

21 July 2017

LICENSING SUB-COMMITTEE (ALCOHOL AND REGULATED ENTERTAINMENT) – 31 JULY 2017

A meeting of the Licensing Sub-Committee (Alcohol and Regulated Entertainment) will be held at 11.30am on Monday 31 July 2017 in the Council Chamber, Town Hall, Rugby.

Adam Norburn
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Declarations of Interest.
 - (a) To receive declarations of –
 - (b) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (c) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (d) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

2. Application for a new Premises Licence – **102 Railway Terrace, Rugby, CV21 3HE**

Any additional papers for this meeting can be accessed here via the website.

Membership of the Sub Committee:

Councillors Cade (Chairman), Mrs Bragg and Mrs Roodhouse

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or email linn.ashmore@rugby.gov.uk).

Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

AGENDA MANAGEMENT SHEET

<i>Name of Meeting</i>	Licensing Sub Committee (Alcohol and Regulated Entertainment)
<i>Date of Meeting</i>	31 July 2017
<i>Report Title</i>	Application for a New Premises Licence – 102 Railway Terrace, Rugby, CV21 3HE.
<i>Ward Relevance</i>	Benn
<i>Prior Consultation</i>	All responsible authorities under the Licensing Act 2003 were consulted in relation to the application.
<i>Contact Officer</i>	Reba Danson, Principal Licensing Officer x3667
<i>Report Subject to Call-in</i>	Not applicable
<i>Report En-Bloc</i>	Not applicable
<i>Forward Plan</i>	Not applicable
<i>Statutory/Policy Background</i>	<p>This application is made under the provisions of the Licensing Act 2003.</p> <p>The Council has a duty to promote the licensing objectives including the prevention of crime and disorder. The Council's statement of licensing policy aims to promote the licensing objectives.</p>
<i>Summary</i>	<p>In his capacity as Chairman of the Rugby West Indian Association, Mr Steve Vassell has applied for a club premises certificate for the above premises to become the permanent address of the Rugby West Indian Club.</p> <p>The previous permanent residence of the Rugby West Indian Club was St Peter's Road, Rugby, CV21 3QP.</p>
<i>Risk Management Implications</i>	There are no risk management implications arising from this report.

<i>Financial Implications</i>	Risk of costs associated with an appeal against the decision of the Sub-Committee to the Magistrates.
<i>Environmental Implications</i>	There are no environmental implications arising from this report.
<i>Legal Implications</i>	<p>The Licensing Authority is required to carry out its functions in accordance with the Licensing Act 2003, having regard to the Statutory Guidance issued under section 182 of the Licensing Act and Rugby Borough Council's Statement of Licensing Policy.</p> <p>Rugby Borough Council's responsibility is to ensure the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public Safety • The prevention of Public Nuisance • The protection of Children from Harm
<i>Equality and Diversity</i>	There are no equality and diversity implications arising from this report.
<i>Options</i>	<ol style="list-style-type: none"> 1. Grant the application 2. Refuse the application 3. Modify the licensable activities or licensable hours. 4. Modify the proposed Licensing conditions or impose additional condition(s).
<i>Representations from responsible authorities</i>	One representation was received from Environmental Protection Team of Rugby Borough Council.
<i>Representations from other persons</i>	Seven representations were received from other persons.
<i>Reasons for Recommendation</i>	After hearing from the applicant and representors, the Sub Committee, taking into account all relevant information must determine the application

Licensing Sub Committee (Alcohol and Regulated Entertainment) – 31 July 2017

**Application for a new Club Premises Certificate at
102 Railway Terrace, Rugby, CV21 3HE**

Report of the Head of Environmental and Public Realm

Recommendation

After hearing from the applicant and representors, the Sub Committee, taking into account all relevant information, must determine the application

1. Applicant

- 1.1 The application for a new club premises certificate is made by Mr. Steven Vassell in his capacity as Chairman of the Rugby West Indian Association.
- 1.2 The Rugby West Indian Association is the current holder of a club premises certificate relating to an established club located at St Peter's Road, Rugby, CV21 3QP. The grant of a new club premises certificate is required to facilitate the relocation of the club to 102 Railway Terrace, Rugby, CV21 3HE.
- 1.3 The Rugby West Indian Club (the RWIC) is a social and community club providing support, social and educational facilities for Rugby locals of African Caribbean descent and children of dual heritage, although locals of all heritages and nationalities are welcome.

