

Licensing Department.
London Borough of Brent.
Civic Centre
Engineer's Way.
Wembley,
HA9 0FJ

By email : business.licence@brent.gov.uk

December 11 2021

Dear Sirs,

Premises Licence: number 152252
Premises Licence Variation: number 22739
280 Watford Road Harrow HA1 3TZ
Trading name: Big Shots Golf
Licensee: Blue Ginger Bar & Restaurant Ltd ("BGBR")

1 **the name of the premises:** (as copied from the Licensing Application): 280 Watford Road, Northwick Park, HA1 3TZ

2 **my name and address:** Elizabeth Gaynor Lloyd, 16 Pebworth Road, Harrow, HA1 3UD (resident approximately 450 yards away from the premises)

3 **I wish to make further objections** to the above Application to vary numbered **22739** on the grounds set out below. I have already lodged objections on 31 October, 1, 3, 13 and 17 November, and some of the points may be repeated below.

One important point that seems to have been missed is that these premises stand on **public open space**. As far as I understand it, Brent Council has imposed a PSPO on all areas of public open space, which forbids any drinking on exterior areas. Therefore, the licence for these premises should exclude **any** areas exterior to the building (including Area M, and the golf driving range bays).

I am also now in receipt of information which was not available to me when I wrote previously. In particular, I have received an email dated 19 November from Ms Aisha T Chowdhry Head of Legal and Compliance, "Stockley and Bigshots Group" and copies of emails sent to other objectors, all sent via Business Licence (all attached for ease of reference).

These emails assert that Bigshots (Northwick Park) Ltd ("Bigshots") has *"recently acquired the underlease of the Golf course and centre from Playgolf London, and are in the process of completing the acquisition of a sub underlease of the restaurant known as Blue Zenzer from*

Blue Ginger Bar and Restaurants Ltd. The premises licence will be transferred to Bigshots upon completion."

Brent Council is the freehold owner of the land on which the premises are constructed, and the landlord of the premises, and thus in a position to know who is lawfully in the premises, and the party which the Council, as Landlord, can control. I have made all efforts possible to find out from Brent Council and from the Land Registry whether the assertions as to changes in ownership of the leasehold and sub-leasehold interests are correct, and no answer has been forthcoming from Brent Council. Which is disappointing as Brent's Licensing Policy 2020-2025 makes clear that the Council should be transparent with residents, and that local residents play an important part in Licensing decisions.

Because I have to submit my final objections by 48 hours before the Hearing on 15 December, I am making my objections on the assumption that what Ms Chowdhry has told me is correct - that Bigshots (Northwick Park) Ltd is now the tenant,, and that it intends to submit an application to change the premises licence holder to Bigshots (Northwick Park) Ltd from Blue Ginger Bar & Restaurant Ltd ("BGBR") **(the current premises licence holder and the Applicant for this application)** following the granting of this variation application. (I have ascertained that Ms Chowdhry is a practising solicitor and so this supports my acceptance of her assertions).

I have also ascertained that the current premises licence holder BGBR has left the premises, Blue Zenzer is "permanently closed" - **see screenshots taken on 19 November** - taken from Google and the Blue Zenzer general website.

4 My first objection to reject the Application for Variation completely on the basis that it is fundamentally flawed as a Variation Application.

4.1 The following are my reasons to ask for **rejection** of the Application:

- a) What is proposed is a substantial variation of the areas licensed.
- b) It increases capacity for drinking on the premises and maximum capacity with no reference to an appropriate risk assessment having been undertaken (although the premises are up and running in the new "trading style").
- c) It impedes the effective operation of noise reduction measures.
- d) The application is made by a premises licence holder which is a party no longer present nor operating any business on the premises.
- e) It was advertised **to the public** as being an application by a well-known and long-standing operator of the restaurant business on the premises.
- f) Without substantial reason (at any rate openly), the current operator intends to apply later to become the premises licence holder.
- g) This is a case where the public/local residents have no knowledge about the experience or operation model of the current operator.
- h) the current licence and Operational Site Management Plan (OSMP) was based - and relied - on the well-known and long-standing operator of the restaurant (also then a common director group company of the overall tenant) and its long-standing relationship with the subtenant, and personal assurances given in the 2020 Hearing

as to how the necessarily collaborative relationship to achieve the licensing objectives in a complex, multi-area'd, enclosed centre could be realised.

- i) As far as any local resident can tell, including asking Business licence for the operating schedule or OSMP put forward, no information is available yet the 2020 OSMP cannot apply.
- j) The website for the new operation reveals a completely different operating model for an out-of-town entertainment venue, and one which offers the opportunity to be hired out completely, and for the hirers to "*go mad and light up the neighbourhood.*"
- k) That operating model from the evidence of the website is completely different from the previous operation. It promotes drinking throughout the premises. It is imperative not to teach children that sport and alcohol go hand in hand. There is no evidenced way of safeguarding them from the dangers of licensed premises, particularly on the invisible lower ground floor, and driving range bays nor to protect children from over exuberant and uninhibited drinkers, who are also using the driving range with golf clubs potentially having consumed alcohol at their serviced driving bay. The nature of the premises, the various activities targeted at children, means that children may potentially stay in licensed premises for long hours of the day.

4.2 To quote from the Application for variation, "*Applications for variations of an existing licence cannot be used to vary the licence so as ... to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.*"

4.3 The premises **are** varied substantially by this application. Physically, the **additional areas of the premises** for which full licensing are sought are **not only Areas B and F** but also **an additional L- shape area in the north-west corner of Area A**, and an additional **six driving range bays on the Northern end of Area G** (part of the "extra" area of Area G from the (old) current plan into the old Area F as shown) .

Although the current licensing conditions **relating to Area A** assume legal occupation by the operator of Putt Crazy, as can be seen from the **attached sublease plan for Putt Crazy**, this L-shaped area is not leased to that operator, so it is entirely unclear how that extra L-shaped area will be used. I mention this in context of the complexities of operational site management here, even when the legal ownerships were transparent at the Licensing Hearing and grant of the last variation in September 2020. **(Decision Notice attached)**

In addition, the cafe formerly at Area N on the old (current) licensing Plan is now **moved** to Area E - for which it does not have planning consent (see later). However, works have also recently been carried out to add patio-style doors to allow for the cafe to service an external area of 13 cafe tables, shown on the uploaded (2nd) proposed Licensing Plan.

As there is no suggestion of any operating schedule, indicating how the operator of the cafe can prevent alcohol being taken onto the tables outside, regard should be had to this addition (which also does not have planning consent), which is now introduced onto the new (2nd) Licensing Plan.

The proceedings at the licensing hearing in September 2020 made it paramountly clear that the **only** place where tables might be placed on the outside of the premises was in that **part**

of Area M to the South of the building. This is to prevent noise nuisance, and promote the licensing objective to prevent public nuisance. Yet, the new licensing plan has **added 13 tables outside the cafe (Area E). There is no planning consent for the tables and new openings to the building which might lead to noise escaping is similarly prohibited.**

This is in contravention of the strict licensing objective for the prevention of public nuisance - a topic extensively discussed and agreed at the September 2020 Hearing - and clear from all planning consents to preserve residential amenity.

To add to the problems - there is the potential for alcohol consumption at these external tables. Whilst the pink colouring does not extend to that external area, Area E is coloured pink; new sliding patio doors have been inserted leading to the tables area. As far as available from the very limited documentation supplied, there is no operating schedule indicating how drinking of alcohol at those tables will be prevented.

4.4 Driving range bays. The completely changed **nature** of the 56 driving range bays in the new operation of these premises must be taken into account. I describe these later but, in brief, on two floors, there will be uninterrupted runs of individual bays with sofas, TV screens showing sports, heated and lighted and with external speakers - each floor with a long walkway at the rear, up to 6 people in each, pre-ordering alcohol as they book the bays, and with devices in each bay enabling the ordering paying for further supplies.

They were just driving range bays, in which drinking did appear to take place but not in this formalised, facilitated manner. This is a complete change of use. I am informed the Licensing Officer has not been to inspect since before the last Licensing Hearing; I do not know if the MPS Licensing Constable has. It would seem not from recent correspondence with Business licence department.

4.5 I attended the site on 15 November, as to what I could look at:

- a) The areas let to Paul Lawrence Management were shuttered off;
- b) Area B was the subject of alterations and closed to the public;
- c) The LGF driving range bays were closed off;
- d) Area F was closed off;
- e) The truncated L shape "extension" of the upper ground floor driving range (NW direction) shown on the licensing application plan (inaccurately as licensed) did not (yet) exist, the wall behind the bays being a straight run.

4.6 No one seems to have taken into account the safety aspect of combining activity driving golf balls, drinking and having children around (where golf clubs are standing in each bay, whether or not occupied)– and, on the upper floor, who has looked at the safety aspect of people who have been drinking potentially falling off the upper level, protected only (in parts) by netting?

4.7 It is completely inappropriate for this application to be made by the current premises licence holder in the circumstances outlined by Ms Chowdhry. The application should be made by the current operator. Bigshots (Northwick Park) Ltd is now the tenant, and BGBR has closed down its business, and left. The fact that it may suit, for example, the

financial arrangements between the parties that BGBR grant a sub underlease to the new operator rather than Bigshots (Northwick Park) Ltd simply taking a surrender of BGBR's underlease, is no reason to delay a licensing application being made by the party which is **has actually been running** the licensed premises since October, and which seeks an extension of the premises in which alcohol can be sold. It appears that that operator is Bigshots (Northwick Park) Ltd. The premises are not simply "trading as" Bigshots; Bigshots (Northwick Park) Ltd is the legal occupier.

4.8 As is apparent from the Decision Notice, and the detailed notes of the Licensing hearing of 24 September 2020, the granting of the Licence variation **with then 46 conditions came out of a lengthy** hearing at which the premises licence holder was represented by senior Licensing Counsel, personal appearances and evidence given by individual directors of both BGBR and the (then) tenant, its fellow group company, Playgolf London Limited; those directors were questioned. That hearing was preceded by references supplied, legal submissions and witness statements from those directors, and the OSMP agreed based on the close working relationship - backed by contractual obligations and long-term working relationships - with the sub-tenant of part of the Lower Ground Floor. **None of these now apply.**

The previous Licence was only granted on the basis of substantial assurances by the common Directors of BGBR and the tenant of the premises, Playgolf London Limited and their character and background as substantial local businessmen

Here, we have nothing put forward as to references or character of the current operator. The Application was made by the current premises licence holder, who has left the premises.

4.9 The sublease of Putt Crazy's premises contained no provisions allowing the level of entry and control over those premises by its landlord required under the OSMP; a sublease grants exclusive possession and control to the subtenant, unless specifically reserved to its landlord. Not then BGBR, and reliant on the common group BGBR and the (then) tenant Playgolf London Ltd. The collaboration required would have had to have come from relationships long existing, and/or separate contractual arrangements. **The current operator has provided no evidence of how it will control Area A (with the remaining sub-tenant, Paul Lawrence Management Ltd)**

4.10 Furthermore, and very seriously when considering Brent's Licensing Policy 2020 – 25 and the importance of the involvement of local residents, it was a misrepresentation of the position to local residents as publicly advertised that the applicant was BGBR, when they had left the premises. Residents knew and trusted the assurances given at the Licensing Hearing by the Directors (and DPS) behind the locally popular Asian fusion restaurant on site since 2008 - and in its personal supervision by its directors emphasised throughout the September 2020 licensing hearing. Far from now being the real premises licence holders, they - along with the restaurant - had in reality gone.

