

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the **1st October 2014**

Present:

Cllr. Shorter (Chairman);

Cllr. Davey

Apologies:

Cllrs. Chilton, Hodgkinson.

Also Present:

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

Mr Biggs – Applicant.

Mr Duncan, Mr Ibbotson, Mr and Mrs Holdstock – Interested Parties.

165 Election of Chairman

Resolved:

That Councillor Shorter be elected as Chairman for this Meeting of the Licensing Sub-Committee.

166 Minutes

Councillor Shorter referred to the set of minutes from the meeting held on 3rd April 2014 and requested that the Licensing Team confirmed, at a later date, that the conditions applied to the licence by the Sub-Committee were being complied with.

Resolved:

That the Minutes of the Meetings of this Sub-Committee held on the 15th February 2013 and 3rd April 2014 be approved and confirmed as a correct record.

167 Spearpoint Pavilion, The Ridge, Kennington, Ashford, TN24 1ET – 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 Support Officer then gave a brief summary of her report. The application was for a premises licence at Spearpoint Pavilion, along with a plan of the internal layout which was contained at Appendix A of the agenda papers. The premises were a sports pavilion built in the 1960's and of timber construction with a flat roof. It was situated on a large council owned area of amenity land at The Ridge in Kennington. The pavilion currently housed several changing rooms, a small bar area, kitchen, office, store rooms and a lounge area. The Ashford Barbarians Rugby Club was formed in January 2013 and they had been using the premises since August 2013.

Planning permission had been sought for a replacement building on the site. Should a licence be granted it would relate only to the building on site, should planning permission be granted and a replacement building constructed then the applicant would need to apply for a new licence.

The application proposed to permit the sale of alcohol Monday to Saturday 11:00 to 23:00, Sundays 11:00 to 22:00 with an extension on Christmas Eve until 00:00 and on New Years Eve until 01:00, the performance of plays, films, performance of dance and indoor sporting events Monday to Saturday 11:00 to 23:00 and Sundays 11:00 to 22:00, live music Friday and Saturdays 12:00 to 22:00 and Monday and Sundays 12:00 to 18:00 with an extension on Christmas Eve until 22:00 and New Years Eve until 00:00 and recorded music Monday to Saturday 11:00 to 23:00, Sundays 11:00 to 22:00 with an extension on Christmas Eve until 00:00 and on New Years Eve until 01:00. There was no premises licence granted for the premises at the present time.

Four parties had made representations. Copies of the letters were contained in Appendix B of the agenda papers. 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 they could be summarised as follows:

- The concern about the sale of alcohol in an area used by children
- The concern about the potential for excessive noise and anti-social behaviour

The Licensing Support Officer advised that since August 2013 there had been 20 Temporary Event Notices (TENs) issued for the site, which had involved the consumption of alcohol and entertainment from 12:00 to 00:00 and there had been no complaints received by any statutory body during this time.

Mr Duncan spoke in objection to the application. He had lived in the area for 22 years and was concerned about the potential noise and anti-social behaviour that

permitting of the premises licence may create. He had no objection to people's right to enjoy alcohol however he did not want instances of anti-social behaviour in the area. He questioned what would happen to the glasses if alcohol was consumed on the field/in the car park and the potential impact on children and young people. Furthermore he was concerned about litter being spread along the roadside and in residents gardens.

Mrs Holdstock spoke in objection to the application. She advised the Sub-Committee that her biggest concern was anti-social behaviour. If she was to confront an individual causing anti-social behaviour in the area, as she had in the past, and she was met with abuse she questioned who would be responsible for dealing with this, as in her opinion the response from the Police was not satisfactory. Research had shown that there were 5 places in the area that had premises licences and permitted the hire of function rooms, therefore she questioned the necessity of a premise licence at this location. She was not against rugby or the club however felt that the consumption of alcohol in the area was a big issue. She along with many other residents walked her dogs on the field and was concerned about broken glasses and bottles. Mrs Holdstock requested clarification on who would 'carry the buck' should there be issues at the premises?

The Legal Advisor asked Mrs Holdstock to clarify if the instances of anti-social behaviour she had mentioned had been related to the premises in question. Mrs Holdstock advised that the instances she had referred to had emanated from elsewhere. Her main concern was that a point of contact be available should residents have any concerns or if any instances of anti-social behaviour occurred were related to the premises.