2. Application Process

- 2.1 The club premises certificate application was received on 16 June 2017. The full application and club constitution (rules), required to be submitted with the application, are provided at **Appendix A**.
- 2.2 The application fee was received on 16 June 2017.
- 2.3 A plan of the location of the premises is attached as **Appendix B**.
- 2.4 A detailed floor plan of the premises is provided as **Appendix C**.

2.5 Advertising requirements:

The Licensing Act 2003 (the Act) prescribes that a new club certificate application be advertised by way of a blue public notice, displayed on the premises to which the application relates, for a period of 28 consecutive days, beginning the day after the day of application. The blue notice was displayed as required from 17 June 2017 until 14 July 2017.

The application must also be advertised by way of a public notice, published within 10 working days of the date of application in a newspaper covering the distribution area of the premises. The advert was published in the Rugby Advertiser on 22 June 2016.

- 2.6 The full application, received electronically, was circulated to all responsibilities by Licensing Authority, in accordance with the requirements of the Act.

3. Summary of the Application

- 3.1 The opening times applied for on the application (**Appendix A**) were originally:

Sunday to Thursday	10:00 – 23:15hrs
Friday and Saturday	10:00 – 02:15hrs

- 3.2 The licensable activities and operating hours applied for are:

- a) Supply of alcohol, and
- b) Regulated entertainment, including:
 - The provision of plays
 - The provision of films
 - Indoor sporting events
 - Provision of live music
 - Provision of recorded music
 - Provision of performances of dance

4. Licensable Hours

Due to changes in the licensing of regulated entertainment, a summary is provided below showing the hours that remain regulated and for which licence is required.

Licensable Activity	Days	Hours
Provision of plays	As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is required for the provision of performances of plays between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.	
	Friday	23:00 – 02:00hrs
	Saturday	23:00 – 02:00hrs
Provision of films	No licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.	
	Monday to Sunday	10:00 – 23:00hrs
	Friday and Saturday	10:00 – 02:00hrs
Indoor Sporting Events	No licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.	
	Friday and Saturday	23:00 – 02:00hrs
Provision of live music	A licence is not required to stage a performance of live, or the playing of recorded, music if: <ul style="list-style-type: none"> • it takes place between 8am and 11pm; and • it takes place at an alcohol on-licensed premises; and • the audience is no more than 500 people. The application therefore applies for:	
	Friday and Saturday	23:00 – 02:00hrs
Provision of recorded music	Friday and Saturday	23:00 – 02:00hrs
Supply of Alcohol	Sunday to Thursday	10:00 – 23.00hrs
	Friday and Saturday	10:00 – 02:00hrs

5. Representations

- 5.1 Representations must be about the likely effect of granting the licence or certificate on the promotion of at least one of the four licensing objectives.
- 5.2 Representations must be specific to the premises and evidence based. Licensing authorities will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.

6. Representations from Responsible Authorities

- 6.1 One representation was received from Rugby Borough Council Environmental Health Department and is attached as **Appendix D**.

In respect of this representation, on 7 July 2017 Principal Environmental Protection Officer Henry Biddington and Environmental Protection Officer Gavin Smith met with the applicant, Mr Vassell, and other members of the RWIC, Ms Tamara Greaves and Mr Charlie O'Meara to consider the application in detail.

A full inspection of the premises was undertaken, internally and externally, including the layout of the premises. A noise impact assessment was carried out and, in response to concerns raised by Officers, mitigating measures were discussed and agreed in principle.

