

Additional Comments 3 On Objection to Application 2022/00010/LAPR | Licensing Act - Premises Licence | Open for Consultation | Tea Rooms Bishop's Park Bishop's Avenue London SW6 6EA

Correspondence with Steve Holiingworth, Assistant Director Leisure, Sport & Culture, LBHF And Map of Bishops Park showing different areas of the park that were given at different times to the public from the Church commission.

Dear Steve,

The licensing department have now written to all 165 objectors with details of amendments to the above application including the parks departments comments that they are now content with the application, subject to police amendments and the lease.

I received an email from you on Friday February 4th saying that, 'I can confirm I have spoken to the applicant and he is revising his application to exclude evening events' As I said in my email of the same day, there is a confusion here about private events and your contractor applying for a premises licence.

I also note that alcohol is still proposed to be served until 8pm at night in the spring and summer months.

I am still waiting to hear from you with the answer to the following questions.

1. Could you please confirm whether your department has given or intends to give any permission to the contractors to hire out the park café for private events in the day or night?

I am sure that you are aware as landlords on the lease with this contractor and the managers of Bishops Park that one of the covenants which LBHF (The Vestry), are bound by with regard to the use of the park clearly states,

'That the said hereditaments and premises hereby conveyed and every part thereof shall at all times hereafter be appropriated kept and maintained by the Vestry then successors and assigns as an open space for perpetual use thereof by the Public for exercise and recreation and shall not at any time or times be appropriated converted or used or permitted or suffered to be permitted appropriated converted or used for any other purposes or purposes whatsoever.'

It would therefore be a prima facie breach of these covenants to allow private hire of the park cafe in Bishops Park at any time of the day or night.

The licencing committee need confirmation of this if any mention about events still remains in the application. Furthermore, even if there is no such mention of events left in the application, confirmation of this covenant still needs to be given by the parks department to the licensing committee, with regard to any future temporary event licences that the applicant may try to apply for, that would also be discussed at the forthcoming hearing - Temporary Event Licences only go the police and noise nuisance for comment, and not back to the licensing committee if a licence is already in place for a premises.

Therefore, in this case the licensing committee would need to know from the parks department whether there was anything that prevented the applicants from applying for a temporary event licence, for a private event, in the future, which in this case there clearly is, before the hearing stage. This is particularly relevant if the committee are being asked by any objectors to make the exclusion of any such applications a condition of the granting of a premises licence, which in this case I can confirm they will be. This is a very important procedural point.

This direction about private hire, from the managers of the park, therefore needs to be part of 'fit for purpose' comments that the parks department provide to the licensing committee as part of the statutory consultation process in this case.

2. Can you please confirm if your department has given or intends to give permission to the contractors to play amplified music at the park cafe in Bishops Park.

I'm sure that you are aware as landlords on the lease with this contractor and the managers of Bishops Park, that one of the covenants which LBHF (The Vestry) are bound by with regard to the use of the park clearly states,

'That the Vestry successors and assigns shall not do or suffer to be done to any part of the said hereditaments and premises hereby conveyed any act deed matter or thing which may be or tend to the nuisance damage annoyance or disturbance of the Commissioners their successors or assigns or the owners or occupiers of any property in the neighbourhood.'

This covenant is an even lower threshold for challenge than noise nuisance legislation.

If the applicant is still requesting permission to play amplified music at any time of the day or night as part of their application, then the parks department need to communicate the terms of this covenant as part of a 'fit for purpose' response to the licensing committee in the statutory consultation process in this case.

3. Could you also please confirm that the sale of alcohol in this location does not breach of any of the covenants in place in this part of the park.

We believe that additional covenants that relate to West Meadow, where the park cafe is situated, may specifically prevent the sale/consumption of alcohol (we have not yet had sight of these particular covenants).

Again, confirming whether or not this application can be considered by the licensing department from the point of view of any alcohol prohibition covenants in this part of Bishops Park, must form part of a 'fit for purpose' response to the licensing committee from the parks department in the statutory consultation process in this case.

