

LICENSING SUB COMMITTEE

23 January 2020

Present: Councillor A Grimston (Chair)
Councillor A Dychton and R Smith

Also present: David Jackson, Applicant
Paul Booth, Interested Party
Peter Lloyd, Interested Party
Christopher Webb, Interested Party
Paul Embleton, Interested Party
Pamela Lloyd, Resident
Karen Tomsett, Resident
John Morgan, Resident
Jeff Gibbins, Resident
Caroline Whelan, Resident
Peter Jeffree, Resident

Officers: Senior Solicitor
Senior Licensing Officer
Democratic Services Officer

1 **Committee membership/ election of a Chair**

The start time of the hearing was slightly delayed to facilitate the arrival of Interested Parties.

The Democratic Services Officer confirmed that the Sub-Committee would comprise Councillors Grimston, Dychton and Smith

The Sub-Committee was asked to elect a Chair for the Hearing.

RESOLVED –

That Councillor Grimston be elected Chair for the Hearing.

2 **Disclosure of interests (if any)**

There were no disclosures of interest.

Application for a variation to the premises licence: Fullerians Rugby Football Club, Coningsby Drive, Watford

Preliminary matters

There were no preliminary matters raised.

Facts of the application

The Sub-Committee received a report of the Head of Community Protection, outlining the application.

The Senior Licensing Officer introduced the report. He advised that members were asked to consider an application by the Fullerians Rugby Football Club to vary the club premises certificate for their club house on Coningsbury Drive, Watford. No new licensable activities were requested; the application only sought to vary the hours when the current permitted activities may be offered. The application specified a terminal hour for licensable activities of 3.00 a.m. on New Year's Day and specified the opening hours of the club (as detailed in paragraph 4.16 of the report).

13 representations had been received against the application; all from local residents. One of the representations had been submitted by the Cassiobury Residents' Association. Some of the representations concerned the current planning permission for the premises. The Senior Licensing Officer reminded members that planning and licensing were different regimes. However, Government guidance stated that where planning hours were different to licensing hours, the applicant must observe the earlier closing time. He emphasised that the application was under the licensing regime and had to be considered against the licensing objectives.

No representations had been received from responsible authorities, although the initial application was amended following discussions with Environmental Health and Police, where a number of conditions were agreed. These conditions were shown in the report and would be included on any varied club premises certificate.

As the representations had been accepted as valid, on the grounds of the licensing objectives, members were asked to consider these and attach such weight to them as they saw fit.

The Senior Licensing Officer advised that there was no requirement for objectors or applicants to attend hearings and that matters could be determined in their absence. However, this would limit the opportunity to ask

questions of parties and to enable them to expand on their written statements.

Mediation had not been pursued in this case due to the number of representations received and the unforeseen difficulties in arranging a mutually convenient date and time to meet.

The Senior Licensing Officer noted that parties had not provided evidence, in addition to that in the application or representations, for circulation prior to the hearing. He concluded by advising members that having considered all the evidence and representations put before them, it was for the Sub-Committee to decide which of the actions available to them would be appropriate for the promotion of the licensing objectives. They could either refuse the application outright, grant the application with modifications or grant the application as submitted; with the reasons for the decision given as part of the determination.

There were no questions of the Senior Licensing Officer.

Representations

Interested Parties

Mr Paul Embleton was invited to address the Sub-Committee. He advised that the Cassiobury Residents Association had received a record number of complaints about the application. Some of these commented that when Environmental Health had been notified of complaints in relation to particular events no action had been taken. However, it was not certain whether the problems related to Fullerians or to the adjoining sports centre.

Fullerians had been a good neighbour apart from late night disturbance, with examples of people urinating on their way home. Noise had come from the grounds; and as the roads were flat leading thereto, the noise travelled quite easily beyond the premises. Residents in the four main access roads heading to the club had complained of doors being closed loudly in the club's car park. There had been late night speeding in Cassiobury Drive with speeds of up to 60 and 70 miles an hour at night. This was seen to breach the four licensing objectives.

Mr Embleton supported the sports activities within the venue and felt that any entertainment activity should be subservient. It appeared that the application would lead to a separate type entity within the club. The site was in a residential area and the application would lead to a complete change to the locality and cause a public nuisance. He advised that these comments

summarised his written representations and asked that the application be refused.

