

## Decisions of the Licensing Sub-Committee

9 March 2022

Members Present:-

Councillor Linda Freedman  
Councillor Lachhya Gurung

Councillor Claire Farrier

### 1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Lachhya Gurung be appointed Chairman for this Licensing Sub-Committee meeting.

### 2. ABSENCE OF MEMBERS (IF ANY)

None.

### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

### 4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

### 5. REPORT OF TRADING STANDARDS & LICENSING MANAGER - CAMDEN PLAYING FIELDS SPORT SOCIAL CLUB

The Licensing Sub-Committee considered an application for a New Premises Licence, under section 17 of the Licensing Act 2003 for Camden Playing Fields Sports And Social Club Camden Playing Fields Burtonhole Lane London NW7 1AS

### 6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with the Regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations 2005).

Prior to exclusion, parties were notified that the decision of the Sub-Committee would be announced within 5 working days.

### 7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

### 8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE

## DECISION OF THE SUB-COMMITTEE

1. This is an application for a variation of a club premises certificate made pursuant to section 84 of the Licensing Act 2003 in relation **Camden Playing Fields Sports And Social Club, Camden Playing Fields, Burtonhole Lane, London, NW7 1AS** (hereinafter referred to as “**the Premises**”).
2. The variation applied for is to vary the licensing hours for the sale or supply of alcohol, for the addition of the playing of recorded music and for the performance of live music as follows:

Supply of alcohol (on and off the Premises):

Monday to Thursday: 11:00 to 22:30

Friday to Sunday: 10:00 to 24:00

Non-standard hours: licensing activity to be from the start of licensing hours on New Year's Eve to 02:00 on New Year's Day

Provision of recorded music (on and off the Premises):

Monday to Sunday: 10:00 to 00:00

Non-standard hours: licensing activity to be from the start of licensing hours on New Year's Eve to 02:00 on New Year's Day

Provision of live music (on and off the Premises):

Monday to Sunday: 10:00 to 00:00

Non-standard hours: licensing activity to be from the start of licensing hours on New Year's Eve to 02:00 on New Year's Day

The name of the Premises be amended to Old Camdenians Sports & Social Club.

The Application also proposes conditions to be added to the licence as set out in the Application.

3. During the consultation period the Applicant agreed various conditions with the Police, set out in Annex 3 to the Agenda, and the Police say there will be no Police objection if those conditions are imposed on the licence. Those conditions include various provisions including the installation and use of CCTV, age verification checks, off-sales only being permitted in sealed containers, the provision of sufficient staff numbers to secure the safety of patrons and the premises, training and for children to be accompanied by an adult at all times and only when suitable, with any events risk assessed for those that are not suitable.
4. In response to the Application the Authority has received 17 valid representations objecting to the application, which are set out in full in Annex 4 and refer to all four of the licensing objectives. In particular, the objectors refer to the issue of noise emanating from the Premises, particularly at night both generally and from social events held there. Noise nuisance is also stated to occur from patrons when in the car park and whilst leaving the Premises that, it is said, can continue for some time after the Premises have closed. They are concerned that extending the licensing

hours later in to the evening will cause this noise nuisance to continue later in to the early hours.

