

# **Merton Council**

## **Licensing Sub-Committee**

**30 July 2020**

### **Supplementary Agenda – Additional Information**

- 5      Additional Information: 1 - 18
- Representation 7
  - Response from Applicant
  - Additional Comments/Information from three Interested Parties

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## Agenda Item 5

From: Mr &amp; Mrs M D Hutchins



To: Licensing Section  
Merton London Borough Council  
1st Floor Annex  
Merton Civic Centre  
London Road  
Morden  
SM4 5DX

3 July 2020

PROPOSAL TO LICENSE ALCOHOL SALES TO A LIMITED LIABILITY COMPANY AT OLD RUTLISHIANS CLUBHOUSE, SW19 3JS.

I attended the meeting of the Council's Licensing Committee and its Solicitor in 2010. I would ask that the Committee bears in mind that Poplar Road is a tree-lined road with grass verges in Merton Park and that it was never designed for commercial high street activities.

Residents and the Old Rutlishians set up a joint group to try to overcome the problems but there was only ever one Old Rutlishians representative on the group and he has not attended since 2018 so it has petered out. A number of reassurances and undertakings were given but these have not been carried out regarding noise between patrons and noise from within the building after dark ~~and~~ <sup>Page 1</sup> at night. Whose job is it to inspect and ensure that promises are being kept?

(2)

The club has commercially bought in stewards but they seem to consider it their responsibility to get customers off the premises by 11pm. In practice this has led to people lingering on the street below our bedroom windows shouting to/at other customers who are also being hustled on to the street in the dark on the way to their cars or phoning for mini-cabs. Car engines are revved and horns are sounded up to midnight. I am sure the Council's solicitor was not anticipating all this back in 2010 when he advised the Licensing Committee.

Metal beer casks are delivered very early in the morning and this creates a good deal of noise as they are rolled on/off large brewery lorries.

The number of tin cans, plastic bottles and plastic takeaway food boxes has increased, and they are thrown into our front gardens or chucked into the street - which eventually leads to more costs for the Council.

We would be happy to attend, along with other local residents, any further meeting of the Committee.

Mr & Mrs M D Hutchins

# **Old Rutlishians Response to representations re new bar license application**

Prepared by Mike Stallard, Bar & Lettings Trustee

## Hours

We have requested that the standard hours of the license finish at Midnight. It is though important to note that we are NOT proposing any change to the current hours where we finish at 11pm. It is not in our interests nor our staffs to be open regularly till late and we can assure local residents that at no stage in the future will regular late opening be an ambition of the Club.

What it does mean though is that on the few occasions a year where we do require a late license we will no longer need to apply for a TEN. These occasions are almost always related to a Club dinner (eg Football section dinner, Presidents dinner) and are occasions where there is no music played.

There may be a very occasional request from a long standing member for a late license for a special occasion (wedding anniversary for example) but even on these occasion any music in the hall would be switched off at 11pm.

## Hotline

It was clear that the mobile phone solution to allow residents to call if there was an issue during an event was unreliable. We have therefore now installed land line phones in both the downstairs and upstairs bars (as well as the office). This number is 0208 542 3678. Apart from the bar staff we are run entirely by volunteers so the office is not open all the time but is usually manned most mornings and of course the phone will be picked up in the bars during opening times.

## Residents Committee

In my position as volunteer Bar & Lettings Manager I have run the residents meetings for many years. My way of describing these to other trustees and members is "supportive but challenging" and we can see from the representations made exactly what I mean by that.

However, it is clear to me that we as a Club need to widen our dialogue with neighbours and I have therefore asked 2 other trustees, both of whom live very locally, to join this committee and be part of the meetings going forward. This will ensure a wider spread of "ownership" across the Trustees (we have 12 in all) for this vital issue, ensure that if I am unavailable the meetings still take place and generally I hope ensure that residents concerns are taken even more seriously than they are now.

