

**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	Monday, 21 January 2013
Members of Panel	Councillors D. Barnard, P. Burt and M. Weeks
Applicant(s) Name	Hitchin Rugby Club Limited
Premises Address	Hitchin Rugby Club, Old Hale Way, Hitchin
Date of Application	26 November 2013
APPLICATION FOR VARIATION	<p>This is an application for variation of a Club Premises Certificate under section 84 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>1. The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <p>Monday to Sunday 0800hrs to 0100hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • On New Years Eve, the Club may be open until 0300hrs the following morning • On days when organised club events are held, the Club may be open until 0100hrs the following morning • On occasions when international rugby matches are televised, the Club may open at 0600hrs <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART L - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART L - Supply of alcohol (on and off the premises)</p> <p>The Hours are as per the existing licence, with the following variation:</p>

	<ul style="list-style-type: none"> • On occasions when international rugby matches are televised, the Club may serve alcohol from 0600hrs
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The following conditions are each considered appropriate by the Sub-Committee in line with the Licensing Act 2003 requirements.</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> 1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for supplying alcohol to members of the club for consumption on the premises. 2. Any alcohol supplied for consumption off the premises must be in a sealed container. 3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by NHDC Environmental Protection and are considered appropriate, with amendment, for the promotion of one of the four licensing objectives, namely the prevention of public nuisance:</p> <ol style="list-style-type: none"> 1. A responsible person shall manage, where necessary, the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised. 2. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to respect the needs of local residents and to leave the premises quickly and quietly. 3. Regulated entertainment shall only be permitted in the externally licensed area (temporary marquee) of the premises on a maximum of ten (10) days per calendar year. 4. Live music and recorded music shall only be permitted in the externally licensed area (temporary marquee) of the premises on a maximum of six (6) days per calendar year and no more than two (2) days per calendar month including any events subject to a Temporary Event Notice (TEN). 5. For outdoor events detailed in Condition 3, a responsible person shall notify immediate neighbours (addresses to be agreed with the Council's Environmental Health Officer) of such events via letter at least two weeks before the proposed event date. This letter shall

	<p>contain a contact telephone number of a responsible person so they can be contacted during an event should any issues arise.</p> <p>6. A responsible person shall keep a record of the events detailed in Condition 3 along with details of any complaints received to the club from residents regarding these events. This record should be made available to the Council's Environmental Health Officer upon request.</p> <p>N.B. The following condition on the existing club premises certificate will be removed in order to facilitate this variation:</p> <ol style="list-style-type: none"> 1. All licensable activities will only be permitted to take place in the area hatched red on the plan attached to the application. 2. The area of the premises shall be increased to include the playing fields. <p>The following conditions have been recommended by NHDC Environmental Protection and are <i>not</i> considered appropriate to ensure the promotion of one of the four licensing objectives, namely the prevention of public nuisance:</p> <ol style="list-style-type: none"> 3. Regulated entertainment shall only be permitted in the externally licensed area (temporary marquee) of the premises until 23:00.
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions, that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in Part P of their application, including:</p> <p>To extend the licensed premises to include a marquee, which would be erected close to the Clubhouse. This would apply no more than on 10 occasions per year.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<p>The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.</p>
<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (October 2012 version) in reaching its decision. It has found the following sections included in the report to be of particular relevance in reaching this decision:</p> <p>1.17, 2.18-2.24</p>
<p>LICENSING POLICY CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections included in the report to be of particular relevance in reaching this decision.</p> <p>5.1, 5.9, 9.1-9.5</p>

<p>RATIONALE FOR DECISION</p>	<p>The Sub-Committee took into account the representations from Environmental Health, the applicant and the other person in reaching its decision.</p> <p>The Sub-Committee found there to be evidence that the use of the marquee for live and recorded music should be restricted to promote the prevention of public nuisance. The complaints referred to by Environmental Health concerned the playing of music and the cumulative effect of music events over the summer months. The Sub-Committee felt that the complaints were fairly minimal in number, and felt it would not be proportionate or appropriate to reject the use of the marquee for regulated entertainment entirely.</p> <p>The Sub-Committee decided that off sales of alcohol should be permitted, as no evidence was provided that off sales was likely to cause public nuisance. Evidence was heard that the rugby club is long standing and respected in the community and always endeavours to keep the premises and playing fields tidy.</p> <p>The Sub-Committee decided to increase the area of the premises to include the playing fields following a clarification at the hearing that this area should have included in the application.</p>
<p>COMMENCEMENT DATE</p>	<p>This licence will come into effect from the date of this decision.</p>
<p>RIGHTS OF REVIEW</p>	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.</p>