4.11 It is notable that a further application was made after the Application of 5 October (presumably by the current premises licence holder) for a change of Designated Premises

Supervisor -a **separate application over 3 weeks later**. No-one told any of the objectors that the DPS would now be not a Director of BGBR and of the overall Tenant (Playgolf London Ltd) with its relationship of years with the Director of Paul Lawrence Management expressed to the Committee on 24 September 2020 .

4.12 I now understand from Ms Chowdhry's emails that this Designated Premises Supervisor is the Operational Manager of Bigshots. For the avoidance of doubt Bigshots (Northwick Park) Ltd has no directors in common with BGBR, nor with Paul Lawrence Management Limited, the subtenant and operators of Putt Crazy. It was left to objectors to discover that the operation of the premises had changed hands, and in what manner the premises are now being operated.

4.13 **All the three matters** should have come forward together – i.e., the extension of the premises to be licensed (including as described in paragraph 4.3 above) the change in DPS and the change of Premises licence holder, together with an appropriate explanation of how this new party will collaborate on the OSMP.

4.14 **Why** was this not all dealt with in one application, especially as Ms Chowdhry says that BGBR has gone and Bigshots (Northwick Park) is now the lawful tenant, having taken over from BGBR's fellow group company, Playgolf London Ltd?

It gives an unfortunate impression to have a **succession of 3 separate applications**, when the new operator is in full possession of the site, carrying out extensive and expensive alterations, clearly just assuming in the case of the huge sports bar area at Area F that the Licence will be granted.

4.15 The first Licensing Plan to this Variation - less than a year after the last Variation - brought in the proposed licensing of Area K - the external garden . The removal of Area K from the **previous** application was offered up by the then applicant., and the points extensively discussed and emphasised by the senior Licensing Counsel instructed on behalf of the applicant. That first plan was changed in November - after initial objections were raised by residents. However, Mrs Chowdhry's email to me contains the following statement (paragraph 5): "*there is no intention to license Area K **at present** and that area will remain closed off for users of the facility. We will consult with residents and local stakeholders **when developing plans for this area going forward.***" So much for the removal of Area K in the previous Licensing Hearing **in exchange for** the September 2020 variations; does the operator have no understanding of the position, no knowledge of the history and well-documented objections from local residents about the use of that external area and the noise nuisance - or of the planning position here?

4.16 It is quite clear from the website <https://www.bigshotsgolfuk.com/> (which shows the nature and extent of the operation, apparently already in being at the time of the application or very imminently thereafter) that this application is a Bigshots operation. The Licensing drawing was prepared for a Bigshots company - probably Bigshots International (*Client BSI*) of which Ms Chowdhry is a director. Ms Chowdhry may have been the party to whom the maker of the drawing addressed queries on issues such as whether the cafe was

intended to be licensed on the first version of the licence plan which was uploaded to the Licensing website.

4.17 The proposed additions are substantial, although the application imprecise and inadequate in its descriptions. The arrangements further include provision of alcohol via roving waiters and waitresses. The revised configuration of the 56 driving range bays is laid out with sofas, screens, heaters, lights, ordering devices, loudspeakers. The website makes it clear that, in each of those bays, parties including children can order alcohol in advance as part of their booking.

4.18 On the grounds that it increases capacity for drinking on the premises, it should be refused.

4.19 The new configuration of the golf driving range bays with their screened off 6 person party bays will **obliterate the noise reduction method under the previous Licence of ensuring the doors to the bays are closed**. Each of the bays have TV sports screens and external loudspeakers and face out over the open fields. Hiring for parties is available on the website.

Residents already heard noise from the bays when they were just for driving golf balls. Has anyone done an acoustic assessment of the addition of screens, and external loudspeakers and up to 330 people on those two external areas? In addition, the area onto which patrons drive golf balls has been radically changed - elevated with material on which I and Cllor Perrin at least have doubts, artificial grass and who knows what technical equipment underneath? it may be of no relevance whatsoever but no details are supplied.

It is entirely unclear that anyone from Brent Council has been to inspect or take recordings of the noise generated. Ms Chowdhry in her email to Mr Shah paragraph 4 seems simply to dismiss the matter. "**Outside noise from external licensed areas well close to residential property and an acute care facility: The external areas (bays) have always been licensed and we do not believe that there will be any increase in the noise levels.**" Where is the evidence on which Ms Chowdhry and others ("we") base belief? Is there any understanding of the change in practical use of these bays or indeed of the area?

4.20 Furthermore, this pays no regard to the content of Brent's Licensing Policy 2020 – 25 and "sensitive premises": "*In particular, consideration should be given to whether proposals may have a disproportionate impact in **residential areas** or near to sensitive premises such as nursing homes, older people's accommodation, **hospitals**, hospices, **schools**, childcare facilities or **places of worship**.*" These premises are surrounded by the public open space/Metropolitan open land, residential areas, a major hospital, a large school and a church.

4.21 Many assertions are made by Ms Chowdhry in her various emails to objectors; some of these are highlighted below. Her email to me (paragraph 3) indicated that an OSMP would be sent to me but, unfortunately, it never has been. Similarly, the licence she stated was enclosed was not. It is not, however, an appropriate way to deal with matters which should be in the operation schedules to set them out in a series of emails to individual

objectors, some of which appear inconsistent with the Application itself - and are not, in any event, put forward by the premises licence holder so presumably not enforceable.

4.22 This serious extension of licensing should not be dealt with by a series of "variations", and assertions in emails to objectors by a party who is not the Applicant - **but by a complete new Licence application.**

I go into more detail on my above assertions and particular objection; I do this in case the Committee does not agree that this Application should be rejected as I ask. Frankly, whatever, I don't want my "*neighbourhood lit up*", as well as once again blighted by noise nuisance from a type of venue which should never be in this location

Please note that my last previous objection asked for the legal basis on which the application was being taken as a variation - so far without reply.

5 Maximum Capacity of the premises

5.1 **there is no reference in the application to any increase in the capacity of the premises.** Indeed, Ms Chowdhry in her email to me (paragraph 3) says "***There is no application to increase capacity.***" Indeed - but should there be? As a concept, to a lay person, this makes no sense at all, unless they are suggesting that there will be no customers for the additional areas for which they are requesting licensing. What about the Condition as to a capacity risk assessment?

5.2 To illustrate, considering the existing (approved) maximum capacity of the premises and using the "old" Condition numbering of the current Licence to avoid confusion):

a) Under Condition 29 in the form of licence attached to the Decision notice of September 2020, and under Condition 28 in the Application: "*The maximum number of persons permitted in the Bar Area & Restaurant (Area L) shall not exceed 350*". (The wording is the same in the old and new conditions but the designations on the Licence Plan annexed to the Application indicate they must now mean Areas L **and** D)

b) Under Condition 30 in the form of licence attached to the Decision notice of September 2020, and under condition 29 in the Application: "*The maximum number of persons permitted in Area A shall not exceed 125*".

5.3 So calculations of maximum capacity – which was seen as important in the September 2020 licensing hearing, not least for interrogation on the issue of car parking (to which I come later) – are **only** supplied/ repeated as unchanged for licensed Areas L and D , and Area A (which actually has a reasonably substantial area added - the additional L shaped area which has come into the new Licensing Plan referred to above).

5.4 And that is it!

- i. **no suggested maximum capacity for the 56 driving range bays** (up to 6 persons each bay- mathematically, that looks like a maximum of 330, if the number of driving range bays is correct which needs checking); and

- ii. **no suggested maximum capacity for Area B** (This is the sports bar, with very large TV screens opposite the extensive bar, the intended audience for which is unclear: either for "*members of the public*" or "*exclusively for golfing patrons*", depending on which section of the application/Ms Chowdhry's comments you read. See, variously:
 - the comment in the licensing application against conditions 11 and 18 "*opening to the general public*";
 - the comment against Condition 9 "*exclusively for golfing patrons*";
 - Ms Chowdhry's email to Ms Wulff-Cochrane, paragraph 2 ("*the proposal is to operate a bar (with the provision of food menu) so the golfers have a dedicated area to socialise*");
 - Ms Chowdhry's email to me, paragraph 8 "**Conditions 11 and 18:** *These conditions are being suggested for omission as these areas are being bought*" [sic] "*into for members of the public as part of Bigshots golfing experience....*" (Omissions apparently "*agreed to by the local authority's representative*"; and
 - Ms Chowdhry's email to me, fifth paragraph on page 4 "*the proposed sports bar in Area B will only be open to those persons who have golf membership that it why this application seeks to removal of condition 11*")
- iii. **no suggested maximum capacity for Area F** - Ms Chowdhry in her email to me states that the bar there "*is a new proposed satellite bar that will be staffed by waiter and waitress service whilst waiting for pre-booked golfing*". It is in an area with six lines of mini bowling and pool tables and tables, "a key attraction for children", according to Ms Chowdhry - and its bar is also indicated as one of those from which the roving waiters and waitresses will operate; and
- iv. **no suggested maximum capacity for Area E (whether or not licensed)** - and the issue of the 13 external tables.

5.5 Would these issues not be important parts of any Operating Schedule? Mentions of **membership** are also quite important; as elsewhere in this letter, the premises are built on public open space, and there should not be restrictions on access to members of the public. A lifetime membership of £5 has to be paid for each person accessing the golf driving range bays; now, apparently, those without golf club membership will not be able to access Area B.

5.6 None of this is at all clear, quite possibly because the premises licence holder is the applicant but is neither on the premises nor the operator of the premises.

6 **Operating Schedule, Other Documents, Licensing Plan forming part of the Application, Variation details on the website**

6.1 I asked Licensing for various documents, including the current Licence, the OSPM, the Child Safeguarding Policy, which was said to be in development at the September licensing hearing. I understand they were requested by Licensing - I am now in some doubt of whom those requests were made. Certainly, none of these has been forthcoming.

6.2 If the applicant intends to use the OSPM annexed to the Decision Notice (as set out in the Submissions Bundle) to apply, then it **cannot** for the reasons set out above. An

operating schedule is used for licensing purposes to produce conditions which will be attached to the licence. It anticipates the suggestion of steps - applicable to the proposed operation of the premises - which will **promote** the four licensing objectives, and the applicant is to make sure that the steps suggested are **realistic and within its control**. If a licence is granted with conditions attached requiring the implementation of such steps, conditions will be enforceable in law and it will be an offence to fail to comply with them.

6.3 Ms Chowdhry in her email to me indicated that she had attached the current Licence. She had not. That might have contained the new Operating Schedule – although it seems slightly doubtful, in view of the continued reliance on the current premises licence holder. However, I have no means of checking if that contained a new Operating Schedule. Ms Chowdhry makes many assertions about the detailed policies and methods of operation in future of the premises but there is no indication how they form any enforceable part of this licensing application.

6.4 So where **is** the operating schedule/ OSPM for this application? The application asserts that the existing conditions are enough (with minor amendments). *"The existing conditions under annex 2 and 3 of the premises licence shall remain in supporting the safe and responsible operation of the licence under the revised plan. On this basis these variations should not have an adverse effect on any of the four licensing objectives."* Unfortunately, I do not know what "annex 2 and 3 of the premises licence" are, although I have asked Licensing to clarify, without response.

6.5 These comments are concerning. An application - and its operating schedule - is supposed to show how **the four licensing objectives are to be promoted**. It is of no comfort to think that the variations *"should not have an adverse effect on the four licensing objectives."* This is a completely different and much lower standard, and the assertion is not even a definite assurance about that. No actions are specified about how children will be protected in this proposed changed operation and substantial expansion of licensed areas.

