



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB
Telephone 01453 766321 • Facsimile 01453 750932
www.stroud.gov.uk

LICENSING ACT 2003

APPLICATION FOR A NEW CLUB PREMISES CERTIFICATE

PREMISES ADDRESS	HOLLYBUSH, MINCHINHAMPTON RUGBY FOOTBALL CLUB, MINCHINHAMPTON, GL6 9BD
APPLICANT NAME/S	MINCHINHAMPTON RUGBY FOOTBALL CLUB LTD
APPLICATION TYPE	NEW CLUB PREMISES CERTIFICATE
APPLICATION REFERENCE	17/00700/LACPNW
DATE OF HEARING	18 th JULY 2017
DATE OF DECISION	18 th JULY 2017
DECISION	APPLICATION GRANTED WITH CONDITIONS

BACKGROUND

On 2nd June 2017 Stroud District Council (“the Council”), being the relevant Licensing Authority, received an application for a new club premises certificate in respect of the above Premises pursuant to section 71 of the Licensing Act 2003.

Following Representations from local residents a hearing took place on 18th July 2017 in order to determine the application.

REPRESENTATIONS

This hearing was attended by Mr Jake Lukas, Mr Nick Gardiner speaking on behalf of Mrs Evelyn Gardiner and Ms Susan Cavender on behalf of Mr David Lamb. Consideration was also given to the Representation received from Mr and Mrs Hooker who were not present at the hearing.

Ms Cavender outlined that Mr Lamb is supportive of the application however he is concerned that as the club expands the frequency of social gatherings and parties will increase and that noise at these events will directly impact on the community who live near the club. Ms Cavender advised the Panel that the volunteered condition limiting the playing of live music to 2 times per calendar month would not prevent the playing of music twice in any one weekend which is excessive for the area. Ms Cavender suggested that the playing of live music at social gatherings be limited to once per weekend to ensure that the entire weekend was not taken up by such an event; and not on Sundays as this would not be appropriate.

Mr Gardiner objected to the application on the ground that the playing of live music and sale of alcohol will directly contravene conditions attached to the planning permission dated 23rd December 2011. The Legal Officer to the Panel advised that the planning

conditions have no direct bearing on the hearing today however they do serve to highlight the sensitivity of the site. The Panel did consider Mr Gardiner's additional objections on public nuisance grounds.

Mr Lukas is concerned that public safety would be compromised as there is no path connecting the club to residential premises and patrons wishing to walk home after having a drink would have to do so along a busy main road with no pavement. Mr Lukas is also concerned that noise will escape from the club and impact on the quality of life of nearby residents thereby causing a public nuisance.

APPLICANT'S REPRESENTATIONS

Mr Paul Holland, a member of the club committee, spoke on behalf of the club in support of the Application. In addressing public nuisance concerns, Mr Holland advised that the club is primarily for sporting and social purposes and that the supply of alcohol is intended to allow members and their guests to have a drink after training and matches thereby enabling the club to retain its senior membership. Mr Holland confirmed that the supply of alcohol is not central to the club and that the club has no intention to run a full-time bar. Mr Holland also advised the Panel that pre-organised social gatherings and parties will be few and far between, and in any event limited to 12 per year as volunteered in the conditions. Mr Holland advised the Panel that the club has been granted 23 TENs since opening and that no complaints were received in relation to these events. However Mr Holland acknowledged that many of these TENs did not include the provision of live music. Mr Holland also informed the Panel that the club generally closes at 8pm on Saturdays and that there is no intention to remain open until 11pm every Saturday night however having a licence to do so will allow the club some flexibility. In response to concerns around littering, Mr Holland advised that the club has 12 waste bins and 2 recycling bins.

Public safety concerns were raised in the hearing regarding access on foot to the club. Mr Holland advised that most members leave the club in a communal car and that away supporters tend to leave in a mini-bus thereby reducing the number of people walking home. Mr Holland also advised that the club would be happy to agree a condition addressing concerns raised at the hearing around the consumption of alcohol from glass containers at the side of the pitch.

The Panel took into account the concerns raised by the objectors and considered the comments of the Applicant regarding the steps which would be taken to promote the licensing objectives. The Panel also took account of the Home Office Guidance on the Licensing Act 2003 and Stroud District Council's Licensing Policy.

DECISION

The panel decided to **GRANT** the application.

The Panel took into account the comments made on behalf of the Applicant and the Representations and had regard to the licensing objectives set out in the Licensing Act 2003 as well as the Council's Licensing Policy.

The Panel is concerned that the escape of noise from the club during pre-organised social gatherings will impact on nearby residents. The Panel considered that the risk of public nuisance arising as a result of this noise could adequately be mitigated by the imposition of conditions. The Panel noted the conditions agreed between the Applicant and Responsible Authorities and agreed that these conditions would be necessary to mitigate the risk of public nuisance. Although the Panel agreed that excessive noise could be dealt with by the statutory nuisance regime, they considered it necessary to impose additional conditions to mitigate this risk. The Panel has therefore decided that the licence will be subject to the conditions set out in the Schedule.

The Panel does not consider that there is a substantial risk to public safety arising if a licence were to be granted. The Panel is satisfied that club members and their guests are currently able to exit the club safely. Moreover, the Panel is satisfied with the evidence given by Mr Holland that members and away supporters usually leave the club in communal cars or by minibus, and that this established practice should be able to continue after the granting of a licence. In relation to concerns around the consumption of alcohol outdoors from glass containers the Panel considered it necessary to impose a condition preventing this.

The application is therefore **GRANTED** with the hours for licensable activities as applied for, subject to the conditions set out in the Schedule below.

*Roslyn Meenagh
Clerk to the Panel
20th July 2017*

SCHEDULE

VOLUNTEERED CONDITIONS

1. Notices shall be displayed prominently near to all exits to the premises for the purpose of asking customers to respect local residents and leave the club quietly.
2. The club shall operate a "Challenge 25" policy.
3. Any person involved with the supply of alcohol to club members and their guests shall be trained in their responsibilities under the Licensing Act 2003. All training undertaken shall be recorded and signed by the trained person and training records shall be produced to Police and Council Officers upon request.
4. An incident and refusal register for recording violence, anti-social behaviour and refused sales shall be maintained and produced to Police and Council Officers upon request.

IMPOSED CONDITIONS

5. The number of pre-organised social gatherings at the premises shall be limited to 12 per year (calculated on a pro rata basis for 2017) with no more than 2 such gatherings per calendar month and one such gathering in any Friday-Sunday period (or Friday – Monday period on a bank holiday weekend). For the avoidance of doubt “pre-organised social gatherings” shall include birthday and other parties, wedding receptions and other events of a similar nature but shall not include post-match drinks immediately following a rugby fixture or drinks after a rugby training session.
6. A notice designating a single point of contact for complaints shall be displayed prominently on the outside of the club premises and published on the club’s website. This notice shall contain the name and contact telephone number for the club member designated to deal with these complaints.
7. No drinks shall be consumed from glass vessels or glass bottles on the external parts of the licensed area.
8. During a pre-organised social gathering referred to in condition 5 the external doors to the clubhouse must remain closed at all times except for entry and egress from the clubhouse and the windows must be closed after 9pm.