In response to a comment from the chair, it was confirmed that the application did not relate to a school night as the extension of hours was proposed on a Friday and Saturday evening.

Mr Peter Lloyd was invited to address the Sub-Committee. He explained that there were no problems with Fullerians as a sports organisation. For example, there were a lot of vehicles at weekend matches that were handled very well by marshals. However, there was now a proposed change of use of the premises, and of the times when activities took place within, that did not comply with planning permissions. He considered that the venue should not become like a night club with licensing hours ending later than a nearby public house.

Mr Lloyd was concerned about noise resulting from the extended hours and that people living in Coningsbury Drive would suffer the most. It would be good if something could be done to reduce the impact of the noise but he was not certain that the closing of windows and doors at the venue would mitigate this as the noise was very loud.

In response to a question from the Chair, the Senior Licensing Officer confirmed that planning and licensing were separate regimes and the planning requirements could subsequently be varied if an application was made. The Sub-Committee was only being asked about the licensing matters. The applicant, Mr David Jackson, informed members that he was aware that if the licensing application was granted he would also need to seek a change to the planning permission.

In response to a comment from Mr Lloyd regarding notifying nearby properties, the Senior Licensing Officer explained the licensing authority's policy of notifying only the 15 nearest properties, and that residents in Bellmount Wood Avenue had been notified. Mr Embleton confirmed that he had received such an explanation from the Licensing Authority.

Mr Christopher Webb was invited to address the Sub-Committee. He explained that he did not understand why the late hours were being requested as local residents did not make noise themselves after 11.00 p.m. The club was asking for activity until 1.00 a.m., including drinking up time. This would mean people would be leaving between 1.00 a.m. and 1.30 a.m. and when walking home making loud noise whilst under the influence of drink and urinating in gardens.

Mr Webb felt that it was inappropriate for the club to be operating until 3.00 a.m. on New Year's Day, and this was beyond night club opening times in the town. It would not be fair on residents to have to put up with the proposed hours at weekends and over New Year.

The Chair clarified that the club certificate currently permitted drinking beyond 3.00 a.m. on New Year's Day and the Senior Licensing Officer outlined the legislation that allowed this to be the case; and how the time could be varied by a licensing application or a licensing review.

Mr Paul Booth was invited to address the Sub-Committee. He had no objection to the normal activities being conducted at the club. However, the night time events caused noise disturbance that had affected him. He had heard about instances of criminal damage and anti-social behaviour. Police had been called to an incident a number of years ago when an officer had activated their officer down button resulting in a significant police presence.

Mr Booth considered the fact that the licensing hours in to New Year's Day were presently unlimited was helpful, as this avoided everyone leaving at the same time on closure and resulting in a crescendo of noise; such as if the hours were reduced to 3.00 a.m. as proposed in the application. In response to a question from the Chair about the club certificate remaining as it was in this respect; Mr Webb felt that by so doing, people would leave in ones and twos and with less noise, such as screaming, shouting, swearing and feeding off each other, than if all leaving together.

Following questions from members, it was confirmed that the incident to which police had been called was a one off occurrence that had taken place approximately 4 years ago.

There were no further questions of the interested parties.

Address by the Applicant

The applicant, Mr David Jackson, presented the application to the Sub-Committee. He advised that Fullerians was a successful rugby club, with youth teams now coming through and the venue used by local residents. Significant investment had been made and there was a need to generate more revenue. For example, it cost £25K a year to upkeep the pitches and there was a desire to improve these at the club.

Mr Jackson explained that events held at the venue would generate income, and there was a need to be able to compete with the sports premises operating next door. Experience had shown that customers wanted events to

go on a little later in to the evening; hence the reason for the application. If the application was successful it would be easier to promote the club and to have members and their guests attending. He added there were no events held at the venue for people aged under 25. The club catered for a range of festivities including Asian weddings and birthday parties.

Mr Jackson continued by advising that:

- The venue would have signs asking that members drove carefully on leaving.
- His contact details were on the club's website and residents could e-mail him direct.
- There were trained staff on the premises to deal with any incidents; and they would advise patrons to keep the noise down when they left.
- The last Environmental Health noise incident had taken place in 2016, this was confirmed by the Senior Licensing Officer, and Environmental Health did not have any concerns; nor did the police.