6.6 A long-standing local resident who objected put the position clearly - based on the premises' physical characteristics : *" If any further areas other than the current Blue Zenzer restaurant/bar are licensed for alcohol, I would recommend that all these other areas be safeguarded at all times by obvious specific monitoring staff. The alternative CCTV solution is inadequate for monitoring large areas which are lit by artificial light. I suspect that the number of people who would be 13 required to sufficiently monitor a CCTV system covering this multiplicity of areas and may well be the same or more than required to monitor directly by staff. This is very important because of the large numbers of children who may be attracted to this potentially substantially licensed establishment. If the areas attracting children were not licensed then this requirement would be lessened substantially."*

6.7 We have now seen the website <https://www.bigshotsgolfuk.com/>. The operation is entirely different from that which previously applied. Even the picture of the Putt Crazy area - Dinosaurs and Monster Claws - shows adults drinking.

It is being promoted as an entertainment and party venue, including on the golf driving range bays – you can see from the pictures - and the "PARTY" section on the website" -"

*Book one or multiple bays and compete with family or colleagues, take over a private room, one of our onsite bar areas or **go mad and book our whole venue for an exclusive buy out and light up the neighbourhood***". (This is neither permitted by planning nor the Lease from Brent Council.)

6.8 Not only that but, as the **attached screenshots show**, it already caters for and promotes irresponsible drinking. (Small and Large parties packages – unlimited alcohol) .

Links -

https://uploads-ssl.webflow.com/60d2d7e1b351ee5023f500fc/61891f6bad356eb790a4bbab_BigShots%20Small%20Groups%20Packages.pdf

https://uploads-ssl.webflow.com/60d2d7e1b351ee5023f500fc/61891f76398c3b535516392b_BigShots%20Event%20Packages.pdf

The cover page to the 6 further screenshots as to the booking process attached shows an option for "Unlimited drink" in the lower right hand options column.

These are in direct contravention of Brent's Licensing Policy 2020 – 25. Policy 24:
Irresponsible Drinking Promotions.

6.8 The plan is defective in terms of licensing policy, and inaccurate in certain respects.

6.8.1

- *"The plan must be clear and legible in all respects and must show: the boundary of the building, including any external and internal walls and, if different, the perimeter of the premises*
- *points of access to and egress i.e. doors*
- **location of escape routes from the premises**
- *the area within the premises to be used for each licensable activity*
- **fixed structures including furniture and temporarily fixed objects, such as seating, which may affect escape routes**
- *location and height of any stage or **raised area relative to the floor***
- *location of any steps, stairs, elevators or lifts*
- *location of all toilets*
- **location and type of any fire safety and other safety equipment**
- *location of a kitchen, if any, on the premises*

You can use a legend to explain the symbols used on the plan."

6.8.2 Where are these green highlighted items shown? It appears that variations are "schematically shown" on the plan and are "to include"." *Including*" is not making the above matters "clear and legible".

6.8.3 No furniture, etc is shown in the golf driving range bays. The individual bays are not even shown.

6.8.4 The **only** fire escapes shown are the two doors from Area B (problematic in another respect, in particular in the light of Ms Chowdhry's comment to me about the proposed developing plans for the licensed use of Area K) and an indication of one fire escape point in the north-west corner of Area F.

6.8.5 **There is no fire escape point shown at all in Area A**, which is alarming as this is an area predominantly for children, and contains raised structures. Area A has "absorbed" the additional L-shaped area not previously licensed and not leased to the operator of Putt Crazy.

6.8.6 There is no detail about Area H, and the fire protection arrangements in that room into which strictly no alcohol is allowed, and so the door is likely to be closed, when in use.

6.8.7 No indication of fire safety or the safety equipment, nothing as to the layout of the tables and chairs to watch the large TV screens is shown to in the "sports bar" at Area B. Area F makes vague references to "*pool tables (etc)*"; what **will** be in there apart from the 6 mini bowling alley lines, and the bar?

6.8.8 The plan is **inaccurate** in that it indicates that the licensing of Area G extends westwards into what was designated Area F on the current licensing plan. **That area is not licensed and should not be coloured pink.** It possibly should be part of the yellow colouring but not without clarifying to what that area is to be used for, as it forms part of Area G and not Area F.


6.9 The **Variation details** on the Licensing application website state "*these changes are minor in nature*". So what are these minor changes?

6.9.1 One that is **not** mentioned is the total change in the driving range, which the 56 bays address. No longer natural grassed - artificial surface but a substantially elevated, shorter area with artificial surface and tekkie equipment to provide the new competitive games briefly alluded to on the website pages. Will that competitive nature, the interactivity affect the conduct on that area, including as "fuelled" by alcohol? It may not, no-one can make assumptions- but more detail of the precise nature of the new gaming introduced ought to be made available, as these are sensitive external areas, and it will be pertinent to the operational schedules/ OSPM. It is a complete change.

6.9.2 Certainly these "minor" works have taken some long time, are suggested to be expensive, and are presumably covered by Licences for alterations approved by Brent Council as landlord and potentially BGBR if it remains in place as immediate landlord of the new operator (whoever that is. See later.) I have made enquiries but a response is not forthcoming.

6.9.3 "*the premises are being rebranded as Big Shots Golf which involves renovation of the existing internal layout of the premises on the upper ground floor only, **the lower ground floor is not affected.***" This is plainly **not correct**. The large sports bar at Area B has been completely created; previously, it was the gym and then empty for a long time – and this was set out by the premises licence holder in the September Hearing.

6.9.4 "*a cafe will be added to the reception (formerly area N) which is being redesigned to include a new reception, offices and a new bathroom block.*"

6.9.4.1 The cafe has indeed been "redesigned"; it has been completely removed from the area for which it had  planning consent (12/0316) and moved to the front of the premises. Patio doors have been added, and the licensing plan shows 13 tables outside which quite evidently will be serviced from the cafe. However, the area of those tables is **not** included within the pink colouring indicating the area to be licensed. It is marked as "Common Grounds cafe demise".

6.9.4.2 There are various aspects to this.

- a) Whether or not this cafe area (Area E) was to be licensed I queried on the **first** version of the Licensing Plan uploaded to the licensing website - **because of** the second bullet point in the footnotes to that original Plan (now substituted), which seemed to indicate the uploaded Plan was not final.) The footnotes were notes from the author of the Plan.)
- b) The 2nd bullet point said: – *"The Cafe License Demise area my understanding is this will not be licensed for the sale of alcohol (**Aisha please confirm**) if so it would not need to be outlined in red"*.
- c) The final version of the Licence plan uploaded in substitution - and attached to the emails from Ms Chowdhry to each of the objectors - **does include Area E in the pink colouring**, and therefore is to be licensed. So, presumably, "Aisha" confirmed to the plan's author that the cafe, Area E was to be licensed.
- d) BUT Ms Chowdhry (who I had thought **was** "Aisha", when I received her email) said to the Wulff-Cochrane family in her email (paragraph 5 **Common Grounds cafe**) *"there will be **no retail of alcohol in this part of the premise**. The consumption of alcohol is not a licensable activity. However, we have a robust operational plan to ensure the area is used appropriately depending on the time of day and day of the week."* I am not sure what she means by either the second or the last sentence of that paragraph. However, it is not now clear that the applicant **includes** the cafe area in the area to be licensed, **and this should be clarified urgently**.
- e) if what Ms Chowdhry said to the Wulff-Cochrane family in her email was wrong, however, and the Licensing Plan's author complied with instructions and the cafe **is** meant to be licensed, it seems highly likely that patrons of the cafe **will** take their alcoholic drinks out onto those outside tables. How will this be prevented? Will this depend on *"the time of day and day of the week"* as referred to in Ms Chowdhry's comment?
- f) **Brent Council has imposed a PSPO on all areas of public open space, on which these premises stand, which forbids any drinking on exterior areas**. Therefore, the licence for these premises should in any event exclude the exterior cafe tables, and, in its capacity as landlord, Brent Council should require the removal of the patio doors to the cafe. (Policy 10 - Brent's Licensing Policy 2020 – 25).

6.9.3 *"the driving range at Area G is to be refurbished with each base having screens, ordering kiosks, sofas and lighting"*. There are also heaters (not environmentally acceptable), and external loudspeakers (prohibited in the overall planning consent). These used to be bays for driving golf balls over an extended driving range. They are now 56 individual screened off, heated and lighted areas with new sofas, each bay having a large TV

screen showing sports, with external speakers (not permitted by planning), and individual ordering devices for alcohol and other drinks and food **to be brought to the bays**. To take an expression from the website "*Carefully crafted cocktails can be delivered to your bay.*" "*Book a booth and pre-order your drinks for wall-to-wall-sports*"

As can be seen from the screenshots, apart from having to pay a lifetime membership fee of £5, those booking the bays can pre-order alcohol, and the website does not have any problem with a hypothetical party of one adult and two Under-18s booking for three rounds of drinks. It seems also possible to order an "unlimited drinks" package. (see screenshot cover page attached above)

This is not a "minor change" in terms of licensed premises.

6.9.5 Ms Chowdhry refers to the concerns of the Local Residents Association re the licensed use of the premises, and its previous use as a family venue, particularly golf driving range – and this newly imposed absolute prohibition of entry by unaccompanied young people . She comments in three separate places in her response to Mr Shah representing Sudbury Court Residents Association:

a) Paragraph 1:

"Protection of minors and young adults:... Our terms and conditions make it clear that children under 16 must be supervised by adults at all times and we will be actively monitoring the site to ensure that children are not left unattended for lengthy periods of time." In fact, if we are here talking about Bigshots (Northwick Park) Limited, their **terms and conditions say no such thing** – <https://www.bigshotsgolfuk.com/terms-conditions>.

b) Paragraph 9:

"Exclusion of groups that object to alcohol: we aim to operate a fully inclusive venue and no group is going to be excluded – all types of people and families will be catered to on our site as will their dietary requirements. The bays are self-contained and any group not wishing to consume alcohol can keep their area alcohol free with ease."

Whilst these comments are only in an email from Ms Chowdhry (who is, however, "Head of Legal and Compliance" - but not of the Applicant) rather than in an Operating Schedule, it does not give any reassurance on how the (to be) applicant will be complying with the licensing requirement **to promote the protection of children**. It is, apparently, **the responsibility of the individual patrons, not the premises licence holder, which is supposed to promote the protection of children.**

The application simply contains no specific assurance on the protection of children in a venue which now specifically aims to attract a **mixed audience to areas scattered throughout with bars, including in premises closed off to the public.**

It even imposes **membership fees** at least for use of Areas C,G - and potentially B. Has any detail of this been requested or given?

As above, Putt Crazy on the website is illustrated by photographs of adults drinking; the driving range bays for mixed adult and under-18s parties; Area F (paragraph 1 Ms Chowdhry's email to me) "*The bowling area will be a **key attraction for children**.*" The absence of any additional provisions in the Application that anyone will be promoting the protection of children.

c) Paragraph 5 of the email to Mr Shah:

*"**Exclusion of unattended young people from the premises because of the almost total Licensing of the building:** I would be grateful for further clarity on this concern. In our view it is vital to the health and safety of our younger customers that **they always be accompanied and supervised by an adult**. This would remain policy irrespective of whether or not this application is granted."*

Why does the operator believe it is "**vital to the health and safety of our younger customers**" in this venue *that **they always be accompanied and supervised by an adult*** ? **What** are they to be protected from? Surely this illustrates that the licensing objectives and Brent's Licensing Policy 2020-25 Section 9 is not complied with - and the operator is not promoting the protection of children if it aware its operation causes such risk to them.

This needs explanation to the Committee. This is a building on public open space - the freehold of which is owned by Brent Council representing its residents. It is on protected Metropolitan Open Land with limited lawful uses. It has never previously required its younger patrons to be protected from activities on site.

