

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 1 September 2016 commencing at 11:30 am

Present:

Chair

Councillor Mrs J Greening

and Councillors:

Mrs G F Blackwell and Mrs P A Godwin

LSB/A.5 ELECTION OF CHAIRMAN

5.1 It was proposed, seconded and

RESOLVED That Councillor Mrs J Greening be appointed as Chair for the meeting.

LSB/A.6 ANNOUNCEMENTS

6.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/A.7 DECLARATIONS OF INTEREST

7.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

7.2 There were no declarations made on this occasion.

LSB/A.8 APPLICATION FOR GRANT OF A CLUB PREMISES CERTIFICATE FOR NORTON RUGBY FOOTBALL CLUB

8.1 The report of the Licensing and Systems Officer, circulated at Pages No. 1-48, outlined an application for a club premises certificate in respect of Norton Rugby Football Club, Norton Village Hall. The Licensing Sub-Committee was asked to determine the application, taking such steps, if any, as it considered appropriate for the promotion of the licensing objectives.

8.2 The Chair asked all parties present to identify themselves and explained the procedure which would be followed by the Sub-Committee. The Licensing and Systems Officer advised that the application had been deferred by the Licensing Sub-Committee at a hearing on 16 June 2016 pending the completion of an enforcement investigation. Confirmation was provided that the investigation had been completed and the matter disposed so the Licensing Sub-Committee was now able to determine the application.

8.3 Members were informed that, on 2 May 2016, an application had been received

under Section 71 of the Licensing Act 2003 for the grant of a club premises certificate in respect of Norton Rugby Football Club. The application sought permission for indoor sporting events; live music or similar activities; recorded music or similar activities; and supply of alcohol between the hours of 16:00 and 00:00 Monday to Friday and 10:00 and 00:00 Saturday and Sunday. The application set out that the premises would be open to members and guests between 16:00 and 00:00 Monday to Friday and 10:00 and 00:00 on Saturday and Sunday. The applicant had also applied for non-standard timings during Cheltenham race days, with the opening time and licensable activities commencing at 08:00 hours, and on Bank Holidays when the opening time and licensable activities would be extended by an hour. The application was attached in full at Appendix A to the report with the Club Constitution attached at Appendix B. Officers had drafted a number of conditions for inclusion on the club premises certificate, if the application was granted. The conditions were considered to be consistent with the steps the applicant intended to take to promote the licensing objectives, as identified in the Operating Schedule accompanying the application. These conditions related to the building and car park being protected with sensor activated flood lighting; no money or alcohol being stored on the site overnight; premises access being checked and maintained regularly; fire and safety equipment being checked and maintained regularly; promotion of non-alcoholic beverages; a nominated person being responsible for routine monitoring when regulated entertainment was taking place to ensure that external levels of music were not disturbing to nearby residential properties; adoption of the Challenge 25, or equivalent scheme, so that any customer attempting to purchase alcohol who appeared to be under the age of 25 would be asked for an accredited photographic proof of their age and that a sale would not be made unless that evidence was produced; children being accompanied by a responsible adult; and a refusals and incident register being maintained on the premises. No other responsible authorities had made representations about the application.

- 8.4 During the consultation, three representations had been received from members of the public who wished to object to the grant of the application on a number of grounds. Copies of the representations were attached at Appendix C to the report. The representations mainly referred to crime and disorder and public nuisance but, in general, they addressed all licensing objectives. The Sub-Committee was reminded that it was obliged to determine the application with a view to promoting the licensing objectives of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. In making its decision, regard must be had to the statutory guidance and the Council's own licensing policy, as well as the representations made and the evidence provided at the meeting. The Sub-Committee was advised that it could resolve to grant the application as requested; to modify the conditions and/or timings of the licensable activities, by altering, omitting or adding to them; or, to reject the whole, or part, of the application. If the application was granted in whole or in part, relevant mandatory conditions would be included in the club premises certificate under Section 19 and 19A of the Licensing Act 2003.
- 8.5 As there were no questions for the Licensing and Systems Officer, and no responsible authorities were present, the applicant's representatives were invited to present their case to the Sub-Committee. The Treasurer of Norton Rugby Football Club (RFC), Niall Hyndman, explained that the Club had been formed in 2011 by a handful of locals who had recognised that people from the local area were travelling all over Gloucestershire to play rugby, which was of no value to the local community. Norton RFC was the only sporting facility in the area for males over 17 and it followed the Rugby Football Union's values of teamwork, respect, enjoyment, discipline and sportsmanship. The club had been fortunate enough to win promotion to Gloucester League 3 of the South West Division for the 2016/17 season. When

