

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: LICENSING COMMITTEE

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APPLICATION FOR A PREMISES LICENCE – COLNE & NELSON RUGBY CLUB

PURPOSE OF REPORT

To consider an application for a Premises Licence following receipt of representations from local residents and a Responsible Authority.

RECOMMENDATIONS

- (1) The application must be determined with a view to promoting the four licensing objectives, namely – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- (2) The Committee must take into consideration any representations made.
- (3) The Committee must have regard to the Guidance issued by the Government.
- (4) The Committee must have regard to its own Statement of Licensing Policy.

Having taken all of the above into consideration, the Committee must give reasons for its decision.

REASONS FOR RECOMMENDATIONS

The Licensing Committee may –

- (a) grant the Premises Licence, subject to –
 - (i) conditions which are consistent with the Operating Schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives and;
 - (ii) any mandatory conditions;
- (b) exclude from the scope of the Licence any of the licensable activities to which the application relates;
- (c) reject the application.

For the purposes of section (a), the conditions mentioned in (a)(i) are modified if any of them are altered or omitted or any new condition is added.

ISSUE

A. The Application

1. The application (received 24th February 2016) is from Colne and Nelson Rugby Club Limited of The Clubhouse, Holt House, Harrison Drive, Colne. The applicant already has a Club Premises Certificate in place for the premises (Licence No.: PCPC/A0034 – Background Paper 2), which has been in force since 24th November 2005 albeit with different hours than this application. A copy of the application is attached as Appendix 1.

B. Application Details

2. The application is to provide the following licensable activities –

Performance of a play (indoors and outdoors)

Sunday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:30

Exhibition of a film (indoors and outdoors)

Sunday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:30

Indoor sport

Sunday to Wednesday 23:00 to 23:30

Thursday to Saturday 23:00 to 00:30

Live music (indoors and outdoors)

Sunday 23:00 to 00:00

Monday to Wednesday 23:00 to 23:30

Thursday to Saturday 23:00 to 01:00

New Year's Eve 23:00 to 01:30

Recorded music (indoors and outdoors)

Sunday 23:00 to 00:00

Monday to Wednesday 23:00 to 23:30

Thursday to Saturday 23:00 to 01:00

New Year's Eve 23:00 to 01:30

Performance of dance (indoors and outdoors)

Sunday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:30

Late night refreshment (indoors and outdoors)

Sunday 23:00 to 00:00

Monday to Thursday 23:00 to 01:00

Friday and Saturday 23:00 to 02:00

Supply of alcohol (on and off the premises)

Sunday 08:00 to 00:00

Monday to Thursday 08:00 to 01:00

Friday and Saturday 08:00 to 02:00

New Year's Eve 08:00 to 02:00

Premises opening hours

Sunday 08:00 to 01:00

Monday to Thursday 08:00 to 02:00

Friday and Saturday 08:00 to 03:00

New Year's Eve 08:00 to 03:00

3. The applicant has indicated they will take the following steps to promote the licensing objectives –

General

- The club is managed by an executive committee who will take responsibility for the management of the club policies in this area. The committee will only allow authorised and competent people to work in the delivery of the controlled activities. The committee will ensure that the club premises are maintained to a safe and functional standard and they will ensure that the club policies with reference to Public Nuisance, Noise, Health & Safety and Child Welfare are implemented effectively.
- The committee will operate an open and consultative attitude to its activities and will therefore co-operate fully with the Local Authority and the local community to ensure that the issues of crime and disorder, nuisance, public safety and child welfare are dealt with effectively.

Prevention of crime and disorder

- The club has put in place a CCTV camera system to monitor activity on the premises. These cover most of the public areas and the immediate area outside of the club. The CCTV images are recorded for use if required. All staff working at the club will work to ensure that behaviour and attitudes which are likely to result in disorder are challenged effectively.
- When the events at the club are busy then additional control measures will be implemented to reduce the possibility of issues in this area; for example – employment of security staff; the use of plastic receptacles.