Mr Ibbotson spoke in objection to the application. He and his wife had lived on The Ridge for over 43 years and wished to spend their retirement without any disturbances. He felt that alcohol did not mix well with a sports pavilion and any licence at this location was unnecessary.

Mr Biggs spoke in support of the application. He advised that he was the club house manager and had held a personal licence for 15 years. He had managed Utopia, in the town centre, for 10 years and had had zero instances of trouble in that time. The rugby club was formed in January 2013 and had been at The Ridge since August 2013. The club and clubhouse was operated on a voluntary basis. The club motto was 'for the love of the game' and this was something that the committee members and players valued. The club wished to place itself at the heart of the community. They had played two seasons of rugby and had been rewarded by the RFW with an award for the 'friendliest club'. The pavilion was used to host meals and drinks for visiting teams. In addition to the 20 TENs mentioned by the Licensing Support Officer, an additional TEN had been exercised the previous weekend, with no complaints received from anyone in the area. There had been a number of enquiries from local residents and groups regarding the hire of the pavilion for meetings, he wanted to reassure all those present that a member of the rugby club would be present at the premises at all times when an event was taking place. Polycarbonate glasses had been purchased by the club, these were reusable unlike traditional plastic glasses. The club undertook a sweep of the field at the end of each game for

litter etc. It was also intended for the club to become a member of the pubwatch scheme.

Mr Biggs advised that in the evening only members or guests of members were present in the building and it was expected that admittance would be policed by committee members. It would not be possible for someone to walk in off the street and purchase alcohol. The seven day a week licence had been applied for to allow flexibility for the club and hirers of the pavilion. Members of the club were aware of instances of anti-social behaviour in the car park which had been brought to the Police's attention. This behaviour was not linked to the club in any way, however it was hoped that the presence of the club and its members would help to deter these occurrences. Many of the residents had his contact details, and he would be pleased to provide these to those present, and they could contact him should there be any issues in relation to the pavilion or activities taking place there.

In response to questions from Members Mrs Holdstock advised that the instances of anti-social behaviour she had referred to pre-dated the rugby club. Her concern was that the presence of the club would exacerbate these instances.

In response to questions from Members Mr Biggs explained that the car park at The Ridge was concealed and members of the club had moved people on that were partaking in unsavoury activities in the area. The club would operate a Challenge 21 scheme and were content for this to be added as a condition to any licence should it be granted. No minors played rugby at the club at the present time. Three members of staff were trained in respect of the legislation and the serving of alcohol and he would train more committee members should it be necessary. He wished to reiterate that members of the public would not be able to enter the premises and purchase alcohol without having been invited by a member. Should anyone present in the pavilion have consumed too much alcohol then that person(s) would be refused alcohol. Not only was it dangerous to serve alcohol to someone already intoxicated it was also an offence. Staff would be trained to recognise this and on the procedure to follow to refuse to serve alcohol. There were sanctions that the rugby club could bring against its members should they cause or contribute towards incidences of anti-social behaviour, this included being barred from the premises permanently. Mr Biggs further advised that live music would be likely to be an individual on a guitar or keyboards rather than a full scale band. Live music had been played at a number of the events where TENs had been in place and no noise complaints had been received either from local residents or Environmental Protection. The Legal Advisor added that there had been no representation made by Environmental Protection in respect of this application therefore it was apparent they had no cause for concern.

Mr Biggs advised of the entrances to the pavilion and that there were security lights installed at the front and rear of the building. As part of the change of access additional exterior lights were to be installed along the footpath. Discussions had been held with Ashford College regarding the use of the grounds and changing rooms, however this was unlikely to be actioned for at least four years. As the Designated Premises Supervisor he had a right to restrict access to the premises and so would not permit members of the public to enter the premises and purchase alcohol without having been invited by a member.

In response to a question the Licensing Support Officer advised that the sale of alcohol, on sales, related to the purchase of alcohol on the site, not where the consumption could take place.

The Licensing Sub-Committee adjourned for 15 minutes to allow the applicant to formulate some additional conditions to add to the licence, should it be granted.

On return the applicant advised that he wished to amend his application and as such put forward the following additional conditions:

1. Held within the premises will be the training records and appendices of bar staff trained to serve alcohol.
2. All staff trained in the following:
 - (a) Challenge 21 or equivalent regime to be enforced and posters displayed;
 - (b) All committee members will be trained to identify if alcohol is being passed onto minors and the procedure to deal therewith; and
 - (c) all staff trained when it is appropriate to stop serving and how to enforce this.
3. When the licensed premises is open, the responsible person will regularly, at least hourly, check around the perimeter to monitor the outside for anti-social behaviour and safety of minors.