the club had been established in 2011, the Parish Council and community had granted use of Norton playing field but there were no other facilities. Since that time, in conjunction with the Parish Council and community, the club had signed 50 players, 75% from within a two mile radius of the local area; secured £140,000 funding for improvements to the Village Hall; raised £20,000 in sponsorship from national and local businesses; donated £4,000 to chosen charities; helped its players with employment opportunities to allow them to stay in the local area; held training with Gloucester Rugby Football Club and given players the opportunities to meet current and future international rugby stars; and encouraged local families to stay in the area each weekend and continue to fund local businesses. A club premises certificate would be the final piece of the puzzle in terms of offering a social hub for the local community, not just the rugby team. It would mean that the club and the Parish Council could fully utilise its facilities, both for financial and social benefit, by providing a well-managed, licensed bar for players and supporters of the club. Assurance was provided that it would only be available to members and their signed-in guests and all licensing laws would be strictly adhered to.

- 8.6 A Member questioned whether there was any intention to open up the bar as a competitive drinking venue in the future. In response, the Club Treasurer confirmed that the licence would be used exactly as it had been applied for. He explained that Norton RFU rented the Village Hall facility from the Parish Council and was bound by its terms and conditions of hire. The Chair of Norton Parish Council clarified that the Village Hall was governed by a Village Hall Management Committee rather than by the Parish Council. A Member noted that the terms of hire stated that the premises must be vacated by 00:00 and she questioned whether this would conflict with the hours that had been applied for as it was proposed that alcohol could be served until 00:00 leaving no time to tidy up and close the premises. The Club Treasurer confirmed that they would like to be able to serve until the premises closed in order to use the venue for the full hours it had been hired, and all Club members were well versed in the closure procedures so could do this within a very short period of time. One of the applicant's representatives, Nigel Denby, a friend of Norton Rugby Football Club, indicated that they would be happy to amend the application so that the licensable activities ended at 23:30 which would ensure that the premises would be vacated by midnight. The Chair of Norton Parish Council pointed out that there was a provision in the hiring conditions which allowed the hire to be extended beyond midnight with the prior agreement of the Management Committee. It was noted that, in the majority of cases where previous events run under Temporary Events Notices (TENS) had extended beyond 00:00 hours, the Club had hired the Village Hall for the following morning so that they could carry out the final clean-up procedures allowing them to serve until closing time.
- 8.7 A Member went on to question whether it was anticipated that there would be many customers at 00:00 hours and she was advised that the application had been made on the basis of covering all scenarios to avoid the need for making alterations at a later date. The Club did hold functions which could potentially run late, especially on Friday and Saturday nights, and there were evening matches during the season. Notwithstanding this, it was recognised that those occasions would be in the minority. Mid-week training finished at 20:30 hours, and most of the players had to work the next day, so it would generally be unusual to have customers much beyond 21:30 hours on a normal weekday. The Club Treasurer recognised that it would not be in the best interests of the Club, or the community, to allow the premises to become a "drinking den" and it was noted that the Village Hall Management Committee could withdraw the privilege of allowing the Club to hire the hall at any time, although it had been very responsible to date. A Member sought clarification as to the capacity of the Village Hall and was informed that it held up to 500 people; the largest Club function to date had been for 120 people and the most common use would be on match days when there would be approximately 70 people so this was

well within those parameters. In response to a query, the Club Treasurer advised that no draught beer would be sold; cans and bottles of beer would be stored in a small fridge on wheels which could simply be pushed away at night and there were plenty of Club members with trailers to transport it to and from the site. The Club had recently installed a chip and pin reader so cash transactions were minimal and no money was held on the premises overnight.

