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## 1. THE APPLICATION

On the 25 June 2019, Mrs Lesley Schwartz submitted an application on behalf of The Parsons Green Sports And Social Club Limited ("the applicant") for a premises licence to be granted in respect of the premises known as The Parsons Green Sports And Social Club, Broomhouse Lane London, SW6 3DP.

### 1.1. Application Requested

The applicant has applied for a new premises licence for the provision of late night refreshment and the sale by retail of alcohol as outlined below.

#### **Exhibition of a film – Indoors**

Monday	19:00 -23:00
Tuesday	19:00 -23:00
Wednesday	19:00 -23:00
Thursday	19:00 -23:00
Friday	19:00 -23:00
Saturday	19:00 -23:00
Sunday	19:00 -22:00

#### **Performance of live music – Indoors**

Monday	19:30 -23:00
Tuesday	19:30 -23:00
Wednesday	19:30 -23:00
Thursday	19:30 -23:00
Friday	12:00 -16:00 and 19:30 -00:00
Saturday	12:00 -16:00 and 19:30 -00:00
Sunday	12:00 -16:00 and 19:30 -23:00

#### **Playing of recorded music – Indoors**

Monday	11:00 -23:00
Tuesday	11:00 -23:00
Wednesday	11:00 -23:00
Thursday	11:00 -23:00
Friday	11:00 -01:00
Saturday	11:00 -01:00
Sunday	12:00 -23:00

#### **Entertainment similar to music or dance – Indoors**

Monday to Sunday	19:00 -23:00
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#### **Provision of late night refreshment – Indoors**

Friday	23:00 -01:00
Saturday	23:00 -01:00

#### **Sale by retail of alcohol – On the premises**

Monday	11:00 -23:00
Tuesday	11:00 -23:00

Wednesday	11:00 -23:00
Thursday	11:00 -23:00
Friday	11:00 -01:00
Saturday	11:00 -01:00
Sunday	12:00 -23:00

**Hours premises open to the public**

Monday	08:00 -23:30
Tuesday	08:00 -23:30
Wednesday	08:00 -23:30
Thursday	08:00 -23:30
Friday	08:00 -01:30
Saturday	08:00 -01:30
Sunday	08:00 -23:30

A copy of the application can be seen on pages 13-28 of this report.

**1.3. Applicants Operating Schedule**

The applicant has proposed steps to promote the four licensing objectives. In section M of the application, the applicant refers to 'Attachment 3' which was submitted as a supporting document to the application. A copy of all supporting documents submitted with the application can be seen on pages 35-46 of this report. A copy of 'Attachment 3' can be seen on pages 43-46 of this report.

**2. BACKGROUND**

The premises are located on Broomhouse Lane. The premises intend to operate as a Clubhouse with external sports facilities. A copy of the proposed plan can be seen on pages 29-32 of this report.

The main access to the premises unit is located on Broomhouse Lane. The area consists mainly of residential premises. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 33-34 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Broomhouse Lane area. There is a sixteen minute walking distance from the premises to Putney Bridge tube station. Imperial Wharf train station is a twenty-two minute walk away from the premises.

**3. CONSULTATION**

A public notice was displayed at the premises for 28 days. The application was advertised in a local circular and all statutory consultees were notified as required by the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

### **3.1. Relevant Representations**

The licensing section received four representations from local residents towards the application. A copy of these representations can be seen on pages 47-55 of this report.

On the 02 August 2019, a copy of the application was sent to all interested parties. At the time of writing this report, the licensing section received one response from local resident Mr William Garner upholding his representation. A copy of this correspondence can be seen on page 56 of this report.

## **4. OTHER INFORMATION**

### **4.1 Enforcement History**

There have not been any warnings, simple cautions or prosecutions given in respect of the premises.

## **5. POLICY CONSIDERATIONS**

5.1. Section 5.1 page 12 of the Statement of Licensing Policy ("SLP") states that where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times; and
- Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative.

5.2 Section 5.2 page 12 of the SLP states that the Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example, if the closing time on the application is stated as 12 midnight, the latest time that a licence would be granted to serve alcohol would be 11:30pm, as the Licensing Authority will normally allow a minimum of 30 minutes to consume alcohol that has been purchased before the terminal hour.

- 5.3 Section 5.3 page 12 of the SLP states that in determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.
- 5.5 Section 6.1 page 13 of the SLP states that in determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 5.7 Section 8.1 page 15 of the SLP states that the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises.
- 5.8 Section 8.2 page 15 of the SLP states that the Licensing Authority will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti-social behaviour occurring elsewhere after customers have left the premises.
- 5.10 Section 9.1 page 17 of the SLP states that the Licensing Authority will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place.
- 5.11 Section 10.1 page 18 of the SLP states that the Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met.
- 5.12 Section 10.2 page 19 of the SLP states that in considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour.
- 5.13 Section 10.3 page 19 of the SLP states that The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- One of the most common complaints the Licensing Authority receive is about nuisance caused by customers as they leave licensed premises at night. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times;
- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and/or Interested Parties relating to potential nuisance from any activity at all times dependent on the merits of the application/steps taken or proposed to prevent nuisance;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises; and
- Any other relevant activity likely to give rise to nuisance.

5.19 Section 11.1 page 20 of the SLP states that the Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

## **6. DETERMINATION**

6.1 In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Grant the application in full.
- (b) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them.
- (c) Refuse to specify a person in the licence as the designated premises supervisor.
- (d) Reject the whole or part of the application.

It is the Council's duty under the Licensing Act 2003 ("The Act") to determine applications with a view to promoting the four licensing

objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

In reaching a decision the Council shall consider the details of any relevant representations received; the applicant's Operating Schedule; the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Act.

If the Committee is minded to grant the application, conditions may be attached to the licence to alleviate the concerns raised through representations.

## **7. PROPOSED CONDITIONS**

7.1 It is the Council's duty under the Licensing Act 2003 ("The Act") to determine applications with a view to promoting the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

In reaching a decision the Council shall consider the details of any relevant representations received; the applicant's Operating Schedule; the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Act.

The operating schedule and the comments made by responsible authorities and residents are clearly important considerations.

Should Members of the Licensing Sub Committee be minded to grant the application it is requested that consideration be given to any additional conditions to promote further the licensing objections that may be offered by the applicant at the hearing.

Accordingly, the Act imposes the following mandatory conditions upon this licence:

### **1. Mandatory Condition**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

## 2. Mandatory Condition

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

## 3. Mandatory Condition

1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

## 4. Mandatory Condition

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## 5. Mandatory Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### 6. Mandatory Condition

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.