5. Issues have also been raised about crime and disorder issues, with mention of the Police being called to the Premises on 29<sup>th</sup> January 2022 and the Police also highlighted the lack of adequate CCTV and, “*a lack of knowledge as to who is running the Premises*” as issues preventing the identification of people responsible for causing any issues
6. In response, the Applicant has provided a response to the representations, which is set out in full in the Supplement to the Agenda. This states the club is one of three licensed premises in the area and therefore not all of the issues are due to their club. They also dispute some of the incidents raised by the objectors.
7. At the hearing Mr Salter of the Applicant informed the Sub-Committee the club had been there for 75 years, and he has been involved with the club for around 15 years. The club’s main focus is on sports, but there is a social / bar side as well. In respect of the representations about the noise, he reiterated that the club is one of three in that area, one of which he says is mainly a social club now so not all the noise comes from the Premises.
8. The Sub-Committee heard from Mr Salter that the Premises held 19 events last year for members of the club and these events are only held for members. Regarding the hours and activities applied for, Mr Salter stated this was to provide them with flexibility so they can use the Premises up to those times, or for events, as and when necessary. He stated that since Christmas the Premises had only been open for 12 days and predominantly for sports events. During summer the Premises are open to around 8pm for cricket and other sports matches. Beyond that time, they are only open if they are holding events, and this is predominately in the summer.
9. Mr Salter stated they are not looking to maximize the hours and activities applied for each day but are requesting the hours applied for to provide flexibility with the holding of events. He stated they were willing to accept a condition limiting the number of times the Premises can open late in the evenings.
10. It was also stated that the club did also need to bring in more income and the change of name was so the club’s correct name was used on the licence
11. With regard to the playing of music, the Sub-Committee was informed that their licence previously had conditions for the playing of music but the Applicant queried this with the Licensing Authority a few years ago and they were informed these were on there by mistake and the conditions were removed. The Sub-Committee were informed the conditions were not removed because of a variation application or a review. The Sub-Committee asked about the club’s intention to only play music in the summer months, it was queried what was meant by the “summer months” and were informed that people only wanted to use the outside area when it was sunny.
12. With respect to an incident of an alleged theft at an objector’s property, the Sub-Committee was informed there was no event at the club that night and the Premises itself has been broken in to five times.

13. In response to being asked whether it was reasonable to want to play music until the late hours the Sub-Committee was informed by Mr Salter that they had looked to put everything in to the application so that, for example, they hosted a wedding they wanted to have music outside as well they could do so. The Sub-Committee was also informed that as the existing licence was for both on and off the Premises the Applicant wanted to keep things consistent. Mr Salter agreed the hours might be too much for a Sunday so were willing to concede some hours and that in hindsight they may have done things differently.
14. Of the objectors, Mr Maile and Mr Feszcur were present at the hearing. The Sub-Committee was informed they live in a valley and the sound, including people shouting in the car park, travels and reverberates. The Sub-Committee was told that even when the Premises plays music indoors, that sound also travels as they end up having windows and doors open during summer.
15. Also, they were of the view that if licensing activities were allowed up to midnight, this would mean continuing noise nuisance beyond that time as people left the Premises.
16. The Sub-Committee was told that there are not many people living in the area and so the 17 representations covered most of the residents living nearby.
17. It was suggested to the Sub-Committee that the application be rejected in its current form with the applicant retaining the ability to apply for temporary event notices when needed, or that the Premises be restricted to holding 4 or 5 events a year.
18. With regard to public nuisance, the Statutory Guidance says:
  - 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
  - 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
  - 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More

sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

19. Following amendments to the Licencing Act 2003, the playing of live and recorded music is a deregulated activity for which no licence is required as follows:

Live music: no licence permission is required for:

- A performance of unamplified live music between 08:00 and 23:00 on any day **on any premises**
- A performance of amplified live music between 08:00 and 23:00 on any date on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded music: no licence permission is required for:

- Any playing of recorded music between 08:00 and 23:00 on any day **on premises** authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

20. The Sub-Committee acknowledges that the Premises wishes to have flexibility for the times they can operate and hold events, which they estimate will be held up to 19 times a year. The Sub-Committee also acknowledges that extending the licensing activities and hours will assist the Premises generally in holding such events. The Sub-Committee must consider the application in the light of the licensing objectives and the representations received, which the Sub-Committee was informed had been made by most of the residents local to the Premises. These representations raise a number of issues, but the principal issues concerns that of public nuisance in the form of noise nuisance from the Premises. The Sub-Committee notes that the Applicant refers to two other clubs in the area that they believe are also responsible for causing some of the noise nuisance. That may be the case, however given the representations and the proximity of the objectors to the Premises the Sub-Committee considers it is reasonable to believe that at least part of the public nuisance is being generated by the Premises and the customers using the same.
21. The Sub-Committee notes the suggestion from the Applicant to apply a limit to the number of events held at the Premises, but this would not prevent the Premises remaining open and playing music until late if there was no event going on and this would still not address the potential for public nuisance when events are held.
22. Therefore, the Sub-Committee considers it reasonable to apply a condition prohibiting the playing of live and recorded music in the external areas after 9.00pm Monday to Sunday and for the doors to the Premises not be left open after 9.00pm to reduce the amount of indoor music and noise escaping outside.