## Soundproofing

We have in the past used various acoustic baffles to help suppress noise leaking from the Hall.

We put permanent foam baffles in the 2 roof lanterns which has undoubtedly helped with noise escaping.

We have also used foam window plugs which have proved very efficient but as pointed out, these have fallen into disrepair and disuse.

We are though fortunate that one of our members runs a very large events company and he has worked with me and his Sound Engineer over the last few weeks to come up with a plan to replace the plugs and improve the sound proofing in the hall. His report is attached as a separate document – there is much detail but it is worth reading as I think it shows a new level of professionalism in the way we are approaching this whole issue. This will involve a significant spend upfront but is one which we believe will make a real impact on noise levels.

## Live bands

Whilst we can control the noise from discos, comedy evenings etc it is very hard to control the noise from live bands and we are happy to agree to no live amplified bands in the upstairs Hall. We would though request that like the special condition allowing us Rutsfest outdoors once per year we are allowed to continue to hold our indoor Halloween live band night at the end of October – this has run for 7 years now and is a significant revenue earner for the Club.

At the moment the Merton Concert band (non amplified) practises every Wednesday evening and we do not believe that causes any issues.

## Exit Noise

For all non member events, and many member events, we employ professional Security Guards with a specific brief not only to maintain order inside (we have almost never had any issues inside the Club I hasten to add) but to ensure that guests leave in a quiet and orderly manner. We will make sure that we meet up with the Company we use to re-emphasise this issue as and when events restart.

We are also going to build a new area outside the front of the Clubhouse where people will be asked to wait for taxis, lifts etc – this will not be completely enclosed but will have high trellised panels ( neighbours can see the style on the new panels installed next to Backflips gym on the left of the Club) which we believe will cut down on noise from the exit.

Finally, we are going to be more prescriptive with our hirers – currently all hirers pay a deposit which we will hold back if for example there is any damage done to the hall (usually by badly applied decorations rather than vandalism!!). There will be a new condition added to the contract that if we receive any written complaints about exit noise from neighbours within 7 days of a party an extra deposit of £100 will be forfeited. We hope that will focus the minds of the hirers.



Further to our meetings over the last few weeks and the full day site visit today, regarding acoustic measures that I would recommend for the 1<sup>st</sup> floor hall, please find the bullet points recommendations.

## **My background**

As you know I have a certain level of expertise regarding this particular field of event design and production.as one of the director/owners of Starlight Design Ltd, which I have been fortunate enough to be part of now for 33 years.

Working on many varied and exciting projects over my time, having the greatest of honours in being part of designing, implementing and delivering the last 4 UK royal weddings, The Queens Silver jubilee firework display on the roof of Buck House!, the last 9 James Bond premiers, all of the Harry Potter premiers and about 200 other world premieres, 4 Raffles hotel Singapore new year's eve parties, 11 of Elton John's "white tie and tiaras balls", Elton and David's wedding, Elle Goulding's wedding, Sting and Trudie's wedding, etc, etc ( most of everything else we have had the pleasure on working on, we cannot divulge due to NDA's!)

I have sought the advice of Our Head of Sound, who has worked for us for 18 years and has headed up our sound department for the last 7 years. A very learned and highly renowned sound engineer, having designed, operated installed systems for some of the very best at our very private events.

## **My recommendations are as follows:**

1. Design, commission and installed, high density foam "plugs", High Density Foam GRADE/REF : 38 CHARACTERISTIC APPARENT PIECE DENSITY NOMINAL HARDNESS TENSILE STRENGTH ELONGATION @ BREAK SPECIFICATION 38-40 Kg/m<sup>3</sup> 180-220 Newtons 100 Kpa (Min) SPECIFICATION POLYURETHANE FOAM MEETS WITH REQUIREMENTS OF SCHEDULE 1 PART 1 OF THE FURNITURE AND FURNISHINGS (FIRE) (SAFETY) REGULATIONS Physical properties are measured using test methods described in BS EN ISO 845:1995. (Determination of Density), BS EN ISO 2439 (Determination of Hardness) and BS EN ISO1798 (Determination of Tensile Strength and Elongation).to the window reveals on the first floor of the, two south facing windows of the 1st floor main hall and the two west facing window on the 1st floor kitchen and the single north facing window of the kitchen. Each of the acoustic "plugs" to be fashioned from inherently flame retardant, high density foam sheeting 130mm thick.

