

**LICENSING PANEL
19 NOVEMBER 2020
2.00 - 3.30 PM**



Present:

Councillors Leake (Chairman), Dr Barnard and Ms Gaw

Also Present:

Joe Pavitt, Crowthorne Rugby Football Club Secretary
Ian McLeod, Crowthorne Rugby Football Club Chairman
Donald Adams, Legal Advisor
Lizzie Rich, Clerk

23. Declarations of Interest

There were no declarations of interest.

24. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all parties.

25. Application for New Club Premises licence for Crowthorne Rugby Football Club

The application was for a new Club Premises Certificate under Section 60 of the Licensing Act 2003 to permit the Applicant's retail sale of alcohol, for consumption on the premises, to the club's members and guests of club members, including to their guest visiting teams and guest visiting supporters between the hours of 13:00pm – 22:00pm on Saturdays and Sundays only. The Panel was advised that the Applicant envisaged such sales would mainly be on those weekends during the rugby season September to May, but at other weekends too, including at home rugby events during the Summer months.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues,
- the Applicant,
- the Interested Parties;

together with reference to the appropriate Licensing objectives and provisions under the Licensing Act 2003, the Home Office Guidance issued in respect of the same and having regard to the Council's own Statement of Licensing Policy. The Panel also noted the mandatory and proposed additional conditions to be attached to the Club Premises Certificate in the event of it being granted.

At the conclusion of the proceedings, all participants present confirmed that they had been given the opportunity to say all they wished to say.

In taking an evidence-based approach to the determination of the application, the Panel reached its decision having regard to its overriding objective to promote the four licensing objectives under the Licensing Act 2003.

The Panel noted that there had been no representations made by the Police, or any of the other Responsible Authorities by way of objection to the application.

The Panel noted that written representation had been received from one local resident, objecting to the application on the grounds of the licensing objectives of “prevention of public nuisance” (noise, littering and its effect on local amenity and wildlife) and also “public safety” (in terms of patrons after they leave the premises, potentially in hours of darkness).

The Interested Party objecting to the application did not join the Hearing, despite having been made aware of the ability and process to do so. The Panel decided that it was not contrary to the public interest to proceed with the Hearing in that Interested Party’s absence. The Panel fully took in to account all that had been submitted in writing by that Interested Party ahead of the Hearing.

In respect of that Interested Party’s written representation concerning potential for “public nuisance” caused by noise, the Panel heard that during mediation, the applicant had agreed to vary its original application by way of removing application for permission to also provide Regulated Entertainment (provision of live or recorded music) at the premises. As such, that element of the written representation raising concern for potential noise nuisance caused by any licensable activity comprising of playing of live or recorded music at the premises was not an issue for the Panel to consider as it was not part of the application before it.

On hearing all the written and oral representations before it, the Panel decided that granting the Club Premises Certificate, with the Mandatory Club Premises Certificate conditions together with amended additional conditions attached, would not have an adverse impact on the promotion of the four licensing objectives.

The Panel determined that the additional conditions to be attached to the Club Premises Certificate, over and above the “Mandatory Conditions” as set out at Annex 1 to Annex D, are those “Conditions Consistent With The Club Operating Schedule” as set out at Annex 2 to Annex D (page 34 – 35 of the published Application Agenda pack), save for the Panel determining to impose the following amendments to those published additional conditions.

Condition 9 be replaced to now read as follows:

Only permit the provision of alcohol to members of Crowthorne Rugby Football Club and their guests, which may include, by invitation of members of Crowthorne Rugby Football Club, guest members and guest supporters of visiting Rugby teams

Condition 18 be replaced to now read as follows:

- (a) No drinking vessel, including bottles, glasses, cans etc shall be taken outside of the premises licensed area at any time
- (b) All management staff shall ensure that a member of the Crowthorne Rugby Football Club will monitor all exits of the premises licensed area to ensure that no person exits the premises licensed area at any time with any drinking vessel including bottles, glasses, cans etc.

Condition 29 be added to read as follows:

- (a) The premises licensed area shall be limited to the clubhouse building premises including the canopy entrance / seating area as defined on the premises plan.
- (b) No licensable activity may take place in any areas external of the premises licensed area of the clubhouse building other than the canopy entrance / seating area as defined on the premises plan.

Condition 30 be added to read as follows:

- (a) The retail sale of alcohol by or on behalf of Crowthorne Rugby Football club or its members to a guest of the club or its members, for consumption within the premises licensed area, is only permitted on Saturdays and Sundays between the hours of 13:00 to 21:00
- (b) The terminal hour for licensable service of alcohol within the premises licensed area, that is permitted to be open to members and their guests until 22:00 on Saturdays and Sundays, shall be 21:00 on Saturdays and Sundays.
- (c) This means that the Club Premises Certificate is granted for the following hours of licensable service of alcohol within the licensed premises area:

13:00 to 21:00 Saturdays and Sundays only

The Licensing Section will send you a copy of the Licence in due course.

Reasons

The Panel noted that Crowthorne Rugby Football Club currently has upwards of seventy-five members but that it has plans to grow the club over the next five years, including increasing its membership as the club progresses. The Applicant informed the Panel that there are currently usually fifty to sixty members, guests and supporters in attendance at matches.

The Applicant explained that alcohol would only be served to club members, their guests, and guest players and guest supporters of visiting teams. The Panel was concerned, however, that on match days the number of people using the clubhouse could vary significantly depending on the size of the visiting team and that this number could not easily be limited or accommodated solely within the present clubhouse building. Panel members felt that the size of the existing clubhouse was not sufficient to cater for large groups inside, and that this may result in supporters drinking outside the clubhouse leading to additional noise in the area after the match had finished.