23. With regard to issues concerning the prevention of crime and disorder, the representations from the Applicant and objectors acknowledge there has been some disorder from some events and the Sub-Committee notes the Applicant's agreement to the conditions proposed by the Police. The Sub-Committee believes these proposed conditions address concerns regarding this licensing objective and therefore agrees the proposed agreed conditions, renumbered for ease of reference. The Sub-Committee considers that the wording regarding the signage condition should be amended for the purposes of clarity as follows: "*Signage at all exits regarding reminding people leaving the Premises to do so quietly and to be respectful of neighbours.*"
24. No representations were made in relation to the proposed non-seasonal hours to stay open until 2.00am on New Year's Day. For the sake of clarity, the Sub-Committee has not taken in to account those representations that relate to planning issues or other issues not within the scope of the Licensing Sub-Committee.
25. In view of the above the Sub-Committee is of the view that the application be allowed as modified as set out below and the conditions agreed with the Police be applied to the licence, with the condition regarding signage being amended so that it reads more clearly. Furthermore, the Sub-Committee has decided to apply further conditions to limit the public nuisance going outside the Premises in the late hours.
26. Accordingly, the Sub-Committee has decided the licence be amended as follows:
- The name of the Premises be amended to: "Old Camdenians Sports & Social Club"
  - The supply of alcohol for consumption on or off the premises  
Monday to Saturday: 10:00 to 23:00 (as per existing licence)  
Sunday: 10:00 to 22:30  
  
Non-standard hours: licensing activity to be from the start of licensing hours on New Year's Eve to 02:00 on New Year's Day
  - Performance of recorded music on and off the premises  
Monday to Thursday: 11:00 to 22:30  
Friday: 10:00 to 23:00  
Saturday and Sunday: 11:00 to 23:00  
  
Non-standard hours: licensing activity to be from the start of licensing hours on New Year's Eve to 02:00 on New Year's Day
  - Performance of live music on and off the Premises  
Monday to Thursday: 11:00 to 22:30  
Friday to Sunday: 10:00 to 23:00  
  
Non-standard hours: licensing activity to be from the start of licensing hours on New Year's Eve to 02:00 on New Year's Day
  - Additional conditions:

- 1) The supply of alcohol must be at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to the member of the club for the consumption on the premises.
- 2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- 3) Any sale of alcohol for consumption off the premises must be made to a member of the club in person.
- 4) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- 5) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 6) Signage at all exits regarding reminding people leaving the Premises to do so quietly and to be respectful of neighbours.
- 7) Provision of CCTV and alarm systems on the premises. The CCTV system must record footage and store for a minimum of 31 days. This system must be properly maintained and of sufficient quality to enable identification of subjects recorded.
  - Key areas to be covered by CCTV are;
    - o All bar areas where alcohol is served
    - o Comprehensive coverage of all areas where alcohol will be consumed by members
    - o Entrance to the premises
    - o Approach to the toilet facilities
- 8) Suitable external lighting must be installed and properly maintained
- 9) Provision of toughened or plastic glasses for use when needed. The need for these must be risk assessed for any event held at the venue
- 10) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- 11) Appropriate instruction, training and supervision of those employed at the premises. All bar staff must be trained in their responsibilities with regards to the sale of alcohol
- 12) Children to be accompanied by an adult at all times. Children must only be permitted on the premises when it is suitable. Events at the premises must be risk assessed for those that are not suitable. Adults in charge of children on the premises must not be permitted to become intoxicated
- 13) No music (live or recorded) to be played in the outside areas after 21:00 Monday to Sunday.

- 14) The doors to the Premises are not to be kept open after 21:00 Monday to Sunday.
27. The Sub-Committee are satisfied that these hours and conditions are appropriate and proportionate for the promotion of the licensing objectives.

**Right to Appeal**

28. Any party aggrieved with the decision of the Licensing Sub-Committee on one or more grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the Magistrate's Court within 21 days of the date of this decision.

**9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 12:55pm