sale by retail of alcohol 12:00 to 23:00 for social gatherings, private parties, internal functions, and community events.
- The applicant had applied to remove the requirement to have a Designated Premises Supervisor by removing the mandatory condition under the Licensing Act 2003.
- Five representations were received from local residents and were attached at appendix C to the agenda. Two representations had been withdrawn. These were from (c) Rachel Myer, page 23 & (e) Matthew Myer, page 26. Mr Durgerian had written to state that if the Panel was satisfied that the QPTC committee and officers would act responsibly and were serious about minimising any negative impact of activities on the local community and especially the neighbours in close proximity to the pavilion, then he could see no reason why the application should be declined. However he asked that clear and precise information on the procedures be followed if problems arose.
- Agreement to Police conditions was set out on page 27 of the agenda.
- A Matrix approach to licensing decisions had been adopted and was set out on page 8 of the agenda. The application did not fit neatly into the Matrix.
- It was confirmed that the application was in the Special Stress Area where there was not a presumption of refusal. However there was a need to make positive proposals. (The report had incorrectly stated that it was not in the SSA).

Questions to the Licensing Officer

77.3 The Licensing Officer confirmed the following:

- An explanation was requested to a quote on page 25 of the agenda, "The License we have applied for is the same as that held by other tennis and bowling clubs across the city. QPTC has not applied for a late night license." The Licensing Officer confirmed that the club would normally apply for a club premises certificate.

Representation from the Applicant

77.4 The applicant, Mr Brunner stated that he had spoken to Rachel Myer, Matthew Myer, Peter Durgerian and Charlotte Macpherson about the application. He had not been able to speak to Gill Palmer but he had provided her with written information.

77.5 Mr Brunner set out his representation which was essentially the same as the information he had supplied to the residents who had made representations as follows:

- "It is important to emphasise that while the public 'blue' notice is required to declare serving hours 11am – 11pm, Monday-Sunday, with a list of all potential events, that does not, of course mean that there is any scope or desire to host events

on that scale. The fact is that QPTC is and will remain, severely limited by the terms of its lease with the council when it comes to hosting or operating food and drink events at the clubhouse. The lease was still being negotiated.

- The Council will not allow QPTC to operate as a commercial venue serving alcohol on a daily basis. They have made that crystal clear to us, partly because they already have an exclusive agreement with the café in the playground. What we have agreed in the terms of the lease is that QPTC is permitted to host a limited number of events, for members and their guests or agreed partners, for which an alcohol license is required. We think that significantly helps the club without inconveniencing our neighbours. There would be in the region of 36 events a year.
- Having that license in place makes these events more popular, generating income which is vital for QPTC. Now that the council is withdrawing tennis funding, QPTC needs to come up with an extra £10,000 a year (over and above our regular tennis income) to cover the cost of maintaining the courts. QPTC put up club membership fees in 2018, and will do so again in 2019, but generating income from the clubhouse is a key part of our financial planning to make ends meet. The bill for courts was £60,000 over 6 years.
- As our current participation figures demonstrate, QPTC is, and always will be, focused on tennis. QPTC won Division 1 and Division 2 of the Brighton & Hove Parks League in 2018. The club has significantly boosted its junior programme – we had 60 kids from St Luke’s on court last week enjoying free coaching. The number of adult groups has more than doubled. The desire to maintain a healthy social element, and for QPTC to remain financially viable, does not contradict our focus on tennis. Kids use the courts every Saturday and Sunday morning.
- Here is a list of potential events for members and guests which we would like to host which significantly benefit the club:
 - Brighton Youth Orchestra string ensemble, performance
 - Pop up restaurant with the Junk Food Project.
 - Wine tasting evening with Butlers Wines.
 - Open Band day, for local bands to come and sing and perform. *
 - QPTC club dinners, e.g. Curry Night, French food night etc.
 - Film or photographic presentations.
 - Family birthdays, baby showers and wakes.
- We have tested a couple of events using modestly amplified music, i.e., a sound box. You can barely hear a thing even from the pavement on East Drive closest to the clubhouse. We’ve had no noise complaints. We’d be happy to demonstrate that to your satisfaction by doing sound tests.
- Evening functions would be strictly limited to either QPTC members and their guests, or responsible organisations such as American Express or the Friends of Queens Park. (For your information, since we started venue hire in October, we’ve not had a single request for a private party for adults. By far the biggest request is for kid’s parties.) No event involving alcohol would take place without the presence and supervision of the QPTC Committee. We would never accept any business from student groups or stag/hen nights, and we are not interested in raves, or any loud event that would upset our neighbours.
- We believe that a properly licensed venue can be beneficial to local residents, because we – the QPTC committee – would be legally required to have a qualified license holder on site, and to follow strict licensing rules about underage drinking, CCTV, taking glasses outside the building, storage etc. The Directors of QPTC

believe most local residents would prefer an orderly licensing arrangement to an unregulated Bring your Own policy.