The Panel heard that the present clubhouse itself is relatively small with a maximum capacity of fifteen to twenty people that can be accommodated within the seating / serving area as defined on the premises plan, in addition to the two team changing rooms within the clubhouse premises and the canopy entrance / seating area external to it. The Panel noted that there is currently no internal access between the changing rooms themselves and the internal seating / serving area of the clubhouse, thus requiring access between the changing rooms and internal seating / serving area along the external canopy entrance / seating area.

The Applicant had sought to include an undefined roped-off area of the training pitch in front of the clubhouse to be within the premises licensed area. However, Panel members were concerned that as the clubhouse itself currently has a small internal

capacity, it was likely that would encourage presently undetermined numbers of members and guests to drink outside in what was an as yet undefined area and that to permit that would be difficult for the management staff and officials to monitor numbers and the behaviour and noise of the people drinking outside of the clubhouse premises.

Therefore, in granting the Club Premises Certificate, the Panel determined to limit the premises licensed area to be only the clubhouse building itself but including the external canopy entrance / seating area. The Panel considered such limiting of the premises licensed area a proportionate and justifiable determination in striking a balance between the concerns of interested parties, by preventing members and guests from drinking near residents' houses and potentially causing any noise disturbance, and the legitimate business interests of the Applicant, including taking in to account the need of the Applicant's members and guests to use the external canopy entrance / seating area of the clubhouse both for access between the internal parts of the clubhouse and to accommodate the potential number of members and guests to be in attendance.

The Panel noted that the Interested Party's written statement of objection had raised concerns about both the current level of noise from the club and the potential for increased level of noise from the club should the application be granted. Whilst the Panel recognised that a certain level of noise was to be expected from a rugby club whilst matches are taking place, in light of the potential numbers of club members and guests who may use the licensed premises area for licensed activities, including the external canopy entrance / seating area, the Panel determined that it was proportionate, justifiable and appropriate to the promotion of the licensing objectives to limit the terminal hour of licensable service of alcohol to be 21:00 on both Saturdays and Sundays, rather than the 22:00 terminal hour of licensable service on each of those days that had been sought by the Applicant.

In determining to limit the licensable service terminal hour to be 21:00 on both days the Panel considered that should avoid risk of excessive noise coming from the premises, especially from outside of the clubhouse during unsociable hours. The Panel noted the included Club Premises Certificate conditions as to the club processes and procedures to limit noise escaping from within the clubhouse, including that doors shall remain closed during licensable hours except for access and egress.

The Panel recognised that the social aspect of rugby often included a drink after the match and hoped that the Club Premises Certificate as granted with the stated amended conditions attached would allow for alcohol to be consumed on premises without impacting significantly on the lives of local residents.

The Panel wished to remind the Applicant that it would be welcome to apply for variations to its granted Club Premises Certificate as the club and its facilities grew with time.

The Panel was encouraged both by the Applicant's apparent desire to work with, and grow as a club, with the local community and with its stated already engagement with the local Police Community Support Officer, Licensing Officers, Trading Standards Officers and the Interested Parties during the formal consultation and mediation processes prior to the Hearing.

The Panel noted that the Interested Party's written statement of objection also raised concern for potential "public nuisance" from increased level of littering and its related impact on amenity and local wildlife should the application be granted. The Panel

heard, however, from the Applicant that alcohol would only be served in cans, not bottles, and that the cans, as per the included Club Premises Certificate condition 23 would have the club's initials on the base to help identify them in the event of any littering. The Panel was satisfied that condition, together with the included Club Premises Certificate conditions 17 and 18 as to litter clearance processes of the club and processes to ensure that no person exits the licensed premises area with any drinking vessel, as well as the Applicant's submissions on there being sufficient numbers of litter bins in the clubhouse and grounds, was sufficient to minimise risk of "public nuisance" caused by littering and associated impact on local wildlife.

In relation to the element of the Interested Party's written representation concerning the promotion of "public safety" in respect of patrons after they leave the premises, particularly in hours of darkness, the Panel noted that it could only be concerned with what was proportionately and appropriately within the Applicant's control and capability to promote the "public safety" licensing objective. The Panel noted the proposed Club Premises Certificate conditions including as to there being CCTV and emergency lighting in place on the premises. The Panel also noted the Applicant's submission that presently most members, guests and supporters arrive by motor car or, in the case of some of the larger visiting teams, by coach, rather than on foot. As such, by determining to attach the proposed Mandatory and amended additional conditions to the Club Premises Certificate, the Panel considered there were sufficient processes and procedures in place by the Club to promote the "public safety" licensing objective.

In summary, the Panel granted the Club Premises Certificate with the Mandatory and additional conditions as set out at Annex 1 and Annex 2 to Annex D of the (pages 34 – 35 of the published Application Agenda pack), amended as set out above.

The Panel determined that the Mandatory and amended additional conditions attached to the granted Club Premises Certificate are proportionate, justifiable, capable of being met by the Applicant and are consistent with the Applicant's operating schedule and appropriate to the promotion of the licensing objectives.

The Applicant is reminded of the expectation that the granted Club Premises Certificate, including all its attached conditions, be strictly adhered to.

The Panel reminded the Applicant and Interested Parties that the Licensing Act 2003 regime contains provision for seeking a review of a granted Club Premises Certificate if there are breaches of the Certificate and if the licensing objectives are not being met.

The Panel considered that available mechanism for potential review under the Licensing Act 2003, rather than refusal of the application to be the appropriate decision, option for recourse and ultimate check and balance in determining this application.

CHAIRMAN