Failing to advise the licensing committee on these 3 points, so that such advice can be included in the hearing papers, even more so as they have now been specifically raised, would in our view constitute a failure in your departments duty of care to comment appropriately and professionally on this premises licence application.

Furthermore, it would be counterproductive to all concerned, including the contractor, who is not having his expectations managed by his landlords and, depending on upon what the committee decide, may lead to future challenge from ourselves about the way that the parks department have operated in this case and the consequential loss suffered by local residents.

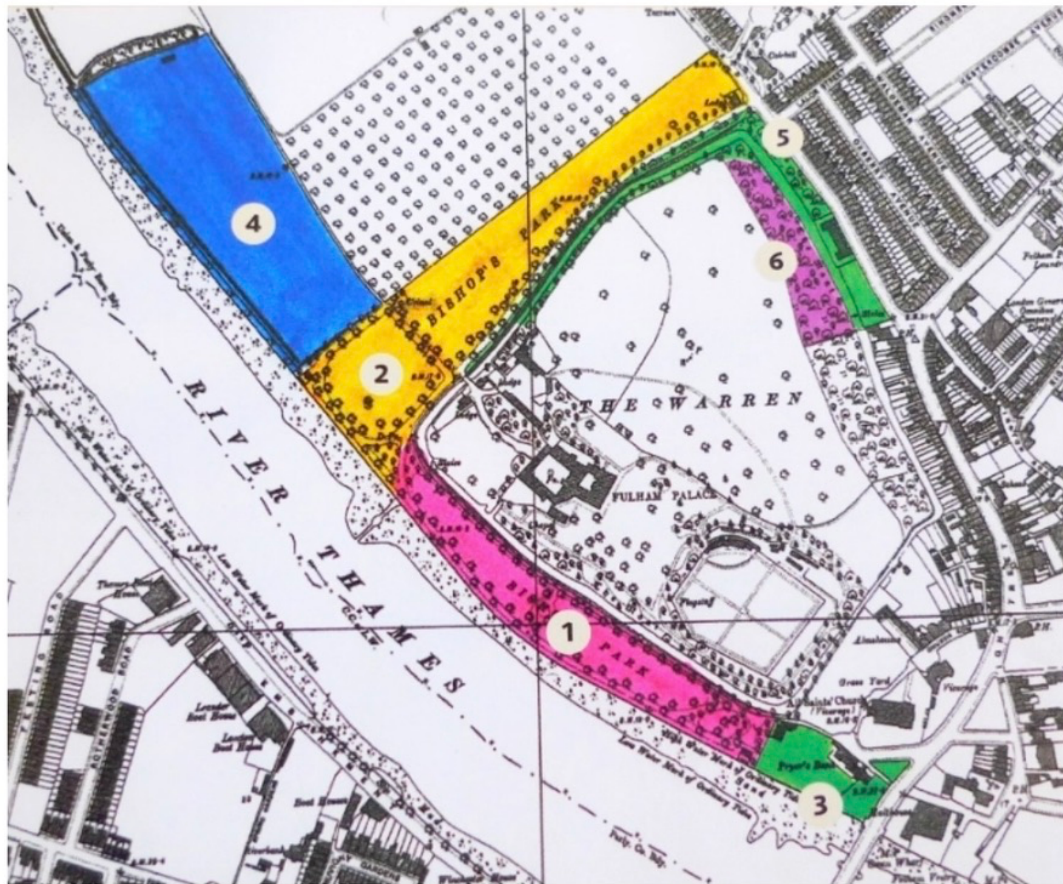
Looking forward to hearing from you in a timely manner in order that a properly informed licensing committee hearing can take place.

Yours sincerely

Marc Medina
Chairman Bishops Mansions Ltd

Dr Marc Medina
DProf (psych), MA (Psych), BACP

Map of Bishops Park showing different areas of the park that were given at different times to the public from the Church commission.



Note: area in yellow (labelled number 2) is where the park café and children's play area are situated. This area was called west meadow and was given to the people of Fulham by the church commissioners and was added to the park in 1891.