

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On the 31st July 2024 there being valid representations which were received in writing and not withdrawn, a hearing was held to consider these representations, and having considered them, the Licensing Sub-Committee determined as follows: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