

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Sub-Committee
Date of Meeting:	16 June 2016
Subject:	Application for Grant of a Club Premises Certificate: Norton Rugby Football Club
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Director:	Richard Kirk, Interim Environmental and Housing Services Group Manager
Lead Member:	Councillor J R Mason
Number of Appendices:	Three

Executive Summary:

An application has been received for grant of a club premises certificate under section 71 of the Licensing Act 2003 in respect of Norton Rugby Football Club, Norton Village Hall, GL2 9LJ

Representations have been received from three residents who have indicated that they believe granting the application could have an adverse effect on the promotion of the licensing objectives.

Recommendation:

That the Sub-Committee DETERMINE the application.

Reasons for Recommendation:

The Sub-Committee is required in accordance with section 72 of the Licensing Act 2003, to determine the application taking such steps as it considers necessary for the promotion of the licensing objectives.

Resource Implications:

If any party to the hearing were successful in appealing any decision taken by the Sub-Committee at a Magistrates Court, the Licensing Authority may be liable to having costs awarded against them.

Legal Implications:

Decision Making

Members are required to determine the application with a view to promoting the licensing objectives. Members must only impose those conditions that are deemed to be necessary and proportionate to promote the licensing objectives.

Rights of Appeal

(i) In accordance with the provisions of Part 1 of Schedule 5 of the Act, where a Licensing

Authority rejects in whole or in part, an application for grant or variation of a premises licence, the applicant may appeal against the decision, to a Magistrates' Court within 21 days of being notified of the decision.

(ii) Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted, or that different or additional conditions should have been imposed on the licence, he may appeal against the decision to the Magistrates' Court within 21 days of being notified of the decision.

Human Rights

The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

In particular Members should conduct the hearing in a fair and proper manner (Article 6: Right to a Fair Trial) and in accordance with the relevant hearing regulations. Members should also consider any decision in light of Article 8: Right to Respect for Private and Family Life, Article 10: Freedom of Expression, Article 14: Prohibition of Discrimination and Article 1 of the First Protocol: Protection of Property.

Rights under the Human Rights convention can only be breached where it is necessary and proportionate to do so.

Other legal implications are as set out elsewhere in the report.

Risk Management Implications:

None.

Performance Management Follow-up:

The decision of the Sub-Committee and details of rights of appeal will need to be notified to all parties. If the application is granted, a licence will be prepared and issued.

Environmental Implications:

None.

1.0 BACKGROUND

1.1 An application has been received under Section 71 of the Licensing Act 2003 for the grant of a club premises certificate in respect Norton Rugby Football Club, Norton Village Hall, GL2 9LJ

Representations have been received from three local residents who have indicated that they believe granting the application could have an adverse effect on the promotion of the licensing objectives.

2.0 THE APPLICATION

2.1 Licensable activities and hours applied for;

Indoor Sporting Events	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Live Music or similar activity	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Recorded Music or similar activity	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Supply of Alcohol	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Hours club premises open to members and guests	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00

2.2 Non-standards timings applied for

On Cheltenham Race days the opening time and licensable activities shall commence at 08:00.

Opening time and licensable activities can be extended for one hour on Bank Holidays.

Conditions consistent with the operating schedule

The licence conditions below have been drafted by officers for inclusion on the premises licence if the application is granted. The conditions drafted are considered to be consistent with the steps the applicant has stated that they intend to take to promote the licensing objectives, as identified in the Operating Schedule accompanying the application.

2.3 The conditions have been drafted so as to aid the clarity and enforceability of the conditions and to attempt to ensure there is no duplication with other statutory requirements placed on the applicant.

- 1) The building and car park is protected with sensor activated flood lighting.
- 2) No money or alcohol shall be stored on the site overnight.
- 3) Premises access shall be checked and maintained regularly.
- 4) Fire and safety equipment shall be checked and maintained regularly.
- 5) Promotion of non-alcoholic.
- 6) At all times when regulated entertainment is taking place, there shall be a nominated person who is responsible to undertake routine monitoring to ensure external levels of music are not disturbing to nearby residential properties, and take appropriate action where necessary.

- 7) The 'Challenge 25' scheme must be adopted, so that any customer attempting to purchase alcohol who appears to be under the age of 25 shall be asked for an accredited photographic proof-of-age (e.g. passport, photo driving licence or a Pass- approved card) and that a sale shall not be made unless this evidence is produced.
- 8) Children shall be accompanied by a responsible adult.
- 9) A refusals and incident register must be maintained on the premises.

2.4 The application is shown in full at Appendix A. The club constitution can be seen at Appendix B.

3.0 REPRESENTATIONS

3.1 Responsible Authorities: No representation was received from responsible authorities.

3.2 Other persons: 3 representations have been received from members of the public; these representations can be seen at Appendix C. The representations mainly refer to crime and disorder and public nuisance licensing objectives but in general the representations address all licensing objectives.

4.0 RELEVANT COUNCIL POLICIES

4.1 The Council's Statement of Licensing Policy.

5.0 RELEVANT GOVERNMENT POLICIES

5.1 Statutory Guidance under section 182 of the Licensing Act 2003.

6.0 DECISION

6.1 The Sub-Committee is obliged under the Licensing Act 2003 to determine this application with a view to promoting the licensing objectives which are;

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance;
- (d) the protection of children from harm.

6.2 In making its decision, the Sub-Committee is also obliged to have regard to the Statutory Guidance and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

6.3 The Sub-Committee can;

- (a) Grant the application as requested.
- (b) Modify the conditions and/or timings of the licensable activities, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

6.4 If the application is granted whole or in part, relevant mandatory conditions will be included in the premises licence under section 19 and 19A of the Licensing Act 2003.

- 7.0 RESOURCE IMPLICATIONS (HUMAN/PROPERTY)**
- 7.1 None.
- 8.0 SUSTAINABILITY IMPLICATIONS (SOCIAL/COMMUNITY SAFETY/CULTURAL/ ECONOMIC/ ENVIRONMENT)**
- 8.1 None.
- 9.0 IMPACT UPON (VALUE FOR MONEY/EQUALITIES/E-GOVERNMENT/HUMAN RIGHTS/HEALTH AND SAFETY)**
- 9.1 No adverse impacts have been identified.
The Legal Implications section refers to Human Rights implications.
- 10.0 RELATED DECISIONS**
- 10.1 None.

Background Papers: Guidance Issued Under Section 182 of the Licensing Act 2003
Tewkesbury Borough Council Statement of Licensing Policy

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Appendices: Appendix A - Full Application.
Appendix B - Club Constitution.
Appendix C -Representations.