In response to a question Mr Biggs advised that CCTV recordings would be held for 28 days after any event should the Police wish to inspect the recordings.

The Licensing Support Officer then summed up the nature of the application and the issues for the Sub-Committee to consider. She reminded the Sub-Committee that they may grant the licence with no modifications, modify the conditions of the licence or reject 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 as applied for.

The decision notice and formal wording read out by the Legal Advisor is appended to these minutes.

LICENSING SUB-COMMITTEE
Wednesday 1 October 2014

APPLICATION FOR A PREMISES LICENCE
ASHFORD BARBARIANS RUGBY FOOTBALL CLUB, SPEARPOINT PAVILLION,
THE RIDGE, KENNINGTON, ASHFORD, KENT.

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

**NAME AND ADDRESS
OF PREMISES:**

Ashford Barbarians Rugby Football Club,
Spearpoint Pavillion,
The Ridge,
Kennington,
Ashford,
Kent.

APPLICANT:

Ashford Rugby 2013 Limited

**REASON FOR
HEARING:**

To determine application further to receipt of four valid representations received from interested parties.

DELIBERATION:

The Licensing Sub-Committee was advised at the meeting that 21 temporary event notices had been held at the premises and further, there had been no complaints received from any party, e.g. Environmental Services, police, fire service, or any residents.

Further, that the applicant wished to amend the application to include the following conditions –

1. *Held within the premises will be the training records and appendices of bar staff trained to serve alcohol.*
2. *All staff trained in the following:*
 - (a) *Challenge 21 or equivalent regime to be enforced and posters displayed;*
 - (b) *all committee members will be trained to identify if alcohol is being passed onto minors and the procedure to deal therewith; and (c) all staff trained when it is appropriate to stop serving and how to enforce this.*

3. *When the licensed premises is open, the responsible person will regularly, at least hourly, check around the perimeter to monitor the outside for anti-social behaviour and safety of minors.*

The Sub-Committee considered in detail the representations contained within the committee bundle at pages 37 to 41, which were expanded upon at the Sub-Committee hearing.

In light of the above, the Sub-Committee considered the following relevant licensing objectives.

1. Prevention of Crime and Disorder

No representations had been made regarding this licensing objective.

2. Public Safety

No representations had been made regarding this licensing objective.

3. The Prevention of Public Nuisance

The Sub-Committee had regard to the representations made regarding this objective and the concerns expressed by those residents present at the meeting, in respect of excessive noise. It was noted that there was no evidence to suggest that any of the residents were suffering the affects of excessive noise from the premises or patrons. Rather these were anticipated concerns. The Sub-Committee considered that the measures in place and, in particular, the additional conditions proffered at the meeting by the applicant would alleviate these concerns.

In respect of anti-social behaviour, again it was noted that there was no evidence to suggest that residents were suffering the affects of anti-social behaviour from the premises or patrons currently but that these were anticipated concerns. The Sub-Committee considered that the measures in place, the additional conditions proffered at the meeting by the applicant would alleviate these concerns. The Sub-Committee thought that the following condition particularly effective, 'When the licensed premises is open, the responsible person will regularly, at least hourly, check around the perimeter to monitor the outside for anti-social behaviour and safety of minors.'

4. Prevention of Harm to Children

The Sub-Committee had regard to the representations made regarding this objective and the concerns expressed by those residents present at the meeting in respect of prevention of harm to children. Again it was noted that there was no evidence to suggest that this is a current problem but that these were anticipated concerns. The Sub-Committee considered that the measures in place, the additional conditions proffered at the meeting by the applicant would alleviate these concerns. The Sub-Committee thought that the following conditions particularly effective: 'Challenge 21 or equivalent regime to be enforced and posters displayed; and all committee members will be trained to identify if alcohol is being passed onto minors and the procedure to deal therewith'.

DECISION MADE:

Application as applied for.

Additional notes made by the Sub-Committee at the meeting -

- This licence, like any other licence, is subject to review at the instigation of any Responsible Authority or Interested Person should there be any concerns regarding the operation of, and/or, breaches of the licence.
- Other Persons and Responsible Authorities were reminded that they may apply for a review of this licence "after a reasonable interval" pursuant to section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- In the case of a Premises Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against.