Even leaving that very important point aside, and with all due respect, Ms Chowdhry entirely misses the point made by residents. Young people who found the premises a "safe space" no longer can use it.

The venue was previously used, and much appreciated, as a venue which could be visited by young people - unaccompanied, where their "responsible adults" felt they could safely be left.

The changes imposed by this new operation **completely prohibit our young residents from accessing the premises without an adult**. One of the few safe places where young people could go to enjoy themselves, where the adults felt they were safe. **At a stroke** that has been removed, and Bigshots is entirely oblivious. It is not a point to which **the Council** should be oblivious, the freeholder of the piece of public open space which should be accessible to all, and whose lease expressly prohibits exclusions.

It is notable that, at the September Hearing, the DPS did not even know how many underage people came in just to play golf. (Page 15) - as they "had just taken over."

This is a also point raised by the Wulff-Cochrane family in their objections - and indeed raised by them in their objection to the 2020 application but not, apparently, then taken by the Committee . Their grandchildren had regularly used the golf driving range, being

dropped off there to enjoy themselves without supervision. This is, of course, an area of public open space, and people should not be banned from using it, whether on grounds of age or otherwise.

It is hardly promoting **the protection of children to exclude them from any sporting activity which is the "justification" for this development on Metropolitan Open Land, nor is it in accordance with Brent's Licensing Policy 2020-25 (section 9).**

Ms Chowdhry's email to the Wulff-Cochrane family goes into more detail on exclusions, and in her rationale her first point is commercial "dependent on bookings".

Her paragraph 6: *"**Separation of bays for children:** Operationally we cannot guarantee this as it would be **very much dependent on bookings**. However, every effort will be made to group bookings for families to a particular area, **where possible**. Please note that minors are not allowed in the premises without a supervising adult and not able to access the venue post 8 PM in any event. During busy periods and the children's birthday parties etc, separate areas will be demarcated for them. There is a high level of visible staff presence to ensure areas are clear and conditions are robustly followed and enforced. Each bay is self-contained and if no alcohol is bought by that bay, then the bay is effectively alcohol free."*

Ms Chowdhry's reference to putting families in a particular area where **possible** rather indicates that Bigshots appreciates there may be a child protection issue. While she carefully says that minors cannot **access** the venue post 8 PM, the booking screenshots I have provided show they can certainly be **in the premises** after that. We have no operating schedule to explain the staff ratio details or where they will be stationed to monitor, and how all that will work.

7 Planning

7.1 As above, Brent's Statement of licensing policy 2020 – 2025 makes it quite clear that planning and licensing must align. Councillor Perrin has dealt extensively in his final objection with the many planning issues which arise. I support his objections on those grounds - but I also make a specific point re the cafe at paragraph 7.8 below.*

7.2 I would, however just add that this is a development on Metropolitan Open Land. Under the terms of Brent's own local plan Section 10 and policies on Open Space; the London plan Section 7.17, and the NPPF (Green Belt to which MOL is analogous), MOL is afforded strong protection against *"inappropriate development"*.

7.3 A planning consent approved by Brent Council was rejected by the Mayor's office for commercial uses very much less extensive than will be reflected by the operation of these premises as now envisaged.

7.4 In my view, these cumulative changes may come within the definition of a *"material change in the use of such a building"* as set out in Category 3 D of The Town and Country Planning (Mayor of London) Order 2008 and as such may be referable to the Mayor.

7.5 There is certainly potential harm to MOL.

7.6 See 10.6.2 local plan:

A presumption reiterated and reinforced in The draft London Plan with a commitment to; “...resist development on Metropolitan Open Land (MOL) unless it is clearly ancillary to the enjoyment of open space. Ancillary uses will only be acceptable where they do not have an adverse impact on the openness of MOL.” (Policy 3D.10)

Both RPG3 and The draft London Plan support LPAC's (now replaced by the GLA) Strategic Advice which contains indicators for the identification of MOL. Metropolitan Open Land is defined as any strategic open land, publicly or privately owned, with or without public access, which fulfils one or more of the following criteria..

Northwick Park has been designated and protected as MOL.

7.7 There are only **limited uses for buildings on MOL**, and the uses put forward for this building do not come within these criteria for acceptable uses on MOL.

OS2 ACCEPTABLE USES ON MOL

The predominantly open character of Metropolitan Open Land will be preserved. Uses which may be acceptable on MOL are restricted to:

- *Public and private open space and playing fields;*
- *Agriculture, woodlands and orchards;*
- *Rivers, canals, reservoirs, lakes, docks and other open water;*
- *Golf courses;*
- *Allotments and nursery gardens;*
- *Cemeteries; and*
- *Nature conservation.*

10.6.5 The above list is a broad indication of the type of uses acceptable on MOL. However, not all uses are acceptable on all sites. For example, while golf courses are normally an acceptable use, this may not be so if they conflict with other MOL uses such as nature conservation or where they conflict with policies protecting areas of high landscape value (see for example Policy [OS16](#)).

10.6.6 Occasionally limited development in the form of buildings may be required to enhance the use of MOL for open space use. For example, changing rooms may be necessary to increase the recreational value of a particular open space. Policy [OS3](#) ensures that building on MOL is limited to such circumstances.

OS3 DEVELOPMENT ON MOL

Within Metropolitan Open Land development will not be permitted unless:

(a) Any proposed building or use is complementary to the land uses listed in Policy [OS2](#); and

(b) Any development is small in scale and is required to preserve or enhance activities associated with the particular open space.

OS12 DEVELOPMENT ON SSSIs AND SITES OF METROPOLITAN, AND BOROUGH (GRADE I) NATURE CONSERVATION IMPORTANCE

Development will not be permitted on or adjacent to Sites of Special Scientific Interest and Sites of Metropolitan and Borough (Grade I) Nature Conservation Importance shown on the proposals map, unless it is demonstrated, that there will be no adverse effect on nature conservation.

The DUCKER site is adjacent.

*** 7.8** As to the cafe in the reception area, the only planning consent for this cafe (12/0316) was in **Area N on the current Licence Plan** – not, for the avoidance of doubt, the Licensing Plan now presented with this application. So there is **no planning consent for the cafe** as shown on the Licensing Plan for the application.

7.8.1 Consent 12/0316 in any event contained conditions to preserve the ancillary nature of the cafe to the golfing use. It was intended to deal with the problem that Blue Zenzer would not open early enough to deal with the early morning golfers. The conditions were:

1) hot and cold drinks, cold and reheated snacks only

2) hours 7.30 to 23.00 Sunday to Thursday 7.30 to midnight Sat and Sun or at any time the existing golf driving range and golf course not in operation unless agreed in writing by Brent."

7.8.2 So, even then, there was no planning consent allowing for the **sale of alcohol** in Area N on the "old" Licensing Plan.

7.8.3 However, there was a further condition that even that limited unlicensed use was not to commence until certain conditions were complied with. They were not, and the planning consent was effectively taken away by **an Article 36 order** because of over a decade of non-compliance.

7.8.4 The conditions were: *"The proposed cafe use shall not commence until all the works agreed under planning referencenumber:1 2/2110 as part of the submission of details pursuant to conditions Condition 3 (laying of topsoil and grass); Condition 4 (details of landscaping) and **Condition 6 (parking management plan) of planning permission dated 22/12/2006** (LPA Ref: 06/0768) for the creation of an overflow car-park and a grassed area for special-events parking, have been fully implemented to the satisfaction of the Council. Reason: To ensure that the parking arrangements are properly managed and in the interests of proper planning."* **presently incomplete.**

7.8.5 This is important because, as per Brent's Licensing Policy 2020 – 25, page 3 **Planning**: **"Although, Licensing and Planning are separate regimes, *consents from both must be in place to operate legally.*"**

8 Objection on the basis of the unknown "character" of the new operator/intended premises licence holder

8.1 I make this ground of objection, because nothing has been put forward by way of reference, details of previous experience of running any form of licensed operations, or other business for the new operator- or any information at all. A company set up in October 2019, and the only accounts - which are for a dormant company - filed on 29 September 2021 and made up to 31 October 2020.

8.2 by way of contrast, the extreme importance afforded in the September Licensing Hearing to the person and character of the premises licence holder, the tenant of the premises and personal relationships between the common directors of the premises licence holder, BGBR and the tenant - and the sub tenant, operator of Putt Crazy. The directors were significant local businessmen, who had been running the restaurant on site then for 12 years, with a reputation locally, and the brand within the restaurant much appreciated amongst our local residents and always well-run. (We thought - the drug problems in the car park and the lack of police notification were "news" when we heard in the Licensing Hearing.)

8.3 even against that background, the granting of the Licence variation in September 2020 was based on the **personal appearance and assurances of two of the four Directors of the premises Licence holder and tenant of the building**. They made very substantial legal submissions, provided references. One of the Directors was the DPS. Appreciating the seriousness of the application, they were represented by one of the most senior Licensing Counsel, of over 25 years' experience in the licensing field, Mr Gary Grant of Frances Taylor Chambers. Only last month Mr Grant was awarded a Fellowship of the Institute of Licensing. Mr Grant made it clear how seriously the applicant took the responsibility of controlling these premises. During the Hearing, they discussed the operation, and additional conditions were offered, agreed and added. They offered – in order to get the licence - **a reduction in hours, a removal of off-licence sales, and a removal from their application of Area K**.

The Applicant's Counsel then confirmed their business model was not a "*party venue*" causing nuisance. (page 13) That was not the business model aimed for - so what is the business model now aimed for?

The "greatest indication" that the Applicant in 2020 was the reduction in hours. What do we have now: a party venue to "*light up the neighbourhood*"? Will the next thing be a reversion to the previous terminal hour - of which (as the residents said then) they were not even aware, as they thought the only licensed area was the restaurant run by BGBR since 2008?

The most useful point of looking back at the Hearing notes is Mr Grant's comments that - if it were turned into a party venue causing havoc "*All parties have the right to review the Licence*." But why should we residents constantly be having to battle this? Let us hope that we residents will not find that necessary and this Application will be refused - but good to know we can.

The September 2020 Licensing Hearing lasted over three hours. We objectors had faith in the assurances made. Meetings were to be scheduled quarterly with residents and Councillors; the SNT were to be invited.

8.4 At that meeting it was the first time we heard references to drug use in the car park; further reports on these were to be brought back to these meetings, and the method of dealing (taking car numbers) to be taken to the SNT and a modus operandi in future agreed. Sadly, no meetings ever took place but, as I said in my original objections, it would have been a mark of good faith by BGBR - and would seem key for any new operator - that objectors, the local residents association and the SNT had been contacted at any point for a meeting. Of course, it didn't happen, and, from the further investigations I have made, and looking back on interim correspondence, it seems that this proposed transfer to the new operator may - even as the Licensing Hearing took place - have already been in progress.

Whether or not it was, no such meetings were ever arranged to explain about the new operation on site. Further, we recently ascertained that, although an invitation was given to one local Councillor (or possibly two) by the new operators on 15 August 2021 - and one of the Local Councillors responded by saying that that was a good idea and that all three councillors should be invited to view the premises, no invitation came back. No email was sent to the 3rd Councillor, Keith Perrin who was one of the objectors at the 24 September Hearing.

8.5 whatever may be the case about the past, it is obvious that the **character** and previous experience of the premises licence holder is crucial. **Absolutely nothing is known of the party now operating the premises, or its character.** Where else do they run licensed premises, for example – or indeed any other business?

8.6 Ms Chowdhry refers to the "Stockley and Big Shots Group." This presents another puzzle. The overall golf course website <https://northwickpark.golf/> (bottom of homepage) – which also refers to eating and drinking facilities on site – states that it is operated by **Stockley Park Golf Club Limited**. Who are Stockley Park Golf Club Limited? Clearly **not** the party to whom the Lease has been assigned. What is **their** involvement, what aspect of the business do they run - and what businesses do they operate which might assist in understanding the personality, character and business experience of the new operators?