In response to a question from interested parties, Mr Jackson explained that only members and their guests could attend events. A Temporary Event Notice would have to be applied for to extend attendance. Following a question from members, he confirmed that there was CCTV recording images both inside and outside the premises.

After another question from Interested Parties, a discussion took place about the potential for the club to utilise a marshal to help disperse traffic at the conclusion of late evening events. Mr Jackson advised that this might be difficult but it was something the club could look at to see if viable. It may be possible to site a marshal in Coningesby Drive, with the individual also advising people to keep the noise down. However, he would not be able to propose the option as a formal condition at this stage. Mr Jackson advised that there was a sign at the exit advising people to drive safely and that the traffic leaving the venue was mainly cabs and Uber type vehicles.

Interested parties raised issues about noise levels affecting a premises close to Fullerians and whether the noise came from the club or the nearby sports premises. Mr Jackson reiterated that in the proposed conditions, doors and windows would be closed and a senior member of staff would monitor the noise levels. Following questions from members, Mr Jackson provided reassurance that doors and windows would be closed in the summer and that there was an air conditioning system operating within the premises.

In response to further questions from the Sub-Committee, Mr Jackson advised that there were approximately two events held each month and that live

music was rare. Where there was live music, it was proposed that this would end at 12 midnight. However, this may be stopped on a Saturday evening as the senior squad often stayed in the bar until late.

The chair asked whether there were any trees in the car park that may abate noise and whether the car park surface itself might add to noise levels; such as if shingle. Mr Jackson explained that there were trees in the avenue leading to the premises but not in the car park itself, and the car park surface was of tarmacadam construction. He stressed that the club would adhere to all of the Environmental Health conditions.

Mr Jackson noted that the club was liaising with the adjoining sport premises to explore ways that traffic movement could be improved; such as by making use of an egress gate within the sports venue to help alleviate volumes.

In response to further questions from Interested Parties, Mr Jackson:

- Advised that the club was looking at how to address any problems with insurance in relation to the nearby sports premises; with Fullerians potentially contributing funds.
- Clarified that marquees were only used at the club at the end of season spring ball. These were erected for one day and were applied for under a Temporary Event Notice.
- Explained that under the present licensing hours, people were not proceeding with events. Midnight was the optimum hour; 11.00 p.m. was a little early. The best approach was music until midnight, serving alcohol until 12.30 a.m. and with a 1.00 a.m. close.
- Informed the Sub-Committee that rugby events tended to take place more frequently during the rugby season, whereas events such as birthday parties and christenings took place throughout the year.

Following a question from the Senior Licensing officer, Mr Jackson explained that the extended hours would not be used every weekend but would be dependent on the number of applications for events received.

There were no questions from the council's legal advisor.

Summary

Mr Jackson advised that the club benefitted members who lived locally. He would take on board the comments raised at the hearing and was available on e-mail and willing to work with the community.

Mr Embleton asked if Mr Jackson could take his details as a central point of

contact and notify him of events taking place at the venue. Mr Jackson agreed.

Decision

The Sub-Committee retired to consider their decision.

On the Sub-Committee's return, the Chair announced the decision.

RESOLVED –

Having heard evidence from the applicant and representations from interested parties, the Sub-Committee is of the view that there are sufficient conditions to mitigate the concerns of the interested parties and is of the opinion that granting the application will not undermine the four licensing objectives. The Sub-Committee thereby grants the application in part and rejects the application with respect to the New Year's Eve variation so as to assist with dispersal of members and guests of the club and prevent undermining the licensing objective of preventing public nuisance.

The Sub-Committee attaches the conditions agreed with Environmental Health, the Police and the conditions consistent with the operating schedule. The Sub-Committee removes the conditions 1 and 2 of annex 2 of the existing club premises certificate regarding the opening times and the supply of alcohol. In reaching this decision, the Sub-Committee had regard to the provisions of the Licensing Act 2003, the Secretary of State's Guidance and the council's Statement of Licensing Policy.

Signed
Chair Licensing Sub-Committee

The meeting started at 10.50 a.m.
and ended at 1.10 p.m.