These plugs to be additionally upholstered in inherently flame retardant, canvas, with 2" thick webbing straps, with "handles" sewn around each "plug cover", to allow ease of install and removal of plugs by club staff. I have surveyed the windows in question and have specified that the "plugs" are 5mm larger, all the way around each of the window apertures, to ensure a snug fit, as this "compressed", foam fit, increases the efficiency of the db suppression significantly. (please note that the "Snug" fit might well have an adverse effect to the decorative paint finish of the window reveals, but this will be hugely added to the sound suppression ability of the plugs if they are "snug". So worth the extra paint work, touch required every so often)

2. As an additional measure, design, commission and install substantial heavy weighted, 200% pleated, doubled sided, inherently flame retardant, wool based velour curtains, IFR: BS5867 to each of the windows in the hall.
3. The above curtains will be additionally middle lined with "molton", t IFR: BS5867 Class 1 /B1, will wool fabric middle layer, (also IFR treated), to add to the sound suppression, but also have the added benefit of adding further "soft" materials to the interior of the hall, which will add to the improved acoustics of the space, as this will help to suppress the echo, that is prevalent in the space due to the number of hard surfaces.
4. The above drapes, will also have metal jack chains, pre sewn into the bottom hems, to ensure that the drapes hang correctly, and give a close fit to the walls around each of the window reveals.
5. Also to aid the sound capture, to each of the windows in the hall, I recommend that we dress each of the curtains with a pelmet box. These boxes to be fashioned from 18mm thick ,FR ply, also pre upholstered , The boxes will also have tops, not usually required from a visual perspective, as the top of the boxes are never seen, but worth adding from a sound suppression point of view.
6. The windows in the 1<sup>st</sup> floor kitchen will just have the foam plugs, as the "over drapes", are not practical in a kitchen environment. But have " over sided these again, to ensure a snug fit.
7. We do also recommend that a full height drape, fashioned, constructed and installed in the same way, Infront of the kitchen servery hatch, to add to the levels of "soft" materials in the interior of the hall, but have the added benefit of helping to suppress any catering and chef noise for our guests enjoying the hall.

8. While I am on site to oversee the install, more than happy for me and my team to check the Roof lantern plugs, while we have the crew and access equipment on site and take any further suitable steps if required.

Kindest regards

**James Morris Oakes**

**Production Designer**

**Director**

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Amy

I would like to put in two points of clarification as an amendment to my representation:

1. It is implicit in my original application but i would like to make it explicit that, for the reasons i set out in my original representation about maintaining the purpose of the club as a sports facility, I oppose the application to change the licence from a club certificate to a premises licence.
2. I would like to propose a further condition to the licence to help reduce noise and nuisance issues - "No alcohol to be served or consumed outside after 9pm".

I wasn't sure if i could just raise these points at the meeting or if they needed to be submitted beforehand.

Thanks.

Jane

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Further to my representation of 3<sup>rd</sup> July 2020, I am now submitting **two amendments** for consideration by the Licensing Committee.

