

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

Licensing Sub Committee – Wednesday 31st July at 10.30am

Report of: Chief Officer Planning & Regulatory Services

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. Irene Roy

Contact Officer: Susan Lindsey, Ext. 7491

Recommendation to Licensing Sub-Committee:

The Sub Committee is asked to determine the application in accordance with the Licensing Act 2003 (as amended), Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

Reason for recommendation:

A new application has been received for a Club Premises Certificate pursuant to Section 71 Licensing Act 2003. Three (3) representations have been made from local residents.

Introduction and Background

- 1 An application has been made to Sevenoaks District Council for a new Club Premises Certificate at Leigh Layabouts Rugby Football Club, The Field of Dreams, Chiddingstone Causeway, Tonbridge TN11 8JH (**Appendix A**)
- 2 The Club Declaration which accompanied the application is attached at **Appendix B**
- 3 Plans submitted with the application are attached to this report at **Appendix C**.
- 4 Current Club Rules are attached to this report at **Appendix D**.
- 5 Licensable activities which form part of the application are as follows:
Allow the sale and supply of alcohol for consumption on the premises Monday to Thursday 6pm to 11pm, Friday 5pm to 11pm, and Saturday and Sunday 12 midday to 11pm.

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

- 6 Steps the applicant proposes to take to promote the four licensing objectives are contained within the application form (**Appendix A**) in section 'L'.
- 7 For the attention of Members, a site plan showing the area surrounding the Club is at **Appendix E**.
- 8 The applicant was required to advertise the application by placing an A4 pale blue sign at the premises, and also to advertise in a local newspaper to inform the public of the application.
- 9 A 28 day consultation period took place. Responsible Authorities were consulted as part of the process. The applicant conformed to all requirements in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

Representation received from Responsible Authorities:

- 10 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application.

| | |
|-------------------------|----------------------------------|
| Kent Police | Response received : no objection |
| Environmental Health | Response received : no objection |
| Kent Fire | Response received : no objection |
| Child Protection | No comment made |
| Trading Standards | No comment made |
| Health & Safety | Response received : no objection |
| Planning | Response received : no objection |
| Public Health | No comment made |
| Home Office Immigration | No comment made |

Representations received from others

- 11 Three (3) valid representations were made against this application which are attached to this report at **Appendix F**, **Appendix G** and **Appendix H**.

Licensing Sub Committee Considerations

- 12 In determining the application with a view to promoting the licensing objectives, the Sub Committee must give appropriate weight to:
- 13 The steps that are appropriate to promote the licensing objectives
The representations presented by all parties
The Home Office Guidance issued under section 182 Licensing Act 2003
The Sevenoaks District Council Statement of Licensing Policy
Any other relevant legislation

The Licensing Act 2003 requires representations to address the four Licensing Objectives:
Prevention of crime and disorder
Public safety

Prevention of public nuisance
Protection of children from harm

A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of the grant (i.e. more probable than not).

- 14 Sevenoaks District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. A link to this Policy is in the Background Papers section at the end of this report.

The aims of the Policy are:

To minimise nuisance and disturbance to the public through the licensing process

To help build a fair and prosperous society that properly balances the rights of people and their communities

To integrate its aims and objectives with other initiatives, policies plus strategies that will reduce crime and disorder, encourage tourism, encourage an early evening and night time economy which is viable, sustainable and socially responsible, reduce alcohol misuse, encourage employment, encourage the self-sufficiency of local communities, reduce the burden of unnecessary regulation on business, and encourage and promote, live music, dancing and theatre for the wider cultural benefit of communities generally.

- 15 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human rights Act 1998.
- 16 The Licensing Sub Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended). A link to these Regulations are in the Background Papers section at the end of this report.

Options

- 17 When considering this application for a new premises licence, the following options are available to the Sub Committee:
- Grant a Certificate in the same terms as it was applied for
 - Grant a Certificate but modify or add conditions as appropriate for the promotion of the licensing objectives.
 - Grant a Certificate, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives.
 - Reject the application.

Right of Appeal

- 18 Under Section 181 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 relevant representation. The appeal application must be made within 21 days of the written notification of the Sub Committee's decision.

Key Implications

Financial

A decision made by the Sub Committee may be appealed by any party to the proceedings of a Magistrates Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where decision departs from the Policy or Guidance, the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Climate Change Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to tackle the challenge of climate change. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment

Appendices

Appendix A – Club Premises Certificate Application

Appendix B – Club Declaration

Appendix C – Plans associated with club premises certificate application

Appendix D – Current Club Rules

Appendix E – Site plan showing surrounding area

Appendix F – Representation : Cohen

Appendix G – Representation : White

Appendix H – Representation : Bakewell

Background Papers

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

Richard Morris

Chief Officer Planning & Regulatory Services