8.7 I have nothing to go on but looking at the two current websites, which, as above, in the case of "Bigshots", it will be clear I find most alarming and inappropriate for this site, and in particular how the licensed aspect of the business will be run. It is also concerning that the two websites for Bigshots (Northwick Park) Ltd and Stockley Park Golf Club Limited give conflicting information about who the operator is.

8.8 Apart from the two websites, the only resource on which I can rely is information gleaned from the public records on Companies House. So I looked at the two companies (Bigshots (Northwick Park) Ltd and Stockley Park Golf Club Ltd) on Companies House, from which I find Bigshots (Northwick Park) was only set up in 2019, and is a dormant company - so self-evidently is conducting no business at all. Which again is a puzzle in view of the amount of the apparent investment in major works on site.

8.9 I looked at further records. Although I have been long retired, in my professional life, I was a commercial property partner in a city firm of solicitors, specialist in development, and Landlord & Tenant management and default. In particular, I am aware of how my commercial clients examined applications to assign leases of commercial premises to newly formed companies, and what we, as solicitors, looked at when dealing with defaults - which were often comparable in terms of research. As solicitors, we always looked at the corporate history, especially of key directors (especially when sole directors) and other companies they have formed. I have looked at various Companies House records. I am absolutely **not** reassured from such researches, respect, and have written separately to the Council.

8.10 Bigshots (Northwick Park) is a very new, dormant company with no evidence of previous operations put forward. The character of the operator is vital as demonstrated by the previous hearing, and the 46 conditions applied. References should be supplied, reassuring evidence of business experience, and the application should be made by the parties now running the operation. As can be seen from the proceedings of the last Licensing Hearing, the character of the Applicant premises licence holder was seen as vitally important. We also need to understand the legal powers to control Area A, in completed legal documents consistent with whatever the operating schedule/OSPM actually is.

9 Objection on the basis of the conduct so far and intended of the new operation, as evidenced by the Bigshots website

9.1 Although the premises have only been in operation since October under the new ownership, we already have a disturbing example of activity prohibited under the Licensing Policy. Please see attached screenshots referred to above re the irresponsible alcohol promotion in "packages", and bay hire.

Policy 24 Brent's Licensing Policy 2020 – 25 and the encouragement to binge drinking – see page 37 " *Binge drinking can lead to drunkenness on the premises or in the vicinity and can be encouraged through irresponsible drinks promotions such as encouraging people to consume more alcohol than planned or to consume more alcohol in a short space of time*". Alcohol sales can be booked in advance in parties including children. That same series of screenshots illustrates that the operator shows no regard for the end of use time condition in Condition 44 in the closing down of the driving range bay at 10pm (**I could book an hour slot from 9:30pm**)

9.2 The website shows that this venue is about entertainment - the flashing images are predominantly not about golf or sporting activities but partying and in various cases drinking. The whole design of the website presents a very distinct image of the activities on site, a lot of pictures of young people partying with alcohol. I have absolutely no objection to young people having a good time. However, an out-of-town location like this is totally unsuitable for licensed premises of this size. There are reasons why licensed premises are in town centres.

9.2.1 **the police are there.** They are not here, in this area of open space, fields, residential properties, a church and abutting a hospital and an SSSI area.

9.2.2 **public transport is available.** At the Licensing Hearing, the director/DPS said in answer to questions that - even with that operation - **60% of the patrons of the site used cars.** The site has a very low PTAL rating and the website actively promotes it car parking. What evidence has the operator supplied of travel use to this new operation? Where is it?

9.3 The vocabulary used on the website promotes drinking. "*Carefully curated cocktails can be delivered to your bay.*" *Book a booth and pre-order your drinks for wall-to-wall-sports*" and as below.

"PARTY - Shot takers, Game Changers.""

Shot Takers, Game Changers



We make the party happen. Special event? Special friends? Work do or Christmas social. Book one or multiple bays and compete with family or colleagues, take over a private room, one of our on-site bar areas or go mad and book our whole venue for an exclusive buy out and light up the neighbourhood. Whatever the occasion, we can make it more fun."

None of the local residents could ever have imagined that the whole premises could be hired out for people to "go mad" and "light up the neighbourhood." Totally inappropriate for the building on public open space and MOL – and illustrates that the operators have absolutely no understanding of this designation.

9.3 Amongst those activities are activities directed specifically at children and young adults: Putt Crazy with its dinosaurs; the photos on the website show people drinking in that area. The new mini bowling alleys, the "*pool tables, etc*" (whatever that means) in Area F - "*a key attraction for children*", although the bar in Area F is also said to be a waiting area for pre-booked golf. The licensed cafe (Area E) for mothers and babies.

Ms Chowdhry's emails make it clear that **the operator is not prepared to take steps to separate out areas in the driving range bays for children**; everything will depend on "booking" – i.e. commercial benefit over the protection of children. The whole premises will have a mix of adults and children, and Ms Chowdhry's emails make it clear that it will be the **responsibility of the adults bringing the children to protect them – not the operator/premises licence holder. Hardly a way to promote the licensing objective.**

9.4 There is nothing to indicate how, once within the premises, if parties of adults and children go in, how the children will be protected - though staff may keep an eye that children "*are not left unattended for lengthy periods of time.*" There is nothing to show how the Licensing Objective to protect children will be **promoted** by the operator. If anything Ms Chowdhry's emails sadly illustrate the opposite: that it will be the responsibility of the adults bringing the children to protect them. Certainly - as those emails tacitly recognise - CCTV cameras and "trained staff" cannot do this alone.

The plan has bar areas everywhere - next to the "pool tables, etc", in Putt Crazy, and, when you book the driving range bays, you can order alcohol in advance (even if there are under 18's in the party); the bays contain devices for paying on the spot.

9.5 Children will be in all of these areas, exposed to drinking by adults in their own bays, in adjoining and surrounding bays and along the long open runs of the driving range bays on upper and lower levels. With 56 bays, how are the roving waiters and waitresses and of the staff going to keep clearing glasses, and prevent children from drinking and/or safe in the circumstances I have outlined above? Ms Chowdhry's comment on page 15 is telling : "*it is "vital to the health and safety of our younger customers" in this venue "that they always be accompanied and supervised by an adult" ?.*

9.6 There is obviously also a further safety angle. Golf clubs are there already provided in stands; some bays may be empty. Children may wander along and pick them up; golf clubs are very dangerous. In their own bays, people will be driving golf balls - backswings in a bay where up to 6 people could be present - there are sofas but they may not be sitting all the time. Alcohol consumption blunts judgement.

9.7 At the upper levels, what is to prevent people falling off, apart from netting (which is not even in place at the end on the top floor)? They would fall onto hard surface many feet below. If the members of the committee had not been to the premises, the above can be seen in part on one of the illustrations on the website.

9.8 What is the area shown on the plan **not** protected by netting (apparently to be opened up as part of Area G and included in its pink colouring - the short bend westwards at the Northern end of the top level of the driving range bays? It is clearly intended to be part

of the separate golf range "demise" (perhaps separately let), as shown by the markings on the plan but how can any of this be **properly assessed from the Licensing Plan** – as is necessary to comply with licensing law? In any event, it is inaccurately shown as already licensed when it is not - see above (paragraph 6.8.8)

9.9 The licensing officer had not - at last enquiry - been to look at the premises, which is concerning - and the alterations were then continuing.

9.10 The website shows that there **will be** parties, including on the driving range bays - areas external to the building. The Committee will note the extensive representations made about the licensing made of external areas in the previous licensing hearing. This goes to noise nuisance. And the operator's business model was definitely not "a party venue". What reliance to be placed on that now?

9.11 Similarly, the re-appearance of Area K to be licensed, less than 12 months after the Licence granted on the basis of a "swap-out" of Area K , etc to get the Licence.

It was only as a result of my and other early objections that the "phase 2" licensing of the "bear garden" was rapidly removed from **this** application and a new plan substituted removing Area K. Yet, the barrister acting for the premises licence holder at the 24 September hearing made a great point of the fact that **Area K was not being the subject of an application to licence.**

We were told then that it was to be secured off, and that there was no possibility of patrons exiting onto it. At that point, of course, Area B was not licensed, and formed a natural barrier to patrons exiting onto Area K. **Condition 18** said that details of any arrangements to lead to such licensing were to be brought forward, *"to ensure this does not have an effect on the existing licensable activities being carried out"* – that is, in this case, to make sure that patrons did not access that external area and create noise. No details of any such arrangements, or comfort as to any effect from opening up Area B are given.

And of course, the proposal alleged to be agreed to take out Condition 18 completely failed to notice that Condition 18 protected the position of residents on Area K.

Worse, Ms Chowdhry now tells me that there are *"developing plans"* to license Area K but local residents will be consulted.

This is simply not acceptable, and sadly indicates that the new operator may pay scant regard to all those solemn assurances we residents were asked to accept - and did accept - at the September 2020 licensing hearing.

It is even worse, if, as now seems now likely, the applicant made those assurances whilst already in negotiation with the "Stockley and Bigshots Group" to exit the property. I hope we local residents were not taken for fools.

9.12 Even with Area K ostensibly removed (at least for now), we have two large "fire exit doors" from the new "sports bar" in Area F. How will **they** be secured in future from spill out

from this huge bar area, if licensed, especially in the summer? They can't be fastened off if they are fire exit doors.

As compared with these two large fire exit doors, right by the large bar, Area F has only **one small fire exit door** at the far north-west corner, **and Area A - predominantly for children – appears to have no fire exit indicated at all.**

10 LICENCE CONDITIONS - CONSIDERATIONS AND CHANGES

10.1 I highlighted in my first objection letter the fact that this application appeared to repeat the Licence Conditions from the September 2020 Decision notice, although there were discrepancies between the current licence plan then approved, and the Licensing Plan put forward for this Application. Some changes were made to the plan, in particular the key, when the substitute plan was uploaded but they did not deal with substance in some cases - and the necessary changes to the conditions simply arising from the terms of the Application made. Maybe the change of owner was unknown to the Licensing officer but the Applicant was duty bound to make full disclosure or at least not to mislead (if it did)..

10.2 I note that Ms Chowdhry states in her email to me (page 4 , second paragraph) that all 46 conditions on the premises licence had been reviewed with Brent Council's licensing officer, Ms Figueiredo but I tentatively suggest the following issues should be considered. To avoid confusion, I referred to the old licensing conditions numbers (set out in the Decision Notice), simply because there are various references to conditions being taken out.

Condition 4 & 5 –covered by the Application - Areas B and F should be added in, as indicated on page 2.

Condition 7 - this has been removed but, in fact, if Area E is licensed and has an equivalent storage of alcohol, perhaps this condition should be retained and the reference to Area N be replaced by Area E, as both are licensed cafe areas in open reception, accessible through sliding patio doors. (Of course, the alcohol may be stored in the kitchen to which this abuts – and so there may be no concern but it needs to be clarified (especially in light of the introduction of new openings by patio doors)).

Condition 9 – amongst the comments in the variations section on the licensing website, there is a comment against Condition 9. What does "*to include areas (f)*" mean? Does it mean **the bar** in Area F (which needs to be marked as for example "Area J" is), as an extra area from which waiters and waitresses will operate, or does it mean that Area F will be served by waiters and waitresses throughout the area? Is the reference to the "whole of the" LGF to be modified by the addition of the words"(excluding Area B)"? For whom do all the waiting staff work?