The measures included:

- A reduction in licensable hours on Friday and Saturday nights reducing the end of licensable hours from 02.00 to 00.00hrs (midnight).
- Practical modifications to the premises.
- Specific conditions to be attached to a club certificate if granted, detailed in full, in the form they will appear on the licence if granted with no further amendment, in **Appendix E**.

The Committee of the Rugby West Indian Association considered the amendments proposed by the Environmental Health Officers and agreed to the adoption of all suggested changes. This agreement was received in writing.

- 6.2 No representations were received from any other responsible authority.

7. Representations from other persons

- 7.1 Seven of the representations were received from other persons in relation to the original application which are attached at **Appendix F**.

- 7.2 The grounds upon which the representations against this application are made come under two of the four licensing objectives:

Prevention of Public Nuisance

- Noise caused by people leaving on foot.
- Noise of cars leaving the premises.
- Noise of music escaping from the premises.

Prevention of Crime and Disorder

- Increase in antisocial behaviour of people leaving the premises late at night.

7.3 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell/supply alcohol.
- Objections on the basis of saturation of the local market.
- Objections on the basis of parking provision in the area.
- Objections on the basis of the character of the area.

8. Licensing Policy

8.1 The following sections of the Council's Licensing Policy are relevant to this application:

- Operating Hours 5.1 – 5.4
- Prevention of Public Nuisance 8.17 – 8.21
- Applications 10.7 – 10.9

These sections are attached at **Appendix G**.

9. Licensing Act 2003, Section 182 Guidance

9.1 The following sections of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant in the consideration of this application.

- Licence Conditions, 1.16
- Crime and Disorder 2.1 – 2.6
- Public Nuisance, 2.15 – 2.21
- Determining Applications 9.42 – 9.43
- Conditions attached to club premises certificates, 10.4 – 10.5
- Proportionality, 10.10
- Hours of Trading, 10.13 – 10.15
- Regulated entertainment 16.6 – 16.7, 16.26, 16.36
-

These sections are attached at **Appendix H**.

10. Making a decision

10.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Rugby Borough Council's Statement of Licensing Policy.

10.2 The Sub-Committee must give reasons for its decision.

10.3 Only where additional and supplementary measures are appropriate to promote the licensing objectives will there be a requirement for appropriate, proportionate conditions to be attached.

10.4 Conditions on licences must

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

10.5 Important in considering the promotion of the licensing objective on prevention of public nuisance, is that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

11. Human Rights Act 1988

11.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right.

11.2 The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions: -

Article 1 of the first protocol states that every person is entitled to the peaceful enjoyment of his/her possessions and the Licensing Authority, when taking into account this right will strike a fair balance between the applicant's interest and the interests of the public.

Article 6 relates to the determination of civil rights and obligations and states everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

11.3 It is established that holding a Licence is a civil right within the meaning of Article 6 and therefore any hearing to determine licence applications, variations, renewals or revocations would need to comply with the safeguards of the convention. The Council's hearings will be conducted fairly in accordance with the rules of natural justice and as applicants have a full right of appeal to an independent tribunal against any decision made by the

Licensing Authority, the requirements of Article 6 will have been complied with.

11.4 Article 8 states that:

Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Like Article 1, the Licensing Authority, when considering this right must strike a fair balance between the applicant's interest and the interests of the public.

12. Conclusion

12.1 The Sub-Committee must consider the applications matter on its merits after hearing representations from the both parties.