- 8.8 In terms of the licensing objective of the prevention of public nuisance, a Member questioned what measures would be put in place to ensure that noise was kept at an acceptable level. The Club Treasurer explained that all Club members had been spoken to about respecting the local community; they did not tend to congregate en masse and everyone drove away quietly. Whilst there had been a few incidents in the past, they were outside of the Club's control as other groups were able to use the playing field. Members were advised that there had been an occasion when local teenagers were shouting noisily in the car park and some of the Club members had told them to stop. The Chair of Norton Parish Council provided assurance that the Parish Council would take action to try to control any incidents on the playing fields and he intended to speak to the local Police Community Support Officers to ask them to pop along on occasion in order to speak to the teenagers using the field; they were mostly locals but tended to drive to and from the field. It was noted that one of the Club members was a Police Officer and would be happy to help with enforcement if anyone misbehaved. It was reiterated that Norton RFC worked in conjunction with the Parish Council and it would not want to see its pitch and facilities taken away due to bad behaviour.
- 8.9 A Member noted that the application included non-standard timings during Cheltenham race days, with the opening time and licensable activities commencing at 08:00 hours, and she sought further details of what this would mean in practice. One of the applicant's representatives explained that many venues opened earlier on race days as it generated a significant amount of income. The difference was that Norton RFC was a member-only Club so it would not be open to general members of the public and any problems experienced could be enforced e.g. by cancelling membership etc. Confirmation was provided that it was intended to open the bar at 08:00 hours on race days; however, if this conflicted with any other users of the Village Hall, e.g. mother and toddler group, school groups, those groups would take precedent. The applicant's representative stressed that, whilst it would be nice, making a profit was not a priority. It was not anticipated that there would be any traffic implications given that the premises would not be open to members of the public. In response to a query, clarification was provided that 'catering for race-goers' referred to beverages as no food would be served aside from snacks such as crisps.
- 8.10 A Member questioned whether there was a particular person who would be responsible for the bar and was informed that any problems would go direct to the Chairman of Norton RFC, Jeremy Chandler - who was also the applicant - but the bar itself would be run by the seven senior Club members. Only those members would be allowed to serve customers and if no members were available there would be no bar. In response to a query as to whether it would be managed on a rota basis, the Club Treasurer indicated that it would depend on who was there at the time but all but two of the senior members were also playing members of the team. Consideration would be given to creating a rota if the club premises certificate was granted. It was noted that three of the senior members had vehicles with the capacity to tow in relation to being able to remove the alcohol from the premises at the end of the night. A Member raised concern that it was intended to open the premises from 16:00 hours Monday to Friday and she questioned whether this was strictly necessary. The Club Treasurer explained that the Club was expanding, with plans for a ladies team as well as a youth section, and, if successful, there would be training or matches almost every day of the week. Opening at 16:00 hours would

give the flexibility of being able to serve alcohol if someone wanted it, for example, a non-playing member or a parent bringing their child to training might like to have a beer. There was no public house in the village so it was hoped that the Club could become a social venue for the local community. The Member questioned whether staffing the bar at this time would be a problem if the Club members had other jobs and she was advised that it would depend who was available. In terms of live music, the Sub-Committee was advised that nothing in particular was planned, however, the Club did have experience of previous events which had been held under TENS and live music had been included on the application so that there was an opportunity to have a disco or a band at the end of season dinner and the Christmas party etc.

- 8.11 In response to a Member query, the Club Treasurer advised that he was responsible for membership and all fees were paid to him. There were three levels of membership - full, playing or social - and cards were issued for each. There was also a guest book which everyone was required to sign. The information was logged with the English Rugby Football Union which held a national database of rugby players and anyone under 18 was logged with their identification. Anyone who turned 18 during the season would not be able to buy alcohol until this had been processed and signed off by the Committee. Challenge 25 was used for any guests who were unknown to him. A Member questioned whether there were a maximum number of times a guest could be signed in by a member and was advised that it was the aspiration that regular guests would become social members of the Club. It was noted that 12 social members had already been signed up during the season.
- 8.12 The Licensing and Systems Officer indicated that the applicant's representatives had described the nature of the operation as being of benefit to the wider community, however, a club premises certificate was not suitable for commercial activities as it would be impossible to enforce and verify who was a member. On that basis, a full premises licence may be more suitable than a club premises certificate. In terms of the functions which had been mentioned, Members were reminded that these could continue to be held under TENS, the regulations around which had been relaxed allowing events to be held for up to 21 days per calendar year, and they could be open to members of the public. With regard to entertainment, under the Live Music Act 2012, all entertainment was exempt for a maximum of 200 people up to 23:00 hours. As the applicant's representatives had described the maximum number of people attending its functions to be 120, this exemption would apply. The Licensing and Systems Officer reiterated that the benefit to the community was intended in goodwill but it was not a licensing objective and he asked the Sub-Committee to consider his observations when making its decision.
- 8.13 The Chair invited the applicant's representatives to make any final comments and they confirmed that they had nothing more to add.
- 8.14 The Chair asked all parties to withdraw whilst the Sub-Committee made its decision.
- 8.15 When the meeting reconvened, the Chair explained that, having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the national guidance; and the Council's Statement of Licensing Policy it was

