

RECORD OF DECISION

LICENSING SUB-COMMITTEE

DATE OF HEARING: WEDNESDAY, 21 AUGUST 2024

MEMBERS: Councillors S J Criswell, S A Howell and N Wells (Chair)

APPLICATION CONSIDERED: ST NEOTS RUGBY CLUB, NEW STREET, ST NEOTS, PE19 1RU

We heard representations from the following persons:

The Applicant
4 Interested Parties

In making our decision we considered the following:

- ❖ The Licensing Act 2003
- ❖ The Section 182 Guidance
- ❖ The Council's Statement of Licensing Policy
- ❖ The Applicant's oral submissions
- ❖ The interested parties' oral submissions
- ❖ The representations from interested parties not at the hearing
- ❖ Suggested amendments from the Applicant and Interested Parties
- ❖ Responses to questions asked by Members and those attending the hearing.

Decision:

Having considered all the above, the Members determined to **GRANT** the application on the following terms:

a. **Performance of Plays - indoors**

Friday – 2300hrs to 00:00hrs

Saturday – 2300hrs to 00:00hrs

b. **Provision of Films - indoors**

Monday to Thursday, Sunday – 1100hrs to 2300hrs

Friday and Saturday – 1100hrs to 00:00hrs

- c. **Provision of Indoor Sport Events**
Monday to Thursday, Sunday – 1100hrs to 2300hrs
Friday and Saturday – 2300hrs to 00:00hrs
- e. **Provision of Live Music - indoors**
Friday and Saturday – 2300hrs to 00:00hrs
- f. **Provision of Recorded Music - indoors**
Friday and Saturday – 2300hrs to 00:00hrs
- g. **Provision of Performance of Dance - indoors**
Friday and Saturday – 2300hrs to 00:00hrs
- h. **Anything of a similar nature to that falling within (e), (f), or (g)**
Friday and Saturday – 2300hrs to 00:00hrs
- i. **Late Night Refreshment- indoors**
Friday and Saturday – 2300hrs to 00:00hrs
- j. **Supply of Alcohol – on sales**
Monday to Thursday, Sunday – 1100hrs to 2300hrs
Friday and Saturday – 1100hrs to 00:00hrs
- l. **Supply of Alcohol – off-sales**
Monday to Sunday – 1100hrs to 2200hrs

The Members noted that the Applicant had already pulled back the hours for licensable activities in mediation with the Interested Parties and this was welcomed by the Committee.

The Members listened to the concerns of the Interested Parties regarding Off-Sales of Alcohol and noted that the application as drafted would have provided limited control on how and when Off-Sales could take place.

The Members determined that the easiest way to deal with this issue was to exclude the patio area from the scope of the Premises with reference to the Licensing Plan. The Members felt the patio being included within the Licensed Area created difficulties around ensuring adequate control measures to promote the Licensing Objectives. The Members felt that these matters would be more easily addressed if the patio area was removed from the scope of the Premises Licence. Any sales of alcohol to the patio area or elsewhere will be off-sales of alcohol.

In relation to off-sales, the Members determined that it was appropriate and proportionate to restrict the hours for off-sales to less than those applied for in respect of on-sales. Members determined that 2200hrs was the correct time for off-sales to cease in line with a reduction in external activity after this time and as suggested by the Applicant.

The Members determined to add further conditions in respect of Off-Sales to promote the Licensing Objectives and these are set out below.

The Members acknowledged the concerns regarding the use of the patio area late at night and agreed with the submissions that this could give rise to public nuisance if mismanaged. The Members found the Applicant's concession not to use the patio area after 2200hrs (save for smokers etc.) helpful.

The Members listened carefully to the concerns regarding the proposed non-standard timings for Licensable Activities in relation to rugby internationals. The Members took on board the comments of both the Applicant and the Interested Parties in relation to this and decided on the following wording in respect of rugby internationals set out below:

Non-standard timings (rugby internationals)

When England, Ireland, Scotland, or Wales national rugby union teams, or the British and Irish Lions rugby union team are playing an international televised match which is broadcast live on television at a time outside of the permitted hours authorised by this Premises Licence, alcohol may be sold for consumption on the premises only from one hour before the advertised kick-off time until one-hour after the conclusion of the match. The Licensing Authority must be notified of the utilisation of this non-standard timing in writing at least 7 days in advance.

This supersedes the wording contained within Appendix E of the agenda papers.

The Members were encouraged at the mediation between the parties and hope that this will continue. To facilitate this, the Members determined to impose a condition requiring the Premises Licence Holder to provide contact details. The wording of this condition is set out below. The Members noted that the Applicant was happy to agree such a facility.

The Members were happy to agree the other conditions suggested within Appendix E as being appropriate and proportionate to promote the Licensing Objectives noting that these were agreed by the Applicant.

The Members felt confident that granting the application, as amended, would promote the Licensing Objectives and provide a balance between the commercial interests of the rugby club and the rights of residents.

The Members listened to the concerns of the Interested Party in relation to how licensing applications are notified and advertised and sympathised with the Interested Party's position. The Members noted that the Application was correctly advertised in accordance with the relevant legislation.

The additional conditions imposed by Members are as follows:

- With the exception of persons permitted to temporarily use the patio area (e.g. to smoke, make a telephone call, etc.) (as shown on the Plan) the patio area shall be closed from 22:00 until 08:00 the following morning.
- Customers shall not be permitted to take drinks outside of the Function Room and Members Bar areas between of 22:00 and the Premises opening the following morning.

- The Premises Licence Holder shall prominently display a notice at any exit to the patio area advising customers of the hours of use of the patio area and that drinks are not permitted to be taken onto the patio area or consumed there after 2200hrs.
- At 22:00 hours, the Premises Licence Holder will ask any customers drinking on the patio area to move inside the Function Room or Members Bar areas and to refrain from taking drinks outside after this time.
- The Premises Licence Holder shall ensure that the patio is monitored at all times when in use by customers.
- The Premises Licence Holder will provide a direct contact number for the manager on duty at the Premises which will be contactable at all times the Premises is open. The contact number will be displayed on the Premises' social media (if available), Premises' website (if available), and provided to the Licensing Authority.

The Members felt that these additional conditions, many of which had been mooted by the parties, would assist in promoting the Licensing Objectives and were appropriate and proportionate in that regard.

Date: 21 August 2024

PLEASE NOTE

The Applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting

Peterborough Magistrates Court
The Court House
Bridge Street
Peterborough
PE1 1ED