Name of Meeting: Licensing Sub Committee (Alcohol and Regulated Entertainment)

Date of Meeting: 31 July 2017

Subject Matter: New Club Premises Certificate Application for 102 Railway Terrace, Rugby, CV21 3HE

Originating Department: Environment and Public Realm

List of Appendices

Reference	Description of Document
Appendix A	Club Premises Certificate Application and Club Constitution (rules).
Appendix B	Local area map.
Appendix C	Plan of premises.
Appendix D	Representation from Environmental Protection.
Appendix E	Agreed amendments to application and licence conditions.
Appendix F	Representations from other persons.
Appendix G	Rugby Borough Council Licensing Policy – relevant sections
Appendix H	National Guidance



Rugby
Application for a new club premises certificate
Licensing Act 2003

For help contact
Licensing@rugby.gov.uk
 Telephone: 01788 533884

* required information

Section 1 of 16

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

RWIA LICENCE

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes

No

Applicant Details

First name

STEVEN

Family name

VASELL

E-mail address

STEVE.VASELL@HOTMAIL.COM

Main telephone number

+447974985095

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

Yes

No

Is your business registered outside the UK?

Yes

No

Business name

If your business is registered, use its registered name.

VAT number

-

NONE

Put "none" if you are not registered for VAT.

Legal status

Charity or Association

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 16

APPLICATION DETAILS

Name of club

The above named club applies for a club premises certificate under section 71 of the Licensing Act 2003 for the premises described in this section 2 (the club premises).

The club is making this application to you as the relevant licensing authority in accordance with section 68 of the Licensing Act 2003.

Postal Address Of Club

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Contact Details Of Club

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Name Of Person Performing Duties Of A Secretary To The Club

First name

Family name

Address Of Person Performing Duties Of A Secretary To The Club

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Secretary Contact Details

E-mail

Telephone number

Other telephone number

Non-domestic rateable value of club premises (£)

Are the club premises occupied and habitually used by the club?

Yes

No

Section 3 of 16

CLUB OPERATING SCHEDULE

When do you want the club premises certificate to start? / /
dd mm yyyy

Continued from previous page...

If you wish the certificate to be valid only for a limited period, when do you want it to end?

/ /
dd mm yyyy

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

General Description Of Club

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

SOCIAL AND COMMUNITY CLUB CONTAINING TWO BARS, ONE ON EACH FLOOR
CAPACITY OF EACH FLOOR - GROUND FLOOR =260 FIRST FLOOR =200
PLANS ATTACHED

Section 4 of 16

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the performance of a play take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, provide list.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Section 5 of 16

PROVISION OF FILMS

Will you be providing films?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 18:00

End 23:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 18:00

End 23:00

Start

End

WEDNESDAY

Start 18:00

End 23:00

Start

End

THURSDAY

Start 18:00

End 23:00

Start

End

FRIDAY

Start 18:00

End 23:00

Start

End

SATURDAY

Start 10:00

End 02:00

Start

End

SUNDAY

Start 18:00

End 23:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

SOUND WILL BE AMPLIFIED

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, provide list.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Section 6 of 16

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

DARTS, DOMINOES, POOL, SKITTLES, TABLE FOOTBALL, TABLE TENNIS

State any seasonal variations for indoor sporting events.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, provide list.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Section 7 of 16

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 8 of 16

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

DISCOS, PRIVATE PARTIES, PRIVATE HIRE EVENTS
MUSIC WILL BE AMPLIFIED

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, provide list

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Section 9 of 16

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

DISCOS, PRIVATE PARTIES, PRIVATE HIRE EVENTS

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, provide list

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Section 10 of 16

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, provide list

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 12 of 16

SUPPLY OF ALCOHOL

Will you be supplying alcohol by or on behalf of a club to, or to the order of a member of the club?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the supply of alcohol be for consumption?

- On the premises Off the premises Both

If the club wishes members and their guests to be able to consume alcohol on the premises tick on, if the club wishes people to be able to purchase alcohol to consume away from the premises tick off. If the club wishes people to be able to do both tick both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, provide list

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Continued from previous page...