1. Please find attached photographs which I hope will give an idea of the Club's location in this residential area. I apologise for the quality, but views (especially the last photo) are obscured by vegetation. The first three photos show the position of the Club house in our residential road. The last photo [REDACTED], where the cream structure opposite is the south wall of the upper hall that is hired out for functions.
2. Following my original application, I have also given more thought to the problem of visitors remaining on site once the Club has closed. I understand that the concept of 'drinking-up time' does not apply to the Licensing Act 2003, but that any time allowance to finish drinks bought before closing time can be at the discretion of the licensee. I had originally intended to ask for drinking-up to be completed *before* the end of licensing hours, but I have since had a very helpful discussion with the volunteer bar manager, who has proposed a *15-minute limit after licensing hours have ended*. I would be happy to endorse this suggestion as a suitable compromise. (Note: in this case 'licensing hours' and 'closing time' refer to the permitted hours for the sale of alcohol).
3. I am therefore requesting that this further condition be attached to any licence awarded to OR Trading Ltd.

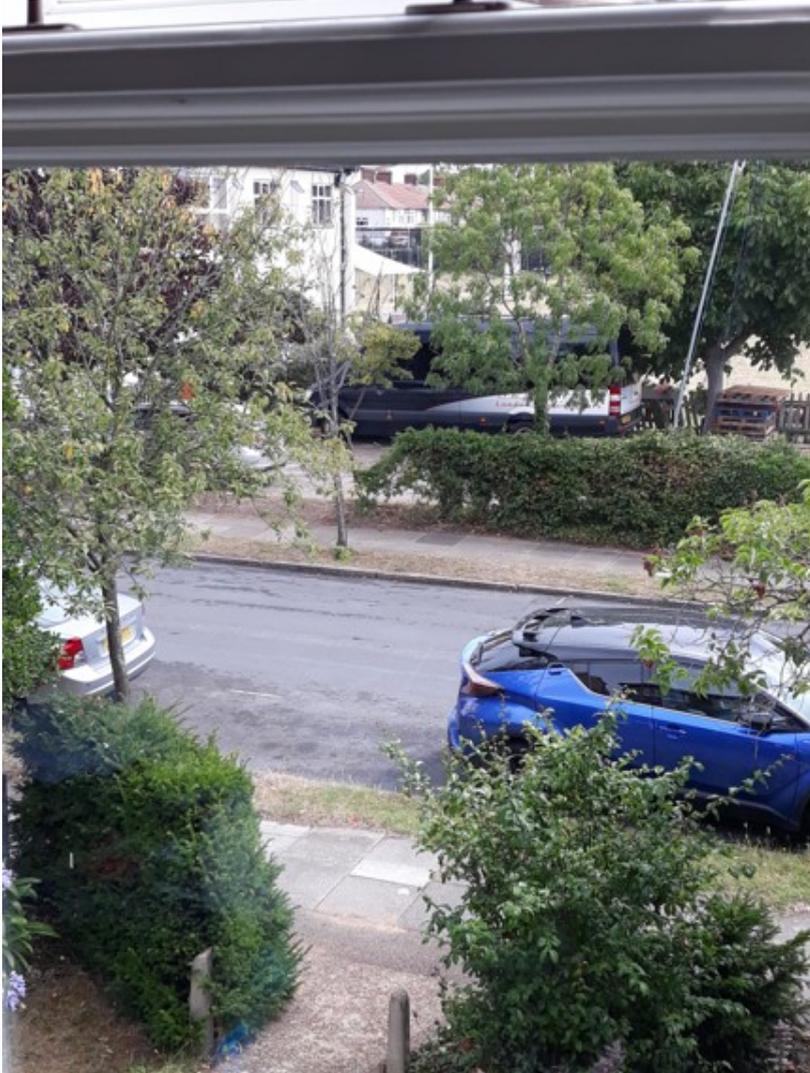
**Sara Phillips**

**28 July 2020**

Old Rutlishians Trading Limited  
Application for New Premises Licence  
WK/202002719  
Addition to Representation to Licensing Committee  
Sara Phillips 28 July 2020



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Additional Information: David Forward

Old Rutlishian Licensing Committee hearing – 30 July 2020

Images showing the close proximity of the Clubhouse to the residents of Poplar Road

Road view



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