RESOLVED That the club premises certificate be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 12:45 pm

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Thursday, 1 September 2016

Premises:	Norton Rugby Football Club, Norton Village Hall, GL2 9LJ.
Applicant:	Jeremy Chandler, Chairman of Norton Rugby Football Club.
Application for a club premises certificate.	
Present:	Councillors Mrs G F Blackwell, Mrs P A Godwin and Mrs J M Greening (Chair).
Representatives of Applicant:	Nigel Denby – Friend of Norton Rugby Football Club. Niall Hyndman – Treasurer of Norton Rugby Football Club. Eirwyn Jenkins – Chair of Norton Parish Council and friend of Norton Rugby Football Club.
Other Parties Addressing the Sub-Committee:	None.

SUMMARY OF REPRESENTATIONS

1. No representations were received from responsible authorities.
2. Three representations had been received from other parties, all of whom wished to object to the application. The representations mainly referred to the licensing objectives of crime and disorder and public nuisance but, in general, they addressed all licensing objectives.

THE APPLICATION

Relevant licensable activities and (standard) 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

Non-standard timings applied for:

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

Opening times and licensable activities can be extended by one hour on Bank Holidays.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the guidance issued under Section 182 of the Licensing Act 2003 and Tewkesbury Borough Council's Statement of Licensing Policy, it was resolved that the application for the club premises certificate be **GRANTED** subject to the following modifications and conditions:

AMENDMENT TO TIMINGS

Supply of Alcohol	Monday – Thursday	18:00 – 23:00
	Friday	18:00 – 23:30
	Saturday	12:00 – 23:30
	Sunday	12:00 – 23:00

There will be no non-standard timings. Any changes to the timings above will need to be made by way of an application for a Temporary Events Notice.

MANDATORY CONDITIONS IMPOSED BY VIRTUE OF THE LICENSING ACT 2003

1. The purchase of alcohol for the club and the supply of alcohol by the club are managed by a committee, the members of which must be 18 years of age or over, be members of the club and have been elected by other members of the club to sit on the committee.
2. There are no arrangements in place for anyone to receive any commission, percentage or similar payment at the expense of the club based upon purchases of alcohol made by the club.
3. There are no arrangements for anyone to receive any direct or indirect monetary benefit from supplying alcohol on behalf of the club to members or guests, unless the benefit is one for the whole.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
5. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objectives;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objectives;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and/or
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.
7. Club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
8. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either (a) a holographic mark, or (b) an ultraviolet feature.
9. The responsible person must ensure that:
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures: (i) beer or cider: ½ pint(ii) gin, rum, vodka or whisky: 25ml or 35 ml (iii) still wine in a glass: 125ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to

be sold, the customer is made aware that these measures are available.

10. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6); (b) "permitted price" is the price found by applying the formula:- $P = D + (D \times V)$ where:- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:- (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. No money or alcohol will be stored overnight on the site.
2. Premises and access checked regularly and maintained as necessary.
3. Fire appliances and safety equipment to be maintained.
4. Promotion of non-alcoholic/low-alcohol drinks, especially to 'designated drivers' of groups.
5. At all times that regulated entertainment is taking place on the premises, 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.
6. Committee members will be used as stewards when the bar is in operation they will also ensure that excess alcohol consumption will not be tolerated.
7. A refusals and ejection register will be kept and be available to the Police and Licensing Authority on request.
8. The 'Challenge 25' scheme or equivalent shall be adopted so that any non-member 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 Pass-approved card) and a sale shall not be made unless this evidence is produced.
9. All children must be accompanied by a responsible adult.

ADDITIONAL CONDITION IMPOSED BY THE SUB-COMMITTEE

1. Bona-fide guests of club members are only allowed to be signed in for a maximum of five times in any 12 month period.

FURTHER COMMENTS OF THE SUB-COMMITTEE

The Sub-Committee reminded Norton Rugby Football Club that the club premises certificate was only for the use of the club; no other events at the Village Hall may use the licence.

REASON

The Sub-Committee placed these conditions on the licence for the purpose of promoting the licensing objectives. In all other respects the Sub-Committee found that the licensing objectives had been satisfied and the conditions imposed on the licence would ensure that the licence would continue to meet those objectives. Should the applicant fail to meet the licensing objectives then the licence can be subject to review.