Section 13 of 16

HOURS CLUB PREMISES ARE OPEN TO THE MEMBERS AND GUESTS

Will you be selling by retail alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, provide list.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

XMAS EVE, NEW YEARS EVE, NEW YEARS DAY, ANY SUNDAY PRECEDING A BANK HOLIDAY MONDAY, MAUNDY THURSDAY
02:00 HRS LICENSABLE ACTIVITIES PLUS 02:15 CLOSE

Section 14 of 16

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children.

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 16

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

TRAINING FOR STAFF, RESPONSIBLE APPROACH TO THE SALE OF ALCOHOL,
KEEP RECORDS OF TRAINING UNDERTAKEN
STAFF TO BE MADE AWARE OF LICENSING LAWS WITH REGULAR REFRESHER TRAINING

b) The prevention of crime and disorder

CCTV CAMERAS INSIDE AND OUTDOORS
ANYONE APPEARING TO BE DRUNK AND DISORDERLY OR UNDER THE INFLUENCE OF DRUGS WILL BE ASKED TO LEAVE/
ESCORTED FROM THE PREMISES.
PREMISES TO MAINTAIN RISK ASSESSMENTS
ALARM SYSTEMS INSTALLED
EXTERNAL SECURITY LIGHTING
TRAINING OF STAFF TO BE VIGILANT WHILST ENTERING AND LEAVING THE PREMISES

c) Public safety

PREMISES TO MAINTAIN RISK ASSESSMENTS
SIA TRAINED SECURITY STAFF AS AND WHEN REQUIRED, MONITORING OF NUMBER OF PEOPLE IN THE BUILDING
AIR CONDITIONING, GLASS COLLECTION AND BOTTLE BINS, FIRE DETECTION SYSTEM
ACCIDENT REGISTER, EXTERNAL LIGHTING

Continued from previous page...

POSTERS HIGHLIGHTING ZERO TOLERANCE OF DRUG USE
ASSISTANCE WITH LICENSED TAXI/PRIVATE HIRE CARS.

d) The prevention of public nuisance

NOISE ASSESSMENTS, WINDOWS AND DOORS KEPT CLOSED WHEN LIVE ENTERTAINMENT IS ON AFTER HOURS OF 21:00 TO
REDUCE POTENTIAL NOISE ISSUES, CONTACT NUMBER FOR THE USE OF LOCAL RESIDENTS IF REQUIRED
INTERNAL POSTERS STATING TO RESPECT OUR NEIGHBOURS WHEN LEAVING THE PREMISES.

e) The protection of children from harm

NO I.D- NO SALE POLICY IMPLEMENTED- CHALLENGE 21 SCHEME, ADMISSION OF CHILDREN MAY BE RESTRICTED.
POSTERS TO BE DISPLAYED STATING IT IS AN OFFENCE TO PURCHASE ALCOHOL FOR SOMEONE UNDER AGE
TRAINING OF STAFF – HOW TO CHECK FOR I.D
SIGNAGE FOR GAMBLING MACHINES TO STATE FRO ADULTS /OVER 18S ONLY

Section 16 of 16

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
Club Licence Fees are determined by the non domestic rateable value of the premises.
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00
Band E - £125001 and over	£635.00

Fee is based upon the non-domestic rateable value of the premises, this is in five bands ranging from £100 application fee for premises rated to a maximum of £4,300, £190 for premises rated from £4,300-£33,000, £315 for premises rated from £33,001-£87,000, £450 for premises rated from £87,001 to £125,000 and £635 for premises rated from £125,001 and above. There are separate fees to transfer and vary an existing Club Premises Certificate.

Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/club-licensing/rugby/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="RWIA LICENCE"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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CONSTITUTION

Revised February 2017 – All previous rules rescinded

1. NAME

The name of the Organisation shall be the Rugby West Indian Association & Social Club (hereinafter called the Organisation).

2. ADDRESS

Its address shall be the former Eastlands First School, St Peters Road, Rugby or other such place as may be substituted and duly notified.

