

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room 1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the **3rd September 2009**

Present:

Cllr. Mrs Bell (Chairman);
Cllrs. Mrs Blanford, Goddard

Also Present:

Licensing Manager, Licensing Officer, Legal Advisor, Member Services & Scrutiny Support Officer.

199 Election of Chairman

Resolved:

That Councillor Mrs Bell be elected as Chairman for this meeting of the Licensing Sub-Committee.

200 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 31st July 2009 be approved and confirmed as a correct record.

201 Ashford (Kent) Rugby Club, Kinneys Field, Kinneys Lane, Kennington, Ashford, Kent, TN24 9RD – Application for a premises licence.

The Chairman opened the meeting and welcomed all those present. Members confirmed that they had read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Manager then gave a brief summary of his report. The premises had a premises licence which was held by Ashford (Kent) Rugby Club which was likely to be surrendered if the application was granted. The applicant's representative contacted the Licensing Authority as she became the Designated Premises Supervisor in April 2009 and the Police Licensing Officer and the Council's Licensing Manager met with Mrs Norman at the Rugby Club. Given the scale and significance of the proposed changes it was suggested to the applicant that a new premises licence would be the most appropriate course of action.

The current licence (AS/LN/020060010) covered the inside area and an area directly outside the premises. The license permitted the sale of alcohol Sunday 10:00 to 23:00, Monday to Thursday 11:00 to 00:00 and Friday and Saturdays 10:00 to 00:30, and permitted live and recorded music Saturday and Sunday 10:00 to 00:30, Monday to Thursday 10:00 to 23:30, Friday 10:00 to 00:00. There were two seasonal extensions to the licence, the first Saturday in June until 02:00 (Club Summer Ball)

and on Saturday and Sunday of the first weekend in September 11:00 to 01:00 (Club Beer Festival). The rest of the licensable activities on the current premises licence were limited to indoors only and included the exhibition of films, indoor sporting events, other entertainment and the facilities for dancing.

The new application proposed to permit the sale of alcohol from 10:00 until 02:00 seven days per week, with an extension for the Annual Awards Ball until 03:00, and a maximum of 10 times per year extension from 02:00 to 10:00 for tour departures. The application also proposed the playing of live and recorded music, the facilities for dancing and making music, the showing of films, boxing and wrestling all inside and outside the premises, seven days a week from 10:00 to 02:00. New Years Eve until close on New Years Day. The facilities for making music and dancing, and performance of plays were also requested. The application proposed a maximum of 10 outside events with licensable activities per year and extended the area to be covered by the licensable activities.

No representations were received from the responsible authorities, although the Environmental Protection Officer and the Senior Environmental Health Officer proposed a number of additional conditions, which the applicant had agreed to adopt. These were:

In respect of all outside events the License Holder will ensure that the licensing authority is notified a minimum of six weeks before any licensable event, and will provide the following information:

- A description of the event
- The type of activities
- Hours of operation
- Event capacity
- A site plan showing relevant features in relationship to the neighbourhood
- Details of noise control measures for any events with amplified music
- A list of key members of the organising team and their responsibilities

In addition to the above any outside events likely to attract more than 500 people the License Holder will:

- Ensure that a public safety risk assessment is undertaken and recorded.
- Ensure that a risk management strategy is in place, including a copy of the risk assessment and the site safety rules.
- Comply with the reasonable safety requirements of the Licensing Authority and other public authorities.
- The License Holder will ensure that all fire extinguishers, alarm systems and emergency lighting are tested and re-certified annually. Such certification will be maintained at the licensed premises and will be available for inspection.
- The License Holder will ensure that the electrical installation is tested and re-certified every three years. Such certification will be maintained at the licensed premises and will be available for inspection.

- The License Holder will ensure that all gas burning appliances and related pipe work are tested and re-certified annually. Such certification will be maintained at the licensed premises and will be available for inspection.
- The License Holder will ensure that any work recommended by the engineer to maintain the above systems in a satisfactory condition will be carried out and documentation provided when asked requested.

Nineteen parties had made representations. A summary of these representations was provided at Appendix C to the report. Copies of the letters were contained at Appendix D to the report. All of the representations were from parties living in the area. The representations had a number of common themes in terms of the licensing objectives and could be summarised as follows:

- The prevention of public nuisance and crime and disorder with reference to the behaviour of customers leaving the premises late at night, and the litter problem that resulted from events.
- Loud music coming from the premises during previous outside events and concern about the applicant's request for live and recorded music outside the premises and the effect the potential noise nuisance this may cause.
- The general noise from outside events and the noise that was already a problem from certain events that are held within the club house, that involve music.
- The inconsiderate parking by visitors to the club on Kinney's Lane caused a nuisance to interested parties. Members may wish to consider whether the applicant was responsible for customers parking their cars when visiting the premises.

No noise complaints had been received since 2003.

Mr Bartlett, the applicant's representative, addressed the Sub-Committee. He advised Members that the Rugby Club had been in its current location for 30 years. In recent years residential dwellings had been built surrounding the grounds. The aim of the new application was to tidy up the anomalies which were present in the current license. An amendment to the requested hours was proposed, Sunday to Thursday 10:00 to 00:00. The 2003 Act was less flexible than the 1964 Act which meant they had applied for maximums of what may be required. In respect of the 10 outside events it was unlikely that all these would be used. They were aware that there were concerns regarding noise from outside events, in an effort to alleviate these concerns they would undertake to speak to the Environmental Protection Team to discuss how best to mitigate the noise.

