



Minutes of the Licensing Sub-Committee

8 April 2014

-: Present :-

Councillors Addis, Doggett and Ellery

62. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

63. Minutes

The Minutes of the meeting of the Sub-Committees held on 6 March 2013 and 13 March 2013 were confirmed as a correct record and signed by the Chairman.

64. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Paignton Rugby Football Club, Queens Park, Queens Road, Paignton TQ4 6AT

Members considered a report on an application for a Variation to a Premises Licence in respect of Paignton Rugby Football Club, Queens Park, Queen's Road, Paignton TQ4 6AT.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder' and proposed deletion of existing conditions and proposed additional conditions.	6 March 2014
Members of the Public	9 Representations in relation to Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance.'	Various dates March 2014

Oral Representation received from:

Name	Details
The Applicant's Legal Representative	The Applicant's Legal Representative outlined the application, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their objection, as set out in the submitted documents and responded to Members questions.

Members noted that there had been no additional Representations received from any other Responsible Authority or any Interested Party.

Additional Information:

Paignton Rugby Football and Cricket Club currently has three separate licences operating under the same premises. There are two Club Premises Certificates, one for the Rugby Club and the second for the Cricket Club.. Both Certificates permit alcohol and regulated entertainment inside the club house until 1.00am for Members and signed in guests.

The third is a Premises Licence which is granted to Paignton Rugby Club and permits the general public access to the Club House until 10.00pm. Paignton Ruby Club sought clarity to align the Premise Licence with the same authorisations granted under their Club Premises Certificate which would enable to permit members of the public to use the Club House and facilities and alleviate confusion with enforcement agencies.

Members noted that an Abatement Notice has been served on Paignton Rugby Club in April 2012 and is still operative. In addition Members noted that the concerns raised in the Representations by Interested Parties related to similar issues which resulted in the service of the Notice in 2012.

The Council's Senior Lawyer advised Members that the wording throughout the Applicant's operating schedule needed to be specific and enforceable to the Rugby Club's Premises Licence. Members were advised that a number of amendments needed to be made to the wording of this application to ensure that there was no ambiguity when it came to enforcement, should Members resolve to grant the licence.

The Council's Senior Lawyer highlighted to Members and the parties present where the number of amendments were needed, as follows:

Section in Variation to Licence Application	Wording	Amended Wording or advice
Section 16	As the existing conditions, plus the addition of...	As the existing conditions <u>of the current Premises Licence</u> plus the addition of...
c) Public Safety 4)	A log book shall be kept of all incidents for disruptive behaviour and any complaints made by the public.	A log book shall be kept of all incidents <u>of</u> disruptive behaviour and any complaints made by the public.
c) Public Safety 13b)	The management shall ensure that there are <u>suitable</u> numbers of staff...	Clarification of 'suitable' needed for enforcement purposes.
c) Public Safety 13d)	Car parks must be monitored.....	<u>Premises</u> car parks must be monitored....
c) Public Safety 13e)	Stewards shall be on hand to ensure that car park entrances are closed as the event closes.	Stewards shall be on hand to ensure that <u>premises</u> car park entrances are closed as the event closes.
d) The Prevention of Public Nuisance 1)	towards the club house	Be deleted and add thereafter 'in writing by Environmental Health prior to each event taking place
d) The Prevention of Public Nuisance	All staff shall be trained to deal with 'difficult' customers.	Clarification of 'difficult.' Needed. Proposed unruly, noisy, aggressive, drunk.
e) The Protection of Children from Harm 1)	Staff shall be trained to prevent sale of alcohol to under 18's. Proof of age Policy	Staff shall be trained to prevent sale of alcohol to under 18's. <u>A</u> proof of age policy shall apply to any customer....
e) The Protection of Children from Harm 2)	Clearly marked signs shall be prominently displayed for the sale of soft drinks and water.	Clearly marked signs shall be prominently <u>on the Premises</u> displayed for the sale of soft drinks and water.
e) The Protection of Children from Harm 2)	Clearly marked signs shall be prominently displayed for the sale of soft drinks and water.	Clearly marked signs shall be prominently displayed <u>on the Premises</u> for the sale of soft drinks and water.

<p>e) The Protection of Children from Harm d)</p>	<p>In respect of the Beer Festival no person under the age of 18 shall be permitted on site after 6pm.</p>	<p>Members were advised by the Applicant's Legal Representative that 6pm was an error and that it should state 9pm as 6pm on site would remove children completely from the premises and clubhouse during an event after this time.</p> <p>Members were advised by the Council's Senior Lawyer that timing in the application could not be amended as proposed. In that there would be a need for consultation with Responsible Authorities' and Interested Parties. Particular reference was made in respect of Children's Safeguarding Board in that the absence of a Representation from them meant that an inference could be drawn that they were satisfied that the application as it stood met the Licensing Objective in respect of The Protection of Children from Harm.</p>
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Clarification was sought by the Applicant in respect of the Clubs Premises Certificate in that this application had no bearing on it.

The Council's Senior Lawyer confirmed that this was a separate application for a variation to the Rugby and Football Club's Premises Licence and that the provisions contained within the Clubs Premises Certificate remained unaffected by this application.

Decision:

That the application for a Variation to a Premises Licence in respect of Paignton Rugby Football Club, Queens Park, Queen's Road, Paignton TQ4

6AT be granted as applied for subject to licensable activities ceasing inside the premises at 11pm, with drinking up being permitted for 30 minutes thereafter and closure of the premises being at 11.30pm.

With regards to the use of the external area of the premises, the licence shall be granted as applied for subject to licensable activities ceasing at 11pm, with drinking up being permitted for 30 minutes thereafter and closure of the premises being at 11.30pm.

Only 6 events per year shall be permitted, as in accordance with the current Premises Licence.

The wording of the conditions put forward by the Applicants in their operating schedule shall be amended in line with that proposed by the Council's Senior Lawyer at the hearing, to ensure that the conditions to be imposed on the premises licence are not ambiguous and are enforceable.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the variation to the Premises Licence, as in accordance with the decision above having been satisfied that the application in respect of the external area of the premises would not undermine the Licensing Objectives, given the considered and comprehensive conditions to be imposed on the premises licence.

In respect of the internal area of the premises, Members had regard to the representations put forward by the interested parties and the fact that the premises is subject to an abatement notice. As such, Members were concerned that the nature of the application would result in the premises becoming a public house in a residential area with no real consideration given to its impact on nearby residents after 11pm. Members formed this view by what they saw as a lack of appropriate conditions contained within the Applicants operating schedule, the emphasis of the application and the oral representations submitted at the hearing by both the Applicants and their legal representative being in relation to the use of the premises external area and the lack of any definite or enforceable proposals for control and the use of the premises inside area.

In light of this, Members had regard to the Council's Licensing Statement of Principles 2011 which clearly states at section 4, paragraph 4.4 of page 24 that the Licensing Authorities rationale for issuing premises licence is to refuse or limit types of regulated entertainment or impose early closing times where Applicant's have not sufficiently demonstrated how they will protect residential premises, from public nuisance and as such, felt it appropriate to limit licensable activities until 11pm with closure of the premises being at 11.30pm.