3. OBJECTS

The objects of the Organisation shall be to promote social, cultural and other charitable activities, and to provide recreation and the other amenities and advantages of a social club. The said objects shall include:-

- a) The advancement of Education.
- b) The relief of poverty, sickness and old age.
- c) The provision and maintenance of premises for the Organisation use.
- d) The doing of such things as may be conducive or incidental to the achievement of the object of the Organisation.

4. MEMBERSHIP

Membership of the Organisation is open to persons of eighteen years and over and in accordance with the following:

- a) Application of membership must be in writing on the Organisation's prescribed application form.
- b) Applicants must be proposed and seconded by ordinary members of the Organisation.
- c) Applications for membership shall be determined by the Executive Committee.
- d) No person shall be admitted to membership or the privileges of membership without an interval of at least two clear days between his nomination or application for membership and his admission.
- e) Members shall pay the admission fee as determined by the Executive Committee from time to time and an annual subscription of £...or such other amount as may be determined at the annual general meeting.
- f) Subscriptions are due on admission to membership and thereafter annually on the first of January and must be paid before the first of April each year.
- g) The admission fee shall include a small charge for a copy of the Rules of the Organisation, which shall be supplied to members on admission to membership. A minimal cost will be charged for any additional copies of the Rules of the Organisation.

5. CESSATION OF MEMBERSHIP

Members shall cease to be members

- a) By non-payment of subscriptions. Any person whose membership has ceased from this cause shall not again be nominated for membership unless he previously pays all arrears due at the time of ceasing to be a member unless otherwise agreed by the Executive Committee.
- b) By expulsion
- c) By resignation

6. EXPULSION

The Executive Committee shall have power to reprimand, suspend or expel any member who infringes any rule or regulation of the Organisation or whose conduct seems detrimental to the interest of the Organisation provided that

- a) No member shall be suspended or expelled without being first summoned before the Executive Committee to explain his conduct and an opportunity given to him to advance a defence.
An appeals committee can be arranged if necessary. This would consist of the Chairman, two ordinary members and two committee members with the Chairman having the casting vote.
- b) At least two thirds of the Executive Committee then present shall vote for such suspension or expulsion.
- c) A suspended member shall forfeit all rights and privileges under these rules during his suspension but remain liable to pay his subscriptions.

7. MISCONDUCT OF MEMBERS

The Secretary or Chairman or in their absence any other officer (including committee member) hereinafter mentioned or employee of the Organisation shall have power to order the withdrawal from the Organisation's premises any member who misconducts himself and such member shall have no right of re-entry onto the Organisation's premises until summoned to meet the Executive Committee as provided by Rule 6 above.

8. GENERAL AND SPECIAL GENERAL MEETINGS

Meetings of members of the Organisation shall be either General or Special general meetings

9. CHAIRMAN of SPECIAL GENERAL MEETINGS

The chairman or vice-chair of the Executive Committee or in their absence a Chairman appointed by the members present shall take the chair at Special General Meetings. In the event of an equality of votes the Chairman shall have a casting vote.

10. ANNUAL GENERAL MEETING

The Annual General Meeting shall be held in each year on a day time and place as determined by the Executive Committee of the Organisation but not more than fifteen (15) months shall elapse between one Annual General Meeting and the next, and at such meeting

- a) Voting must be confined to members and each member shall be entitled to one vote. In case of an equality of votes the chairman the Chairman hereinafter mentioned shall have a casting vote.
- b) There shall be submitted at the meeting the Annual Accounts of the Organisation and Reports of all committees and sub-committees on the work and activities of the Organisation during the previous year.
- c) There shall be elected thereat the Executive Committee, the Auditors and other Officers of the Organisation.
- d) Any other business of the Organisation of which at least twenty-one (21) clear days notice has been given in writing to the Honorary Secretary.

11. NOTICE OF ANNUAL GENERAL MEETING

Notice of the date, time and place of the Annual General Meeting and of the Officers to be elected thereat shall be given by fixing such notice conspicuously on the Organisations premises in a place frequented by members for not less than 14 clear days before the day of the meeting.