Condition 10 - **there are no staff of the premises licence holder any longer.**

Condition 11 – the difficulty here is of understanding what, from a legal occupation point of view, has happened to Areas B and F? Are they being sublet to a third party, who might

therefore come into the OSMP "collaboration"? The point of having this Condition as we understood it was to look at the overall effect - details were needed. No information has been provided on the basis of which the deletion of this Condition can be made.

Condition 12 – the early part of this objection deals extensively with how no operations management policy document has been provided, with the uncertainty of the lease running the premises, the conflict with the identity of the Applicant. There is no evidence of any policy having been updated, although there may have been a change in the sub tenant or tenant, as is the case according to Ms Chowdhry.

Condition 13 – Ms Chowdhry says that she is not aware of any incidents; the licensing officer has reported not to have visited the premises because she is unaware of any incidents. The licensing hearing last September heard of drug-taking in the car parks but the local Safer Neighbourhood Team are not aware of any reports having been made then or since. Instead of anecdote, has anyone looked at the incident log, which covers a great many circumstances, including malfunctioning CCTV systems, on which so much of the protection appears to depend.

Condition 14 – as above, now that the 56 driving range bays are equipped as set out above with external loudspeakers – and, as illustrated by the screenshots can be booked for an hour starting at 930 on a weekday evening. There is no noise nuisance protection. The noise will be coming from **the driving range bays which are on the outside**. No one appears to have looked at the acoustic effect of that against the concrete building, or the operator's alterations and raising of the surface of the driving range with artificial surface built up with unknown materials, including hard-core etc.

Condition 15 – in the Licensing Hearing, it was stated that, whilst Area M included a walkway along the front of the building (western elevation), the only reason that area was licensed was because smokers would be walking along there with glass in hand to get to the southern part of the building within Area M. In fact, **tables** now sit on **that** Western part of area M. The noise nuisance from patrons outside the premises was intended to be protected by Conditions. Additionally, under this new application, the licensed cafe will have 13 tables outside to add to inappropriate external use. **Condition 15 is no longer fit for purpose, and needs amendment.**

Condition 16 - children can access alcohol going forward **not only in Area A but also Area F** which is, as above "*the key attraction for children*". Further "*the cafe area intends to cater to mothers with babies*"; presumably may have other children and, being **Area E**, is also licensed (unless it isn't – see paragraph 6.9 (c) above). Children can also access alcohol in **Area C** and **Area G** – the driving range bays. What if the golf club members/patrons bring children with them? Will they be allowed into **Area B**? There are confusing references (as set out above) to Area B being available generally to members of the public. There is, of course, no operating schedule or OSMP to give any guidance on this.

As above, there are no staff of the premises licence holder any longer. So this Condition 16 certainly seems to require some amendment.

A larger question is why is the whole of Area A licensed at all? This is an area devoted to children's activity: Putt Crazy. Self-evidently, there are plenty of other places to drink in the venue. Bar Area J is quite separate. Why cannot the tables within Area A **simply not be licensed** in order to protect the children using Putt Crazy? Should an opportunity not be taken to look at this as the applicant seeks **to add** areas to the licence?

Condition 17 - this condition talks about "*any of the public areas*" on either floor; should this refer to any other area not licensed? **As above there are no staff of the premises licence holder any longer.**

Condition 18 – I note that, apparently, the licensing officers have agreed to the removal of this condition. However, I cannot understand this agreement. Although the Licensing Plan has been amended since original uploading with the Licence Application, and – once again – Area K taken out of **this** licensing application, **Condition 18 must remain and refer to Area K.**

This is particularly the case in view of the comment I have mentioned above by Ms Chowdhry on her "group's" "*developing plans for this area*". To which residents will continue (I have no doubt) to have the greatest objection and, in any event, the PSPO points set out elsewhere apply.

In any event, the importance of this Condition seems to have been ignored. It was specifically included (as set out in the Condition) so that, in the event of any proposals to bring Areas F and B into operation the Licensing Authority had to be notified "*to ensure this does not have an effect on the existing licensable sensible activities being carried out.*"

The additional areas will, of course, massively increase the capacity for drinking in these premises; the website indicates the whole thing is becoming a party venue and is even available for wholesale renting out "to light up the neighbourhood". Cumulative effects must be considered, particularly in an out-of-town location where there is no policing for licensed premises. Councillor Perrin has gone into some detail on this aspect in his objection, and I view it as extremely important for the good and amenity of this neighbourhood, and public open space.

Condition 19 – Condition 19 will need to be extended to any other areas which may be operated by a sub tenant (potentially "Cafe License Demise ", Area F, Area B, "Player Ground Bay Licence demise"). Apart from this hypothetical situation (which needs to be covered by keeping the reference to sub tenants), the premises licence holder has changed/will change as soon as this variation is granted!

Absolutely no evidence of binding contractual arrangements between the current operator and the sub tenant of Areas A and H has been presented, although there is some indication in Ms Chowdhry's email to me that contractual arrangements are being pursued but it is unclear with whom. (In her paragraph 2, she says: ***Legal Control over areas: There are legal agreements under way that are in the process of being completed.***")

However, her representation in her email to me (paragraph 2) that matters are covered because "*the PLM area is serviced by BGBR/BS and therefore full operational oversight and control is maintained*", is legally incorrect. PLM area means Area A, Putt Crazy, lawfully sublet to Paul Lawrence Management Ltd, and an examination of that sublease does not show that PLM's direct landlord has **any** right to such "*control and oversight*" through the exceptions and reservations in the sublease. The Sublease to PLM goes into matters of contractual detail as to provision of food and drink - so it would have been an appropriate place for overall licensing control in this very sensitive matter where PLM run a children's oriented operation - but I cannot see it does.

Such legal rights are crucial and inherent to proper and effective control. There may be rights of entry in connection, for example, with the exclusive catering arrangements with BGBR which may or may not be enforceable by Bigshots (depending on the legal relationship) but that is not the same. I appreciate that I make technical legal points but Conditions under a licence are enforceable, and breaches are offences. No attempt has been made to show how this will work. Without enforceable arrangements, this Condition **is** unenforceable.

Condition 20 - currently, as set out in Ms Chowdhry's emails, this Licence condition cannot be complied with. The premises licence holder has gone.

Condition 21 – similar point as for Condition 20.

Condition 27 – this states that a **capacity specific risk assessment shall be conducted by a competent risk assessor**. Please see paragraph 5 above. In particular, Ms Chowdhry says that **there is no application to increase capacity**. This makes absolutely no sense and does indicate that condition 27 is not being complied with. This is a serious matter. It is even more serious if the applicant seeks to escape the requirement to **make** such a capacity specific risk assessment.

Condition 29 and Condition 30 – this goes again to the issue of capacity. Whilst presumably these figures have been agreed for those two areas, despite the change of operation, where are the conditions that deal with the maximum number of persons permitted in the other areas now being licensed, or indeed considers the individual golf driving bays, and the self evident maximum of 330 (if my calculation of the number of driving bays is still correct)?

Condition 32 – although this is an existing condition, how can Area A be used for events **taking place beyond midnight**? In any event, should this condition not apply to all licensable areas being hired out beyond the licensed hours (though there is the half hour post midnight tidy-up period)?

Condition 43 – as above, it is completely unacceptable on public open space that children should be prohibited entry to these premises. See also below references in Brent's Licensing has Policy 2020 – 25 as to exclusion of children Section 12 (9. Measures to protect children from harm page 16)

Condition 44 – the operator already appears to be in breach of this (see screenshots on bookings to 10:30 PM). The condition should be strengthened to ensure – as was set out in the hearing as an assurance by the then DPS – **all persons on the driving range bays must vacate at 10 PM, and last orders being enforced at either at 9:30 PM or 9:45 PM.**

Condition 45 – it is not only the floodlights on the driving range which need to be turned off but all the additional lighting that has now been introduced into the individual driving bays, and the condition must be amended.

Condition 46 – Counsel for the premises licence holder in September 2020 offered quarterly meetings. With the new operation, and the fact that no meetings at all have been held (not even to explain to local residents the complete change of operator and operation style), perhaps quarterly meetings might be appropriate. The first meeting should certainly not have to wait six months IF this application is granted (which obviously I hope it will not be in all the circumstances I have set out in this lengthy objection email)..

Two further conditions should be imposed, as no operator of the site has ever complied with planning in providing a management plan for the use of particular areas.

A The 2007 planning consent for the restaurant (Areas L and D) only permitted use of and tables on Area M (South end of the building), if a management plan was agreed with the Council. This was to protect the amenity of local residents. It has never been agreed or (I believe) ever put forward by the operator for agreement with the Council as planning authority. Its agreement and compliance should be a matter of discussion with local residents, and a **condition of licensing.**

B As to car parking, the operator is in flagrant breach of the tight parking conditions which were imposed, because these premises are on Metropolitan Open Land.

Ms Chowdhry's email to the Wulff-Cochrane family (paragraph 4) indicates the car park can "accommodate up to 120 cars". Only because the operator has unlawfully taken out a dividing fence specifically built to divide off a strictly defined "special events" area. In the September 2020 Licensing Hearing, assurances were given about car parking – and the then DSP questioned about numbers and the car parking area. As per page 14 of the Decision Notice, the director/DSP said that "*the further overflow **is not used and gated*". [**This is in fact the grassed special events parking area.]

As a separate issue arising from over-parking even as far back as 2012, problems of parking on the centre's internal access roads arose. These were to have been dealt with by the construction of bollards and the laying of railway sleepers to prevent parking on the centre's access road pavements. This was imposed as a condition on the planning consent for the (unlicensed) cafe-bar (in Area N - old Licensing Plan to 2020 Hearing) in 2012. **The installation of the bollards and sleepers was never done.** (See also paragraph 7.8 above concerning the cafe having lost its planning consent by virtue of the Article 36 Order, and that a new consent application has to be made.)

The dividing fence between the overflow car park and the **grassed special events parking area** (which the Director/DSP misleadingly described as the "*further overflow*") must be reinstated along with the required grass surfacing to comply with planning.

The special events area can only be used on designated days during the year for a maximum of 24 "special events" and requires an agreed Management Plan. Further, planning consent for use of the Special Events Area is subject to the agreement of the management plan.

Compliance with - and production of - both these management plans should be a condition of the Licence to reduce public nuisance. No operator of this site has ever taken any notice of this condition of planning. At least it's being imposed as a Condition of any alcohol Licence would give an effective remedy and promote the licensing objective of preventing public nuisance.

11 Data Protection

11.1 The Information Commissioner gives guidance on the use of CCTV <https://ico.org.uk/media/for-organisations/documents/2619985/ico-opinion-the-use-of-lfr-in-public-places-20210618.pdf>. **Children's images** are being captured and retained for a month. The terms and conditions <https://www.bigshotsgolfuk.com/terms-conditions> and privacy policy <https://www.bigshotsgolfuk.com/privacy-policy> make it clear that it is Bigshots (Northwick Park) Ltd which controls entry and exclusion to the premises.

As Bigshots (Northwick Park) Ltd deals with data, it will also be the data controller for the CCTV cameras which are a fundamental part of the Licence Conditions.

The golf course website: <https://northwickpark.golf/>, as above, indicates that the golf centre is "operated by STOCKLEY PARK GOLF CLUB LIMITED, registered in England & Wales (04680302), registered office 166 College Road, Harrow HA1 1RA."

However, a company called Northwick Park Golf Ltd is the data controller under Stockley Park Golf Club Limited's privacy policy. <https://northwickpark.golf/privacy-policy/>; ditto the terms and conditions <https://northwickpark.golf/terms-conditions/>.

