

Licensing Hearing

Minutes of the meeting held on 31 July 2024 commencing at 10.30 am

Present: Cllr. Esler (Chairman)

Cllrs. Esler, Ferrari and Lindop

Also Present:	Mark Doherty	Applicant
	Debbie Doherty	Applicant
	Susan Lindsay	Senior Licensing Officer (SDC)
	Vikki Thompson	Council's Legal Advisor (SDC)
	Phil Magee	Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr. Esler be appointed Chairman of the Licensing Hearing.

(Cllr. Esler in the Chair)

2. Declarations of interest

There were none.

3. LICENSING ACT 2003 NEW CLUB PREMISES CERTIFICATE APPLICATION : Leigh Layabouts Rugby Football Club, The Field of Dreams, Chiddingstone Causeway, Tonbridge TN11 8JH

The Sub-Committee gave regard to the report of the Senior Licensing Officer, which detailed an application for a new Club Premises Certificate at Leigh Layabouts Rugby Football Club, The Field of Dreams, Chiddingstone Causeway, Tonbridge TN11 8JH. She provided an overview of the application, and explained that three representations against the application had been received from local residents.

The Applicant addressed the hearing. He outlined the history of the club and the premises. He informed the committee that alcohol had been sold at the site 10 years, through the use of Temporary Event Notices (TENs), and that no complaints had been received, nor had any accidents occurred. The club's immediate neighbours had not objected to the application. The premises would primarily be for small gatherings of supporters or players to have alcohol in a flexible fashion. The dates and timings for training and home matches were variable, and TENs were required to be completed far in advance. It was further hoped that being able to offer the sale of alcohol would help bring supporters to matches and sport-viewing events. He advised the panel that the objective of the certificate would primarily be to provide a social space for the

Licensing Hearing - 31 July 2024

club following other events, such as matches, training, or international sporting events.

Members raised the possibility of providing neighbouring properties with contact information should they wish to report any incidents or concerns with the site. The Applicant advised that both his and the Club Secretary's contact information were available on the website for the club.

At 10:45, Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 11:08, the Hearing Members, Council's Legal Advisor and Clerk to Hearing returned to the Conference Room.

The Chairman informed the Hearing that the Sub-Committee had had regard to the content of the agenda papers, the representations made by the applicant, the written representations, the Licensing Act 2003 and the Licensing Objectives, the Secretary of State's Amended Guidance issued under Section 182 of the Act, The Licensing Act 2003 (Premises licenses and club premises certificates) Regulations 2005 and the Council's Statement of Licensing Policy.

They appreciated the Applicant's candid representation. They noted the various concerns raised within the representations against the application. However, they were reassured by the long history of managing temporary event notices at the premises without complaint that the Licensing Objectives would be met. They were further reassured by the applicant's willingness to provide direct contact information to neighbouring residents.

They further noted that the club would add conditions to its constitution at its next AGM to fulfil the requirements of the Licensing Act 2003.

This Sub-Committee approved the application for a club premises certificate in the same terms as applied for by Leigh Layabouts Rugby Football Club, subject to the mandatory conditions, and with an additional condition requiring that the Club President provide a telephone number to local residents, to allow them to contact the club concerning any disturbance, and the reasons for decision contained in the notice of determination to follow within 5 working days, be granted.

Resolved: That the club premises certificate Leigh Layabouts Rugby Football Club, The Field of Dreams, Chiddingstone Causeway, Tonbridge TN11 8JH, subject to the mandatory conditions, and with an additional condition requiring that the Club President provide a telephone number to local residents, to allow them to contact the club concerning any disturbance, and the reasons for decision contained in the notice of determination to follow within 5 working days, be granted.

THE MEETING WAS CONCLUDED AT 11:12AM

CHAIRMAN

LICENSING ACT 2003 - Section 77

Notice of determination for application for club premises certificate

To: Mark Doherty

of: Leigh Layabouts Rugby Football Club, The Field of Dreams, Chiddingstone Causeway, Tonbridge TN11 8JH.

Ref:

Sevenoaks District Council being the licensing authority, on the 5th June 2024 received an application for a club premises certificate in respect of premises known as Leigh Layabouts Rugby Football Club, The Field of Dreams, Chiddingstone Causeway, Tonbridge TN11 8JH.

The club has supplied with this application:

1. A club operating schedule as per S71 (5) of the Licensing Act 2003.
2. A plan of the premises to which the application relates and
3. A copy of the rules of the club.

On the 31st July 2024 there being valid representations which were received in writing and not withdrawn, a hearing was held to consider these representations, and having considered them, the Licensing Sub-Committee determined as follows:

To Grant the club premises Certificate as it was applied for:

Section I: The hours the club premises may supply alcohol to the members and guests are from:

Monday - Thursday	18:00 - 23:00
Friday	17:00 - 23:00
Saturday & Sunday	12:00 - 23:00

The Non-standard timings shall be when live televised national or international football and rugby events are shown, hours can be extended to start from 7 am but not to extend past 12 midnight.

Section J: the hours the club premises are open to the members and guests are from:

Monday - Thursday	18:00 - 23:00
Friday	17:00 - 23:00
Saturday & Sunday	12:00 - 23:00

The Non-standard timings shall be when live televised national or international football and rugby events are shown, hours can be extended to start from 7 am but not to extend past 12 midnight.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence,

or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days

beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the

age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Additional Condition:

The Sub-Committee agrees that one additional condition will be imposed on the licence which is consistent with the club Operating Schedule proposed by the Applicant :

The Applicant is to provide a telephone number to local residents should they wish to contact the club concerning any disturbance. The Sub-Committee considered this was proportionate and necessary and reasoned that once a club certificate is issued should residents or anyone find that any of the four licensing objectives are being undermined there is a review process under the Licensing Act 2003 which allows anyone to bring that premises back in front of the licensing committee for further consideration.

The reasons for the decision:

The sub-committee had regard to the papers before it, the representations made by the applicant, the valid written representations, the Licensing Act 2003 and the Licensing Objectives, the Secretary of State's Amended Guidance issued under Section 182 of the Act, The Licensing Act 2003 (Premises licenses and club premises

certificates) Regulations 2005 and the Council's Statement of Licensing Policy.

Members heard from the Applicant Mr Doherty and appreciated his refreshingly candid presentation.

They noted the 3 valid representations made in writing against the application due to various concerns but gave weight to the fact that the club holds a long history of managing temporary event notices at the premises without complaint.

Having considered the Club declaration form it was noted that there are conditions that are not yet added to the Club Constitution which are required under the Licensing Act 2003. The club secretary has satisfied the Licensing Officer that these conditions will be added at the next AGM. The Licensing Officer is satisfied that this is a qualifying club under the Act.

This Certificate granted at the Hearing is effective from the 31st July 2024.

Dated: 1 August 2024

Please address any communications to:

Licensing Partnership
Sevenoaks District Council
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to s181 and Schedule 5 of the Licensing Act 2003 there is a right of appeal to the Magistrates Court in respect of Club Premises Certificate applications. This right of appeal is open to both the applicant and to any person who has made a relevant representation. The appeal application must be made within 21 days of the written notification of the Sub Committee's decision.