The Rugby Club did not wish to upset their neighbours and would comply with the conditions previously agreed. They would provide the Monitoring Centre with the mobile number of the Designated Premises Supervisor who could be contacted should there be any noise complaints which would allow for them to be dealt with as soon as possible. There was a red route in the Borough which branched off where the Rugby Club was located; this was used by individuals returning from the Town Centre late at night who created a disturbance. There was no evidence that members of the Rugby Club were involved. There was an incident at the club three weeks ago involving two members but this had been dealt with by a member of staff

and the members in question were being put through the clubs disciplinary procedure.

The issues surrounding parking that had been raised were related to Sunday mornings when the junior rugby team were playing, however it was important to note that parking was a planning issue not a licensing concern. They were not intending for the club to be turned into a nightclub nor a venue for festivals. The grounds were in a flood plain and as such by including the whole of the site within the license they would be able to move the location of the marquee should it be necessary.

A challenge 21 policy would be introduced which would include bar staff and Rugby Club Committee training. He concluded by stating that great steps had been made and the club did not want to upset its neighbours and would endeavour to work with them.

Mr Steven, representing Ms Innes an interested party, addressed the Sub-Committee. He advised Members that whilst the application was plausible it was complete nonsense. In a public meeting, which he had not attended, the Rugby Club had stated that the application did not reflect what they intended to do, in fact things would remain the same. If this was in fact the case then why apply for the new license why not apply for one in the future when the need arose? The application showed that the external area for licensable activities had been increased to include the entire Rugby Club which he felt to be outrageous and have a potential impact on the dwellings near by.

Whilst there had been improvements in relation to parking on Kinney's Lane there were continuing problems in other areas. There had been instances of cars blocking driveways and public footpaths. Only one litter pick had been carried out at the Club in the past six years and he believed that this had been carried out as the application was submitted. It was false to say that the rubbish was not from the club.

He concluded by saying that local residents were appalled by the scale and significance of the application which could generate an increased level of public nuisance and unreasonable intrusion. He urged the Sub-Committee to reject the application.

A Member questioned whether the premises would be let out for private functions. Mr Bartlett advised that members of the Rugby Club and their families would be able to lease the venue but it would not be open to the public to lease. A Member questioned whether if approached for a function that was not related to rugby would they accept a booking, for example for a wedding reception. Mrs Norman, the applicant, advised that they would look at it on a case by case basis. If the booking were for a 18th or 21st birthday party then it would be unlikely that they would accept the booking, but if it was for a 40th birthday or retirement then it would potentially be accepted. Mr Bartlett advised that they would be happy for a condition to be added which would mean that outdoor events would need to be booked and run by members of the Rugby Club only.

The Licensing Manager advised that it was possible to have times for inside and outside of the clubhouse. The opening hours on New Years Eve until close on New Years Day was something that lots of licenses had however when the license was converted the hours were not applied for. He advised that condition 5 on page 67 of

the agenda papers needed to be amended to read inside the clubhouse instead of the premises, which would enable that to be an enforceable condition.

Mr Martyn, an interested party, addressed the Sub-Committee. He advised that he was concerned about music being played until 0200 every Friday and Saturday night as there was an ongoing issue with inside events. Mr Bartlett advised that it would be a rare occasion when the clubhouse would be open past 0100 even then the general public would not be permitted entry. The application did not reflect what would be the normal opening hours only what may be required. They had appointed a Grounds Manager, one of the duties of which would be to carry out litter picks. It was open to the public to call for a Section 51 Review should problems occur.

The Licensing Manager then summed up the nature of the application and the issues for the Sub-Committee to consider. He reminded the Sub-Committee that they may grant the license with no modifications to the conditions to the licence, modify the conditions of the licence or reject the whole or part of the application.

The Sub-Committee then retired to make their decision.

On return the Legal Advisor read out the decision.

Resolved:

That the premises licence be granted and the sale of alcohol be permitted inside the clubhouse from:

**Sunday to Thursday: 1000 until 0000
Friday and Saturday: 1000 until 0030**

New Years Eve until close on New Years Day.

Alcohol hours to extend to 24 hours on four dates ONLY.

Opening hours to be 30 minutes after the end of the permitted hours for the sale of alcohol both inside and outside.

Regulated Entertainment:

The performance of plays, showing of films, indoor sporting events, boxing or wrestling, live and recorded music, performance of dance, the facilities for making music and for dancing:

**Sunday to Thursday: 1000 until 0000
Friday and Saturday: 1000 until 0030**

Late Night Refreshment:

**Sunday to Thursday: 2300 until 0000
Friday and Saturday: 2300 until 0030**

A maximum of 10 events to be held outside a year at which the sale of alcohol and late night refreshments be permitted until 0200 and the playing of music until 0000. Except for the Beer Festival and Summer Ball at which the sale of

alcohol and late night refreshments be permitted until 0230 and the playing of music until 0200.

Subject to the conditions consistent with the operating schedule set out in Appendix E and the conditions suggested by the Environmental Protection Officer and the Senior Environmental Health Officer set out above and at section 10 (subject to the amendment of condition 5 as set out below) of the Licensing Manager's report, and the following additional conditions: -

- (i) A mobile number for the Designated Premises Supervisor to be given to Ashford Monitoring Centre.
- (ii) Outside events to be booked and run by members, and the families of members, of the Rugby Club only.
- (iii) The licensee or a nominated representative shall receive and respond to complaints.
- (iv) Condition 5 on the operating schedule to be amended to read

5. The License holder will not permit noise from inside the clubhouse to be audible at the façade of any neighbouring residential properties.

The Licensing Manager is given delegated authority to amend the wording of the conditions as appropriate.

The Chairman closed the meeting and asked for it to be noted by the applicant and her representative that although the issue surrounding litter would not be dealt with by a condition they had agreed to monitor the situation and also that communication with local residents would help to alleviate the additional concerns raised.

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