In view of the sensitive personal data collected by CCTV, and the fact that it includes children's sensitive personal data, captured using live facial recognition techniques, it is important to clarify exactly **who** is the data controller for that data

11.2 There is nothing in the Privacy Policy on the website of either company which gives notice to children concerning the recording of their images (sensitive personal data) in **terms which they can understand**. It is hard to tell which of the two companies is the data controller for that CCTV imagery, and there appears to be no specific CCTV policy which is a legal requirement of the information Commissioner. This should be conditioned, and covered in the OSMP.

12 Promotion of the 4 Licensing Objectives

Because the Committee will not have before them my objections to the previous applications to vary Licence number 152252, which was heard on 24 September 2020, I am

repeating in this letter/email the content of those objections which remain applicable. The short intervening period of operation since 15 October 2020 has been one of COVID restrictions, when the premises have either been completely closed, or partially closed for alterations which are not complete, freshly undertaken or in train.

Further – as pointed out on numerous occasions above, the premises licence holder has de facto changed, albeit that it does not put its name on this application.

Protection of children from harm

a) As to the concern caused by the change of use causing exclusion of children from the premises, I refer to this great deal above, and it is important to our local residents.

But first I would repeat the question I raised on Page 15 following a comment by Ms Chowdhry :

"Why does the operator believe it is " **vital to the health and safety of our younger customers**" in this venue **"that they always be accompanied and supervised by an adult" ?** **What are they to be protected from?"**

How is this operator **promoting** the Licensing objective of protecting children from harm - apart from banning them without an adult and requiring they are always accompanied and supervised in a venue they always previously could use?

b) However, the issue of the proportionality of excluding children from premises also features in policy statements in Brent's licensing policy.

c) The entirety of page 15, section 9 seems directly on point. It is not reflected in the current licensing conditions as simply transferred forward, which, as I have outlined above, is simply inadequate. Although offered to me by Ms Chowdhry, I have never seen the OSMP; according to Licensing, neither has Licensing. She could say that I didn't write back which is only fair. However, I had asked for this via Licensing so I would have thought that, if one had been agreed with Licensing, they would have sent it to me.

I am afraid my time has been very consumed trying to understand exactly what is going on , as will be evident by the extreme length of my objections.

d) Please read section 9 of the Policy against the various comments I have made above on this subject:

*"The Council takes the protection of children from harm seriously and **expects all licence holders and staff employed on licensed premises to do so as well. Applicants for new licences and variations are expected to address this in detail in their operating schedules.** Existing licensees are advised to review their policies regularly to ensure that they are still relevant for the nature of the premises. The wide range of premises that require licensing means that **children can be expected to visit many of these, often on their own, for food and/or entertainment.** Generally, the Council will **not seek to limit the access of children to licensed premises unless it is appropriate to protect children from harm.***

*The Council will **judge the merits of each application before deciding whether to impose conditions limiting access of children to individual premises.** While the Council wishes to **see the development of family friendly environments,** it may consider imposing conditions in the following circumstances:*

- *Where adult entertainment is provided*
- *Where there have been convictions of current management for serving alcohol or with a reputation for allowing under-age drinking*
- *Where there is a strong element of gambling on the premises*
- *Where the exclusive or primary purpose of the service provided is the consumption of alcohol.*

The Council will consider all or any of the following options when dealing with a licence application where limiting the access to children is considered appropriate to promote the protection of children from harm:

- *Limitations on the hours when children may be present*
- *Limitations on ages below 18 years*
- *Limitations of exclusions when certain activities are taking place*
- *Presence of sufficient adults to control the access and egress of children and to ensure their safety*
- *Full exclusion of people under 18 years when any licensable activities are taking place*
- *Limitations to parts of the premises to which children may have access.*

Where a significant number of children are likely to be present, a licensee should ensure that adequate number of staff are present to control their access, egress and safety. The number of staff required should be assessed by the licensee taking in to account the number of children to be present, the type of event, characteristics of the premises and any other relevant factor(s). The Council recommends that, while the aforementioned factors will determine the number of staff required, the sufficient number of adults present should be calculated at a rate of one adult for every 50 children or part thereof. Where there is a balcony the rate shall be one adult for every 30 children or part thereof. Nothing in this policy shall seek to override or duplicate child supervision requirements contained in other legislation. However, the Council will take into consideration (where appropriate) the measures taken by applicants to ensure that staff who have any contact with children are appropriately checked to ensure that they pose no risk to children. It may be appropriate to obtain enhanced disclosure checks from the Criminal Records Bureau in some cases. Brent Council supports the Challenge 25 Scheme, Brent's Age Restricted Goods Responsible Trader Scheme and similar proof of age schemes and will expect applicants to address this within their risk assessment in respect of determining access to premises or sale of alcohol to young persons.

e) where has the Council taken into account the wishes of local residents that their young people should continue to be able to access a facility – the driving range – which had a sporting activity on site, which young people could enjoy, and where their parents could leave them with confidence? Now, their access is completely prohibited, because neither the operator nor the Council appear willing to limit licensed areas for the protection of children. The provision of sporting activities in these premises was fundamental to its being an appropriate use of MOL but this needs a serious re-examination. The use seems to have materially changed.

f) nonetheless, children are positively **encouraged** on site – "*a key attraction*", Putt Crazy, family bookings of driving range bays, the cafe for mothers and babies. Also plenty of attractive sports screen entertainment. But the operator puts **all the responsibility on the responsible adults who brought the children into the premises to look after them - responsible to supervise them**. Staff might wake up if a child appeared to have been "*left alone for a lengthy period of time*" but who will be watching as children move between areas of the site? Will somebody constantly be watching all the CCTV? Even if they are, is that adequate? And what are the privacy protection issues here? Where is the policy; where are patrons advised about the type and extent of CCTV monitoring?

g) There is no indication of any **promotion of the protection of children** in any documentation. The application simply says that the existing conditions suffice. No mention of enhanced disclosure checks, no mention of numbers of staff, no mention of how children's safety will be procured including physically in respect of the hazards in the golf driving range bays.

h) Challenge 25 - though helpful for young people who might get into trouble - is of no application in context of the "protection of children from harm."

i) The clearance of glasses and bottles from tables is no more than would be expected for a well-managed and busy bar (including for a healthy public order preventive purpose of not having loose glassware and bottles about). However, beyond stopping children draining those glasses/bottles of left over alcohol, it does not seem a very potent tool to protect children from harm, when their activities in the areas will be embedded amongst standalone bar premises and tables - and, of course 56 driving bays, including on the lower ground floor potentially full of drinking parties. There is a real danger of under-age drinking.

j) Re CCTV : there are many different discrete, enclosed areas within the building - the applicant mentions supervision of patrons between floors. What does the applicant have in mind/fear? I do not know how the toilet areas are "policed"; there is nothing about this in the application. Clearly CCTV would be inappropriate per se in the toilets but some serious thinking needs to be done to protect children in a large mixed use and fully licensed premises. The applicant does not appear seriously to have approached this from a safeguarding point of view. Which body would provide the safeguarding?

k) Whilst only anecdotal, I am told by friends, e.g. in educational and indeed public house environments, CCTV is suggested to be a most unreliable means of tracking unlawful activity and easily avoided by those who wish to do harm.

l) However, CCTV was specified as one of the **primary** means of safeguarding amongst the 46 conditions in the Licence Decision Notice of 24 September 2020. The venue has now had opportunity to show how this has worked; has the Licensing inspector now been to the premises and made inspections of the CCTV footage which, of course, has to be destroyed at regular intervals to comply with data protection.

m) on my site visit, I did not notice any prominent CCTV signs, warning visitors of the **Live Facial recognition CCTV** in operation at entry to the premises. As above, I could not check the position as to particular areas but children need special protection in the matters of data protection, and live facial recognition is a subject on which the Information Commissioner has this summer issued an Opinion. <https://ico.org.uk/media/2619985/ico-opinion-the-use-of-lfr-in-public-places-20210618.pdf> Capturing the images of children is a matter for serious attention, and compliance and should come within the issue of safeguarding and protection of children. Who will be looking at the images of children and young people on the CCTV?

n) **Recognition of difficulties because of the physical configurations of the premises**

In the case of the previous application granted on 24 September 2020, the applicant recognised *"concerns raised in relation to the shared access on the lower ground floor, and supervision of customers between both the floors that there is a requirement for additional control measures to promote the 4 licensing objectives and a series of additional conditions are provided under the operating schedule section M in this application"*.

Those concerns went further than "just" the operating policies between (then) BGBR and PLML, and extended to the *"supervision of customers between both the floors"*

It is very important to note that - **from a visibility point of view - this is an enclosed centre**. It was designed as a golf course building and a driving range - not extensive licensed premises.

Areas A & H - for use by children - and the lower level of driving range bays - are on the lower ground floor within that enclosed centre, **not visible to the general public**. Neither of the levels of driving range bays are visible, behind substantial doors - and how much supervision by staff will take place? A very great deal will depend on the "management" of these areas to achieve the licensing objectives. As above, we have no detail of any form of operational site management plan.

Licensing Objective: Prevention of Public Nuisance

My objection is on the basis of the likely effect that this application will have on my life, and that of my neighbours, by reason of Public Nuisance. I have given some detail of these concerns by direct example above. It is important to understand that, because of Covid, activity at the Centre has been much curtailed. Even with the operation before Bigshots took over, we had not had chance, therefore, as yet to see the effects of the previously increased areas of user and traffic/parking.

Parking generation was also a topic on which September committee undertook detailed questioning, as can be seen from the Decision. No detail is given in the Application of the anticipated extra numbers of people who will be attracted to the site if Areas F and B are opened and licensed in the way suggested, and there are already signs that activity will be taking place outside the premises.

The nuisance I envisage arises from:

i) **Noise.**

Even with the lack of clarity over the plan, it will be immediately apparent that virtually the whole of this building will be licensed for the sale of alcohol and other licensable activities music live & recorded, dance, films, attracting many people to essentially an out-of-town entertainment centre. There is no parking room on site for all these extra uses. Patrons will use the surrounding streets, which have no parking restrictions. Patrons of licensed premises often park away from site anyway to avoid the attention of those who might wish to check their alcohol consumption. Not that this area is policed at night; it is not in a town centre.

They will park on our streets; they will return late at night to their cars and we will be awoken. People may be intoxicated; they may be very loud but, at night, on our streets, even conversation at relatively low level is disturbing. I know we are lucky to live in such a quiet area but the land on which these premises set is both Metropolitan Open Land, and Public Open Space and development on it is not supposed to be a large commercial drinking and entertainment venue.

Noise will come out of the premises itself. It was simply not constructed for this kind of activity. It was constructed for a centre ancillary to golf use, of concrete construction, and the original planning only included an ancillary cafe, together with offices, including for the Middlesex Golf Union. **There is no sound insulation.**

Accordingly, Condition 14 was attached to the September 2020 decision, ensuring that external openings be kept closed to the maximum possible. All that protection will essentially be rendered useless by the bringing to the exterior **56 parties of up to 6, with all the facilities specifically described above.** Conditions were imposed that the driving range lights would be turned off, no alcohol would be served in the driving range bays after 10 o'clock - but just making these 56 external areas comfortable for use, drinking and chatting will inevitably give rise to more noise.

The detail of the application and the simple carry- forward of the conditions for a **totally** different operation ("Party venues not our business model") give no protection.

Drinks are brought to the seats, pre-ordered as a condition of booking. Carefully curated cocktails can be ordered - or drinks to a booth with wall to wall sport.

Again, bays face out onto open fields, and the noise can be heard on the adjoining residential streets abutting Northwick Park, at the Church which abuts, across the fields to the School on the Hill - and of course the acute ward blocks of Northwick Park Hospital and its A&E department.

