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Our Ref: ehts/co/sp

24th April 2020

Email

Dear Cllr, Sir or Madam

Re: **OUTCOME OF A HEARING
VARIATION OF THE PREMISES LICENCE AT:
Kent County Cricket Ground Beckenham**

The application for the variation of the Premises Licence at the above address was heard by Licensing Sub Committee and the outcome is shown below.

**APPLICATION FOR A VARIATION OF THE PREMISES LICENCE AT KENT COUNTY CRICKET
GROUND BECKENHAM BR3 1RL**

Date: 11th March 2020

ATTENDANCE

Councillors: Cllr. Robert Evans (Chairman), Cllr. Gareth Allatt & Cllr. Kira Gabbert

Applicant: Kent Country Cricket Club

Applicant's Representative: Alan Hilliker (Licence Holder), Anna Spencer (Site Manager) and Simon Storey (Chief Executive Officer)

Public Health Officer (s): Charlotte Hennessey & Jenny Dickman

Ward Councillor: Councillor Wells

Members of the Public – Three residents spoke at the hearing (and on behalf of their fellow residents).

Council's Licensing Manager: Steve Philips

Council's Lawyer: Raheli Paris

1. SUMMARY OF THE DECISION

The Licensing Sub-Committee having carefully considered the application for a variation of the premises licence at **KENT COUNTY CRICKET GROUND BECKENHAM BR3 1RL**

The Licensing Sub-Committee has made the following decision having regard to:

- the four licensing objectives,
- the Council's current Statement of Licensing Policy
- Guidance issued under the Licensing Act 2003; The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended),
- Written and oral representations by the Applicant,
- Written and oral representations by Local Resident (s),
- Written and oral representations by Public Health(s),
- Written and oral representations by the Ward Councillor(s),

The decision of the Licensing Sub-Committee is as follows:

The **Licensing Sub- Committee decided** to **Grant** the application for a variation of the premises licence subject to the agreed amendments at the Hearing on the 11th March 2020.

The above Hearing was conducted in a manner which the Chairman allowed the Licensing Sub-Committee to hear the views of all parties. At various intervals, questions were asked to the relevant parties in order to obtain clarity and or more information.

2. THE APPLICANT'S CASE:

After introductions were made, the representative for the applicant - Kent County Cricket Club(KCCC) Alan Hilliker (Licence holder) gave a brief background mentioning that he has been a licence holder for 10 years and has been with the KCCC for 15 years. Two other staff of KCCC attended the hearing (see attendance list above) and assisted when explanation or clarification was required.

The Licence holder gave a brief positive history of the KCCC (see also paragraph 7 below), and mentioned that the application is beyond the cricket activities of the Club. In addition to the original application, a document with a summary of a revision to the application was submitted by the applicant before the meeting. The summary document was circulated to all parties at the Hearing (Please refer to the separate summary document (5 pages) see also paragraph 7(c)). Indicating that the above application is a variation to the current licence. The KCCC licence holder mentioned that in Canterbury, KCCC has a similar varied licence in which has been a success, which was echoed by their CEO who mentioned that KCCC is celebrating its 150th years, and the various successes KCCC has had. The changes such as those in the above variation are part of the Club's growth plan.

Kent Country Cricket Club requested for 6 outdoor concerts/films/plays per year, on a maximum of 2 consecutive nights(which is an amendment from the application: 4 music concerts to include 2 films / plays).

That the events are to be finished by 22:30 (Amendment from application from 23:00)

On the Sale of Alcohol: a discussion followed and the applicant mentioned that ideally they would prefer to have a 22:30 finish time for the events and for the sale of alcohol.

The applicant listened and responded to questions from various parties, and appeared to try and find a way forward in addressing some of the objectors' concerns. The applicant agreed to the amendments at the hearing as noted in paragraph 7(d).

3. OBJECTIONS AND SUPPORT TO THE LICENCE:

There were written and oral representations from local residents and oral representation from three local residents who attended the above hearing.

It was noted that: there were no objections from the Metropolitan Police.

The Council's Public Health Team as a responsible authority objected to the above application, on the grounds that, an Events Management Plan, was not as yet submitted by the applicant. The applicant agreed to submit the plan after the above hearing. The plan will address the various technical points relating to noise nuisance; and how to manage noise in outdoor events.

At the above Hearing, one resident mentioned his support for the Club, and mentioned that he understood some of the dispersal constraints it may face.

4. LOCAL RESIDENTS' REPRESENTATION:

Three local residents spoke at the hearing. One of the residents had not registered to speak prior to the Hearing, the Chairman in his discretion allowed the resident to speak). The discussion can be summarised as follows:

Residents raised their concerns regarding a possible increase in noise nuisance, parking, longer opening hours, littering, dispersal delays at the end of an event, and anti-social behaviour.

Prior to closure of the hearing the Chairman asked all the parties if they had anything else they would like to mention before the Licensing Sub-Committee members deliberated. No further points were raised and each party summed up their points.

5. THE WARD COUNCILLORS' COMMENTS:

There were objections representations to the application from Ward Councillors, and one Ward Councillor spoke at the hearing.