Public Safety

- The committee shall ensure that the premises are fully compliant with the health and safety legislation applicable to its activities. They will ensure that the activities carried out in the premises are risk assessed and any safety issues are adequately controlled.
- The fire risk assessment will be reviewed regularly and fire safety equipment in use at the club will be serviced annually.

Prevention of Public Nuisance

- The committee will ensure that the club's policies with reference to noise and nuisance will be implemented effectively. All events will be vetted and risk assessed and where necessary, additional control measures will be implemented; for example – invite only

policy; age check on door; employment of security staff; the use of plastic receptacles only; encouraging the use of taxis/private hire vehicles, when leaving.

- The committee will fully engage with the local community to ensure that feedback on public nuisance is dealt with constructively to ensure that any potential public nuisance or noise issue going forward is minimised.

The protection of children from harm

- The club has a child welfare policy which will be fully implemented and monitored by the club's committee. Any activity taking place at the club which is potentially harmful to children will be fully risk assessed and appropriate control measures implemented. If deemed necessary, the activity will be cancelled.
 - For the sale of alcohol the club will implement a Challenge 25 Policy to ensure that the sale of the product to children is eliminated. Only the following forms of identification will be accepted:
 - Passport
 - DVLA Photocard Driving Licence
 - Accredited Photographic identification.
 - The club have an appointed Trained Child Welfare Officer who will champion the welfare of young people in the organisation.
4. In addition, following consultation with the Police, the applicant has agreed to the inclusion of the following additional conditions (Appendix 2) -
- All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:
 - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
 - Photo driving licence
 - Passport
 - Citizen card supported by the Home Office
 - Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder.
 - A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
 - All relevant staff will be trained in relation to the licensing objectives so as to reduce crime & disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular refresher training to be undertaken. All training will be documented and will be made available to an authorised officer upon request.
5. Representations have been received from persons residing in the vicinity of the premises (attached as Appendices 3, 4, 5 and 6). The persons have been informed that only concerns that relate to the four licensing objectives can be considered by the Licensing Committee in relation to this application.
6. Representations have also been received from the Council's Environmental Health department (Appendix 7) regarding concerns with the club's Noise Management Plan, which the department have requested be amended. These proposed requested amendments are also attached.

C. Background Information

7. Colne and Nelson Rugby Club and the area for the additional marquee are displayed on the plan attached as Background Paper 1.
8. The existing Club Premises Certificate (PCPC/A0034) in force at the premises is attached as Background Paper 2.
9. Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (section 10 (4) (a) (i) Licensing Act 2003).
10. A party who wishes to withdraw any representations they have made, may do so, by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or orally at the hearing (section 10 (a) and (b) Licensing Act 2003 (Hearings) Regulations 2005).
11. Time limits for hearings may be extended where it is in the public interest, and hearings can be adjourned where the Authority considers it necessary for further consideration of representations (sections 11 and 12 Licensing Act 2003 (Hearings) Regulations 2005).
12. Except where an Authority considers that the public interest in doing so outweighs the public interest in the hearing, the public shall not be excluded from a hearing (section 14 Licensing Act 2003 (Hearings) Regulations 2005).
13. At the beginning of the hearing, the Authority shall to explain to the parties the procedure it proposes to follow (section 22 Licensing Act 2003 (Hearings) Regulations 2005).

D. Considerations

14. At a hearing the Licensing Authority may:
 - a. Grant the application subject to modifying conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives.
 - b. Reject one or more requested licensable activities.
 - c. Reject the application.
 - d. Refuse to specify a person as a designated premises supervisor (DPS).
15. All decisions of the Licensing Authority, and any conditions imposed, must be appropriate for the promotion of the licensing objectives.

IMPLICATIONS

Policy: There have been no changes to policy.

Financial: None arising directly from the report.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

1. Copy of application.
2. Police – conditions previously agreed.
3. Representation 1.
4. Representation 2.
5. Representation 3.
6. Representation 4.
7. Environmental Health – representation and amendments.

LIST OF BACKGROUND PAPERS

1. Location plan.
2. PCPC/A0034