

# Licensing Sub-Committee

## Supplementary Agenda C

Wednesday 31 January 2024 at 6.30 pm

This meeting will be held remotely

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### MEMBERSHIP

Administration:	Opposition:
Councillor Mercy Umeh (Chair) Councillor Florian Chevoppe-Verdier	Councillor Dominic Stanton

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### Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: [youtube.com/hammersmithandfulham](https://youtube.com/hammersmithandfulham)

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Date Issued: 26 January 2024

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31 January 2024

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## Padel Social Club

### SUBMISSIONS OF APPLICANT

1. This application is for the grant of a premises licence in respect of the Padel Social Club, Empress Place, London. The details of the licensable activities and hours now being applied following mediation are set out at the bottom of Page 4 and top of Page 5 of the Agenda.
2. There were originally 16 representations from interested persons but notably none from any of the Responsible Authorities. Following mediation with [REDACTED] from the Residents Association and correspondence from this firm, 14 of those interested parties subsequently withdrew their objections leaving just 2 interested parties maintaining their objection.
3. It is a source of considerable frustration that the 2 remaining interested parties have failed to engage with either the Applicant, despite the offer to meet and discuss their concerns further. The Licensing Officer has made many attempts to contact both by email.
4. We invite the Councillors to take into account the “Design and Access statement” at pages 30-95 of the Agenda, as this provides a wealth of information on the purpose of the Club and how it will operate. It will be a significant community asset which is indeed acknowledged by more than one of the interested parties.
5. The sale and consumption of alcohol on the premises is very much an ancillary part of the “offer.” It is anticipated that players and spectators would only spend a short time post-match enjoying refreshments before leaving. Non-alcoholic refreshments will of course be equally available. This is exactly the sort of diverse premises that the Local Authority should be encouraging.
6. The Secretary of State’s Guidance issued under section 182 Licensing Act states that licensing authorities should look to the Police as the main source of advice on crime and disorder (para 2.1). Further para 9.12 of that guidance states: *“each responsible authority will be an expert in their respective field and in some cases, it is likely that a particular responsible authority will be the main source of advice in relation to a particular licensing objective.”*
7. The 2 interested parties refer broadly to anti-social behaviour and public nuisance, principally noise. The police and environmental health officer are, in light of the aforementioned guidance, to be considered by the Committee as the relevant “experts.” Neither oppose the application.
8. We would therefore respectfully invite the Sub-Committee to attach considerable weight to that fact, not least given there is no other tangible evidence put forward by the remaining 2 Interested Parties which outweighs or contradicts the views of those experts. Indeed, the representations are, in this respectful submission, nothing more than an expression of fear of what might happen but without a credible foundation for

having that fear, given the nature and character of the premises and the complete lack of engagement to discuss their concerns.

9. Both raise the issue of whether it will impact on the Emergency Services having access. This is certainly not the case. If this were an issue then planning permission for Padel would not have been granted and certainly the Responsible Authorities would have objected.
10. The premises has already operated under Temporary Event Notices (TENs) in conjunction with PlayaX who were running Beach rugby alongside the Padel Tennis when the Rugby World Cup was on. This covered the sale of alcohol over 23 days over 8 weekends between September and October 2023. There were no complaints received. If operating licensed premises from this location was going to have a negative impact on the licensing objectives, then there surely would be evidence of that during this period which the interested parties could have referred to in their representations.
11. The conditions offered in the application and those subsequently agreed with the police and interested parties are appropriate and proportionate in reassuring the Sub-Committee there will be no negative effect on the cumulative impact directing themselves to the prevention of crime and disorder and public nuisance. There are of course no conditions attached to Temporary Event Notices and further reassurance on the professional and responsible way the site will be operated is demonstrated by those events taking place without issue.
12. The Sub-Committee are invited to consider these conditions alongside the nature and character of the premises and the clientele that the premises will attract to the local area. The sale of alcohol at this premises is ancillary to the playing of padel tennis. It is a unique premises which must be considered in that context rather than simply viewing it as a premises which sells alcohol. Entirely different considerations must, in our respectful view, be in play than if we were applying for a premises licence for say a bar.
13. In the unlikely event the Sub-Committee has any outstanding concerns, rather than going on to refuse the application, I respectfully invite you to consider whether those concerns can be resolved by imposing other conditions to address those concerns. Were you minded to impose other conditions, we would welcome the opportunity to discuss those prior to the decision being announced.
14. There is no assertion by either interested party that the applicant is not "fit and proper" nor that the establishment would not be well managed. Their comments appear to have no credible evidential basis and respectfully we invite the Committee to conclude they are no more than expression of their opinion, a fear of what might happen. We also invite the Committee to accept they are not linked to the licensable activity and are more general, in not wanting to have the premises there at all. That is a matter already determined by the Planning Authority.
15. In any event is incumbent on the Committee to attach the greatest weight to the expert opinions of the responsible authorities, none of whom object to this application.

## **Conclusion**

**16.** The Licensing Act 2003 was intended to be a permissive Act. To allow responsible operators to flourish and to be prohibitive or restrictive to those who were not. The protection the Government introduced in the Act to promote that underlying principle was the ability for anyone to review a premises licence at any time. It is a quick and easy remedy for interested parties and responsible authorities to get a Sub-Committee to review a decision to grant a licence. It is on such an application that evidence can be tested properly of the impact of the premises, rather than the position we have here, which is an expression of fear of what might happen.

**17.** Given that:

- i) planning permission has been granted and this application is within the terms of that permission.
- ii) no Responsible Authority has made a representation.
- iii) no credible evidence has been adduced by the interested parties.
- iv) the interested parties failed to engage in the process.
- v) the premises has already been used for the purposes for which the application has been made over several weekends and no issues arose.
- vi) the sale of alcohol is very much an ancillary part of the reason why someone would go to the premises.

And

- vii) the conditions proposed are both proportionate and appropriate.

we invite the Committee to grant the application in the amended terms set out in the Licensing Officers report without further amendment or additional conditions.

**Jon Wallsgrove**

**John Gaunt & Partners**

**Solicitors for the Applicant**