The amendments to the above application (see paragraph 7(c)) was welcomed by the Ward Councillor, and by some of the residents noting that, the applicant had made a good effort to listen to the various objections and concerns from the residents.

The Ward Councillor raised concerns as those mentioned in paragraph 4 above, and in addition, a concern of possible anti-social behaviour, floodlights, lack of disabled toilets and delays in exiting the venue as a result of the sale of alcohol close time being 22:30, as proposed by the applicant. The Councillor did express an overall positive view of how Kent County Cricket Club is viewed by some of the residents, and the good long term relationship the Club has had with residents.

6. PUBLIC HEALTH

Written and Oral Objections were received from the Public Health Team.

The main concern raised was; the lack of an Events Management Plan, which would address the noise nuisance issue(s), raised by both the residents and the ward Councillors.

The Licensing Sub-Committee heard representations; and briefly discussed with the applicant, the Public Health officers and the Licensing Manager. The discussion included the acceptable decibels and background noise. It was agreed that the details of the plan will be discussed and agreed with the applicant once the Events Management Plan is submitted to the Council. The applicant agreed to be guided by the Public Health team to achieve an acceptable Events Management Plan which will be used by the KCCC.

7. THE LICENCE

(a) THE APPLICATION FOR A VARIATION OF THE PREMISES LICENCE

The details of the application for the variation of the premises licence is noted in the agenda/application bundle (Pages: 9 of 141 to page 35 of 141).

(b) THE CURRENT LICENCE

The Current Licence is noted on in the agenda/application bundle (Pages 37 of 141 to page 49 of 141).

(c) A SUMMARY TO THE APPLICATION FOR A VARIATION OF THE PREMISES LICENCE -

Subsequent to the Application to vary the Premises Licence submitted by the applicant, a summary of the varied application was submitted by the applicant a day prior to the hearing and was circulated at the hearing to all parties. The summary reads as follows (please click on the attached document which will be printed with the decision):



(d) AGREED AMENDMENTS TO THE ABOVE APPLICATION AT THE HEARING

The additional summary document submitted by the applicant provided some responses to the objections by residents and ward Councillors. The Licencing Sub-Committee having heard all representations, deliberated and agreed to the following amendments:

- The Licensing Sub-Committee granted 2 (instead of the 6) outdoor concerts/films/plays per year, on a maximum of 2 consecutive nights, Fridays, Saturdays or Sundays (Following a Bank Holiday)
- All events to finish by 22:00 hours (instead of 22:30)
- Bars to close by 22:00 hours (instead of 22:30)
- The sale of alcohol to finish at 22:00 hours
- A relevant Event Management Plan to be submitted by the applicant taking into consideration the objections submitted and discussed at the hearing by the public health team – The Document to be submitted prior to the event and concurrently to the Bromley Borough Safety Advisory Group
- The rest of the application for the variation of the premises licence remains as submitted by the applicant.

8. THE DECISION

The Licensing Sub-Committee decided to **Grant** the licence in relation to the above application for a variation of a premises licence subject to the agreed amendments made at the Licensing Sub-Committee Hearing. The Licensing Sub-Committee when deliberating took into consideration the following:

- a) All the licensing objectives, the relevant licensing policies and guidelines in relation to the above application. It looked at the application as a whole, and all the steps which the applicant intends to take to promote the licensing objectives.
- b) All points raised by all parties (including those from the responsible authorities) in the application bundle and at the Licensing Sub-Committee hearing.
- c) The Metropolitan Police did not object to the above application.
- d) The applicant agreed to submit an Events Management Plan to be agreed with the Council's Public Health Team. The plan would address the noise concerns raised by the residents and the Ward Councillor.
- e) The applicant agreed to the amendments at the above hearing.
- g) That the applicant has agreed to reduce the hours of the sale of alcohol and the closing time of the events.
- h) The applicant has agreed to all the relevant policies and conditions in the licence, and has shown good intention to uphold the licensing objectives ,and to listen to resident's concerns.

- i) The relevant Licensing Act provides for a review process for any licensing premises which can be utilised whenever it is required.

The Sub-Committee believes that the above mentioned reasons, agreed amendments that are incorporated into the varied premises licence are necessary, in order to uphold all the licensing objectives. **In conclusion** the Licensing Sub-Committee in line with the relevant policies and guideline made the decision that: the above variation to the premises licence application to be **granted with the relevant amendments agreed at the Licensing Sub-Committee Hearing and the above full decision.**

The parties have a right to appeal to the Magistrates' Court within 21 days from the date of this decision notice.

Appeals against a decision of the Licensing Sub Committee

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.
2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.
3. **It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent).**

If an appeal is not made now the licence can be "Reviewed" at any time by the Council on receipt of an application by any local resident / business or one of the "Responsible Authorities"

Reviews must be based on one or more of the four licensing objectives below

1. Prevention of crime and Disorder
2. Prevention of Public Nuisance
3. Public Safety
4. Protection of Children from Harm

For more information on "reviews " contact the Licensing Team or see the Website www.bromley.gov.uk.

If you have any questions or problems please do not hesitate to contact me on the above telephone number.

Yours sincerely

Steve Phillips
Licensing
London Borough of Bromley