- The granting of an alcohol license has allowed a number of local rugby, bowls and tennis clubs in our city to continue operating, and QPTC would not want to be at a competitive disadvantage by remaining an unlicensed venue. We believe these clubs make a valuable contribution to their local community.
- As an East Drive resident, I firmly believe that a healthy, active and solvent tennis club is good news for us as residents. That is one of the reasons I got involved in the running of the club. I can see with my own eyes that the less activity there is around our corner of the park, the more anti-social behaviour takes place. Having a half used 'summer pavilion' left cold and empty for months on end attracts the worse kind of attention and is not good for Queens Park. It seems clear to me that increased activity has already helped to reduce the problem of drug taking around the clubhouse, influenced by automatic lighting and CCTV security cameras. It's by no means a magic panacea – the problem won't go away – but we can confirm that we haven't found any needles or drug paraphernalia for several months, which is a significant contrast to 2017 -2018."

77.6 In response to questions the following was confirmed by Mr Brunner:

- People attending parties and outdoor events would use the triangular area in the top left hand side of the plan attached to the papers. This was that area in front of the Club House. Mr Brunner informed the Panel that they could see photos of the area on the Queens Park Tennis Club website. (At this point Members viewed the photos on the Gallery section of the website).
- People attending events would be inside during the winter and outside in the summer.
- Mr Brunner was asked if there would be tables and chairs outside, and to provide information about the numbers of people who would attend events. He was also asked if the largest area faced away from the houses. Mr Brunner explained that the club faced away from houses. People would congregate around the pavilion. The club was not set up to have outside seating. There were benches in the area and on finals days chairs were taken outside. About 80 people would attend finals day. There was a capacity of about 60 without seating for indoor events and 45 with seating.
- It was confirmed that there were likely to be 36 events a year. The club did not have the time and ability to host more events as coaching was going on throughout the week. Mr Brunner had been in conversation with Rob Walker, Head of Operations, City Parks.
- It was confirmed that the application was for the whole terraced area to be licensed.
- The lease with the council was still being negotiated. Mr Brunner was not anticipating that there would be any issues relating to the lease.
- Mr Brunner confirmed that there would be no outdoor music. The music indoors was not loud and had been tested. He was satisfied that it did not cause any undue noise. He had told neighbours that he was happy for them to test the noise level. A bands evening could be managed responsibly.

77.7 The Chair thanked Mr Brunner for giving such an in depth presentation.

77.8 The Licensing Officer confirmed that Bring Your Own did not require a licence.

Summaries

77.9 The Licensing Officer gave the following summary:

77.10 This was an application for a new premises licence for the Queen Park Tennis Club. The Panel had heard a detailed presentation from the applicant. Mr Brunner had informed the persons making representations that the club would be legally required to have a qualified license holder on site. This was not correct. There was the need for a member of the management committee to be on site when alcohol was for sale.

77.11 Licensing Guidance stated that: In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- the Guidance;
- its own statement of licensing policy

77.12 The Panel should consider each application on its own merits. The Panel could grant the licence subject to conditions. Any conditions should be clear, precise and enforceable. Alternatively the panel may refuse the licence if it had been demonstrated that granting would undermine a licensing objective and conditions would be ineffective in preventing problems. If minded to grant, the applicant would be asked to resubmit a plan with a red line to clearly show the licenced area.

77.13 Mr Brunner gave the following summary:

77.14 The club was happy to have a condition that there would be no outdoor alcohol activities after 9pm in the summer. Parties in the winter would take place inside the club house.

77.15 The Panel Lawyer asked if Mr Brunner would be happy to have a condition stating that there be no outdoor activities after 9pm. Mr Brunner replied that if there was a party in the winter it would be held inside in the clubhouse. If the party was held in the summer months he would have plastic cups and people could use the clubhouse after 9pm.

77.16 Mr Brunner confirmed that the licensed outside area would be the terrace and the immediate area directly in front of the clubhouse.

77.17 **RESOLVED** – The Panel’s decision was as follows:

“The panel has read all the papers and considered all the submissions made at the hearing.

The application is for a new premises licence in respect of community premises for the sale of alcohol every day from 12:00 to 23:00. Representations were received from local residents and 2 have since been withdrawn after further clarification of the application from the applicants.

On behalf of the management committee Mr Brunner explained the nature of the application and the activities proposed. It was made clear that the number of events

would be limited by the lease and were not likely to exceed 36 per year. A set of conditions had been agreed with the police. Mr Brunner proposed further conditions.

The panel has decided to grant this application. It is clear that Mr Brunner has made considerable efforts to take on board and address the concerns of the residents. In addition to the conditions agreed with the police he has offered 2 further conditions to go onto the licence:

1. *'No event involving alcohol will take place without the presence and supervision of the Queens Park Tennis Club Committee', and*
2. *During events there will be no outdoor activities (i.e. the terrace area) after 21:00 hours.*

The panel consider that the style of operation and conditions proposed will promote the licensing objectives, in particular that of the prevention of public nuisance, and will address the concerns of the residents."

78 WIMPY, 14 STATION ROAD, PORTSLADE, APPLICATION FOR A NEW PREMISES LICENCE

- 78.1 This item was no longer on the agenda for consideration as the only representation had been withdrawn.

The meeting concluded at 11.02am

Signed

Chair

Dated this

day of

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Signed

Chair

Dated this

day of