

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Monday, 21st February, 2011

Present:- Councillors:- Tim Warren (Chair), Bryan Chalker and Tim Ball

Also in attendance: Terrill Wolyn (Licensing Officer), Francesca Smith (Senior Legal Adviser) and Michaela Gay (Senior Democratic Services Officer)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 17 DECEMBER 2010 AND 10 JANUARY 2011

The minutes of the meetings of 17th December 2010 and 10th January 2011 were approved and signed by the Chair.

7 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

8 APPLICATION TO VARY A PREMISES LICENCE FOR KEYNSHAM RUGBY FOOTBALL CLUB, BRISTOL ROAD, KEYNSHAM, BRISTOL BS31 2BE

Applicant: Mr Craig Wetton, Premises Licence Holder & Honorary Treasurer, Keynsham Rugby Football Club.

Interested Parties: Mr and Mrs Bateman and Ms Blackwood.

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application. The applicant was seeking authority to vary the existing Premises Licence to correct a typing error so that the closing time in respect of Fridays reads 02:00 hours; to include the patio area within the boundary of the licensed premises; to remove all references to the use of marquees on the sports field from the premises licence and to remove all obsolete conditions and those that duplicate existing legislation from the licence. Relevant representations had been received from local residents in relation to prevention of public nuisance.

Mr Wetton stated the case for the applicant. He explained that he was trying to tidy up the existing licence as set out above. He acknowledged the concerns that had been raised by the Interested Parties to the application. He explained that it was a large club that had good relations with the local police and Neighbourhood Watch Groups and endeavoured to get on with its neighbours. In response to questions from members, Mr Wetton stated that the club has existed for 80 years and they had had live entertainment for at least 13 years. He explained that he was not aware of any complaints from local residents regarding the use of the patio area, he had only been aware of concerns regarding parking. He stated that the club no longer allowed 18th birthday celebrations with a view to not upsetting its neighbours. He explained that the specified smoking area was at the front of the building (a covered area) and not the patio. He explained that the patio area could not be closed off during functions as it was a fire exit. Mrs Bateman, an Interested Party, asked if the doors would be kept open to the patio area until 11pm when there is a function. Mr Wetton replied that they would be kept shut in the main. The Licensing Officer explained that it was a condition of the licence that doors and windows are kept closed whenever regulated entertainment was taking place, and in any event after 11pm.

Mrs Bateman, an Interested Party, stated her case. She said that she had no grievance against the club. She had moved into the area a year ago and had three young children. She said she had concerns about the use of the patio area, especially in the summer, due to the noise and potential disturbance caused. In response to questions from Members, Mrs Bateman explained that she has been disturbed by noise twice this year. She said the disturbance was worse in the summer months. She asked the applicant if he could fit an automatic door, the applicant explained that there were not the resources to do this but that there was a commitment to keep the front door closed. In response to a suggestion from Members, he stated that he was happy to encourage smokers to use the facility at the front of the club. In response to a question from Members, Mrs Bateman said she was aware of the club when she moved into the house but that concerns about any noise disturbance were not highlighted to her. She stated that she would be reassured to have a contact number from the applicant.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application to vary a Premises Licence as applied for, with the additional conditions as set out in paragraph 4.14 of the report that in respect of the patio area:

1. No regulated entertainment shall take place on the patio under the premises licence; and
2. No consumption of alcohol shall take place on the patio after 23:00 hours.

The Chair added that the Sub-Committee asked the applicant to provide the interested parties with a phone number so they could contact him if there were problems and also asked him to encourage smokers to use the front area of the building. Mr Wetton agreed.

REASONS

Members have today determined an application to vary a Premises Licence for Keynsham Rugby Football Club, Bristol Road, Keynsham. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 2003 is to be reluctant to regulate in the absence of real evidence. Further, they must only do what is necessary and proportionate to promote the licensing objectives in light of what is presented to them.

Members listened carefully to the Applicant and the Interested Parties. Members were also careful to balance the competing interests of all the parties in reaching their decision.

The Interested Parties were concerned that if the patio area was used for regulated entertainment it would cause noise nuisance already experienced by them on some occasions.

Members noted that the applicant had proposed that the patio area would not be used for regulated entertainment and would close for the consumption of alcohol at 23.00.

They considered that the conditions offered by the applicant would ensure that noise nuisance caused by customers on the patio would be kept to a minimum.

Members therefore granted the application as applied for with the addition of the two conditions offered by the applicant. They considered that this was necessary and proportionate to meet the licensing objectives.

Authority is delegated to the licensing officer to issue the licence.

The meeting ended at 11.25 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services