A further serious concern is the constant attempt to license Area K, the external garden area, taken out as a condition of getting the variation last September, put in for this latest licence, taken out again on first objections, and for which *plans* are being *developed* to bring it back in. This constant "pushing the boundaries" has been the pattern in the increasing "entertainment" use, far from the permitted purposes for Metropolitan Open Land

(remembering that Licensing must align to Planning as specified within the Brent Licensing Policy).

If the intention is to license Area K (abutting Area B) for alcohol and other licensed activities, this is completely unacceptable. The golf course building is in an area of Public Open Space, surrounded by fields and one road, albeit major distributor road - over all of which noise travels, particularly at night, and the residents have experience from the early days of the building of how very noisy that is. Licensed activities, private parties, karaoke, discos took place (unauthorised) including in this area of "bear garden" and the nuisance was extreme. Which was put a stop to by the Council, as freeholders. But, in those days, Brent Council had more Environmental enforcement.

Previous licensing applications have received objections about noise nuisance if the exterior of the premises is used, and conditions have been imposed to limit exterior use, and ensure that openings to the exterior are kept shut – see condition 14 to the Licence.

It is notable that, as part of the September 2020 Decision the applicant's Counsel said *"Area K is known as the bear garden. It was an outside licensed area. That will be removed from the licence as result of this application and the public will be prevented from accessing it."*

Then, **just over a year later**, Area K appears to be edging back in. Saying "Phase 2" means nothing; it actually says everything. Death of protection of our peace by successive cuts. Condition 18 specifically stated that what is now Area K would be closed to members of the public with no access or licensable activities.

All those assurances in the September hearing about the way that the business would be run – that what we have experienced over the years before they took over should be forgotten about. The new team. It now transpires that those Directors giving the assurances may even have been already negotiating with the new operator. It is very unfortunate. If users of the sports bar in Area B come out through the two large opening doors into Area K, it will be used.

The Council's environmental service has completely diminished since the days when residents were forced to complain by the noise coming out of the building. Once there is any escape into area K – even if ostensibly unauthorised - we will suffer the consequences, without remedy. We will suffer very significant noise nuisance but it will be amplified by its link to the "sports bar", and its giant screens and attraction of people to watch major sports events. Everyone enjoys sporting events but **we will not enjoy the level of noise** that they can generate, particularly where alcohol is freely available.

The Council's noise control officer in June 2020 confirmed that the premises are "within a significantly residential area". My home backs onto the farm fields and, at night-time, with little traffic and the acoustic across open space, noise from what will become an out-of-town entertainment centre will easily carry and be a disturbance of sleep, completely changing the (precious and rare residual agricultural and outdoor sporting) green space character of the area.

The September 2020 Committee questioned **the use of Area M**, and were told that it was simply a smoking area and that licensing was needed because people might be outside with a glass of alcohol. See page 16 of the Decision, paragraph 2. Condition 14 makes it clear that doors to that Area are to be kept closed to prevent the break out of regulated entertainment and noise. It is quite unacceptable that this necessary protection should be opened up.

ii) **Nuisance from numbers attending the premises**

The September 2020 Licensing Committee interrogated the numbers of persons which will be in the premises; Conditions 29 and 30 (current Licence numbering) refer to the existing conditions on the premises licence as to maximum numbers.

The total maximum number of persons permitted in Areas L and A was 475. This application will add persons in Area B, F and the driving range bays and the cafe - but **no idea of numbers is given**; Ms Chowdhry says "***There is no application to increase capacity.***" But the capacity must increase. **Condition 27 requires a new risk assessment. Where is it?**

The concept of the new operation is a fully licensed entertainment venue. Based on past experience - and the poor public transport rating, visitors will come by car; there is not enough car parking space on site. Ms Chowdhry says, that, once the car park is full, patrons will be turned back at the entrance. Where are they going to go? Onto our local streets.

This is a **centre of town use**, for good reason – it can be properly policed and will have adequate public transport, discouraging car use. The use is not one suitable for a piece of designated Public Open Space, parkland right in the middle of a significant residential area, for which the building was never designed, with very poor public transport. Car parking provision was strictly controlled by the Planners for the very reason that the building is sited on Metropolitan Open Land, and affected by those policies. All this is set out in various retrospective planning consents for the premises

In the Decision, page 14, one of the directors referred to people taking drugs in the car park, and that the staff had been told not to approach any but to record the registration number and report to the police. What has been the position since? Is this still a problem?

The committee will hopefully carefully read the accounts in the Decision, including the nuisance caused in the adjoining Church car park. The church and the vicarage adjoin the golf course a short distance from the building and noise from which would clearly be heard in the church, and church Hall. When the applications were made, the vicar was leaving, and the new vicar has only very recently arrived.

There is also the issue of noise for those attending the premises **on entering and exiting** - particularly during the period after pubs and restaurants close - which arrivals can be envisaged as at varying times after 11. It may also encourage driving to the premises, the prospective patrons possibly having already had drink. This entry and exit will go on until final exit after closing time. There may be all day patrons. There may be stragglers leaving.

People will have been drinking - these are standalone bars for the late night licensing. Could the Officers please list any licensed bar/pubs in the area with licensing hours past 23:00 that are not in designated Town Centre Locations?

iii) **Nuisance from parking on our streets**

Apart from the noise referred to above, and the nuisance at night, with so many extra people attending the centre, our streets will be parked up. We already get overflow parking from the hospital because there are no parking restrictions. Parking **on site** is very tight, stringent conditions under the planning for car parking, and full details of that is set out in the Decision, and in Councillor Perrin's final objection to this application.

The directors confirmed at the September Hearing that about 60% of their customers drive; what are the estimated numbers which will come from this additional use at the different times of day? **No travel plan has been prepared, nor any surveys undertaken - nor any formal evidence supplied by the Applicant or the current operator.**

No formal travel plan has been taken since the early 2000's when the user was as a golf course, golf driving range and an unlicensed small ancillary cafe (with "an average of 20 users"). The other actual uses at the time were unauthorised by planning, and therefore not included in the briefing for the travel survey by the then operator.

The Committee in September 2020 interrogated the issue of parking very closely; now we will have these large additional licensed areas, if approved.

Brent Council's lease to Playgolf London prohibits *"anything which may be or become a nuisance annoyance or cause damage or inconvenience to ... occupiers of any Neighbouring Property or the public."*

I set the above out - again to illustrate that the premises were built on an out of town site. Northwick Park is designated as Metropolitan Open Land ("MOL") with all the protections on use which that designation attracts, which were reflected in the Lease from Brent Council and all the planning decisions.

It is also a large area of designated Public Open Space in an area with a shortage of open space; it is in a park. Such a location was never intended for large, prominent premises licensed for music, dancing, "music dance", films, restaurant use, standalone bars premises, alongside outdoor sports areas where there is a risk of drink spilling out into those areas at night - together with all the attendant noise, nuisance, traffic, highway danger & parking problems.

It was intended to have a use (essentially linked to **outdoor sport**), and one appropriate and sympathetic to the context and close proximity of not only a major hospital, a School and a Church & church hall - but also large residential estates **not buffered** (for sound, etc) by buildings in between.

The building actually constructed was bigger, higher and different from that authorised by the original planning consent, and the uses more extensive. Planning Consents for additional uses were added over the years, in the initial years retrospectively, one after an appeal to PINS, and in each case opposed by many residents.

All of the relevant additional use planning consents (whether retrospective or not) have contained conditions - the planning purposes of which Conditions were variously "*Not to damage the amenity of the area.*"; "*Not to damage the local amenity*"; "*to remain functionally linked to the primary use as a golf centre*"; "*to control the use of the restaurant activities and their potential impact on the Metropolitan Open Land*". A further condition was to prohibit "*private functions that exclude members of the public or any golf Centre user or require purchase of ticket to enter*". Again, remembering that Brent's Licensing Policy 2016 requires that Licensing and Planning are aligned.

A further recent addition - the acoustic effect of which is unknown – is replacing the natural grass of the driving range with artificial surface, and raising the ground level to create another form of driving range activity. The precise nature of the material used to raise the ground level is unknown. The precise operating mechanisms under that artificial grass are unknown; details on the website referred to technical game play. There may be absolutely no problem but details should be supplied of whether they will have any effect as to noise generated when the two levels of driving range bays are in operation, with competition encouraged.

iv) **Nuisance in terms of Traffic generation, dangers, and overflow parking concerns**

The same point about **experience** from the opening of the Centre applies to my concern re the likelihood of nuisance from additional traffic, danger on the busy Watford Road from illegal U-turns and parking problems for residents on nearby estates roads being generated.

I have referred just above to the new risks of a **well advertised late night licensed property in a prominent location**. Experience in neighbouring streets is that existing patrons (wishing to avoid being seen leaving the existing licensed restaurant in a car) park on nearby streets and return on foot, so as to avoid immediate attention.

Subsequent problems of parking on the centre's internal **access roads** arose. These were to have been dealt with by the construction of bollards and the laying of railway sleepers to prevent parking on the centre's access road pavements. This was imposed as a condition on the **planning consent for the (unlicensed) cafe-bar (in Areas E & N). The installation of the bollards was not complied with.**

Our adjoining residential roads have no CPZs - no form of parking restrictions on them. The attractions will bring large parties and family outings, which the Centre's parking will not be able to accommodate. At night, there will be the risk of parking by patrons arriving and leaving late, parking away from the Centre on our residential streets to avoid attention on leaving licensed premises in cars, especially in the early hours of the morning. We are lucky - our streets are very quiet but, of course, that exacerbates the noise nuisance.

Licensing Objective of prevention of Crime and Disorder

We suffer from illegal traffic manoeuvres on Watford Road; there are multiple minor crashes which occur around the centre, caused by the traffic island, and U-turns and entry into the farm gateways and the Pebworth Road bell-mouth to turn round. There are also the exacerbated dangers of drinking and driving. The premises will be accessed by vehicles; public transport - apart from night buses - will not be available at the later hours.

We locally have problems of drug user and drug dealing in quieter areas, such as the end of Pebworth Road, where I live - and there are particular and persistent problems on Northwick Park by the Pavilion and the Pimple off Pasture Road. Policing this is not easy over open fields and parkland. The Decision Notice refers to the report by the DPS of drug-taking in the car park.

The local church, St Cuthbert's car park suffers unfortunately from sexual activity in the car park, which is thought by the SNT police and the Church to be linked to prostitution.

Late night drinking every night from standalone bars, out of the eye of town centre policing with plenty of avenues of escape, is potentially a risk, and a draw for potentially unlawful activity, and/or fighting.

I should be glad to know if our local SNT police have a view; problems are ongoing and persistent but this extension of licensed late night use must have the potential to render the problems greater.

Licensing Objective Public Safety

I am concerned by the prospect of Northwick Park becoming a destination of choice for late night drinking and parties with unlimited alcohol.

Northwick Park Hospital is nearby. It has an A& E department, and the all night buses travel along Watford Road. Pedestrians do walk Watford Road late at night. The bus stop at Carlton Avenue, the Green is well used. I have referred above to what happens in St Cuthbert's Church car park, which adjoins. There is a public footway which goes on a dogleg along the side of the Church towards the fields; this is not lit at night, and the Church and vicarage suffer from nuisance. I do not happily envisage the complete change in the character of the area which will come about if this application is granted.

I have referred above to the potential safety hazards with the combination of drinking parties in the driving range bays, the availability of golf clubs in all bays – including empty ones – and the potential fall hazard.

I hope that this application will be rejected, and the whole position on licensing of these premises examined, in light of the history outlined above.

Thank you.

Yours faithfully,

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