12. SPECIAL GENERAL MEETING

Special General Meetings shall be convened at any time by the Trustees either on an order of the Executive Committee or upon a requisition signed by one tenth of the paid-up members subject to each member requesting the meeting paying in advance a sum equal to the current yearly subscription of an ordinary member. Special General Meetings shall be held within twenty eight days of receipt of such order to requisition.

13. NOTICE OF SPECIAL GENERAL MEETING

Notice of convening a SPECIAL GENERAL MEETING shall state the date, time and place thereof and the purpose for which it is called and it shall be given in the manner to that for an Annual General Meeting unless in any case of emergency, where the Executive Committee unanimously direct that a shorter notice be given.

14. MANAGEMENT

- a) The Organisation shall be managed by an Executive Committee elected at the Annual General Meeting and shall consist of :-
- The Chairman
 - The Vice-Chairman
 - The Honorary Secretary
 - The Honorary Treasurer
 - The Assistant Secretary
 - Nine other ordinary members
- b) The elected Chairman shall be the Chairman of the Executive Committee. Three of the nine elected members shall retire annually in rotation but shall be eligible for re-election.
- c) Nominations for candidates for the Executive Committee shall be made on the forms provided and handed into the Honorary Secretary at least seven days before the Annual General Meeting.
- d) The Committee reserves the right to question an individual of the Executive Committee if they appear to miss 3 consecutive meetings without sufficient reasoning. This could result in a termination of their post.

15. POWERS of the EXECUTIVE COMMITTEE

The following additional powers without limiting the powers of management are vested in the Executive Committee.

- a) To appoint sub-committees for any purpose consistent with effective management of the Organisation's affairs.
- b) To make, alter and repeal regulations in furtherance of any of the objects of the Organisation or its administration or management provided that such regulations are consistent with the rules and the sanctity of the Charitable Objects of the Organisations.

16. DUTIES of OFFICERS

a) The Chairman shall

- Take the Chair and conduct meetings of the Organisation.
- Act as the Public Relations Officer of the Organisation, (if necessary the Chairman reserves the right for a representative).
- Report to the membership at the Annual General Meeting.
- Carry out the instructions of the Executive Committee.

b) The Honorary Secretary shall

- Summon all meetings of the Organisation and circulate the agenda at least seven days before the meeting takes place.
- Attend all meetings and take minutes of the proceedings thereat.
- Keep a register of the name, address and other details of all members of the Organisation. This register shall be kept in the office on the Organisation's premises.
- Carry out the instructions of the Executive Committee.

c) The Honorary Treasurer shall

- Receive all monies on behalf of the Organisation and deposit them into the Organisation's bank account or apply them in such a manner as the Executive Committee may direct.
- Keep or cause to be kept proper accounts of all monies received and applied by him on behalf of the Organisation and annually have prepared audited accounts suitable for submission to the membership and any other person(s) having a legitimate interest in them.
- Make available for inspection by any member on reasonable cause and notice; and at any reasonable time and place, the book of accounts kept by him except that any details of any loan account may only be examined by the Executive Committee or such of its members as are duly authorised to do so.
- Carry out the instructions of the Executive Committee.

17. AUDITORS

- i. The auditors, qualified as lawfully required, shall be given access to all books, deeds, documents and accounts of the Organisation and on satisfactory examination of such books, deeds, documents, vouchers, accounts and other explanations given by the Honorary Treasurer or other explanation given by another officer the auditors shall report on the accounts according to their findings.
- ii. A copy of the accounts so audited together with any such report shall be delivered by the Honorary Treasurer to the Honorary Secretary within one month of the end of the financial year which is March 31st every year.

18. BUDGET & FINANCE COMMITTEE

The Honorary Treasurer and other members appointed by the executive committee shall comprise the Budget & Finance Sub-Committee. It shall raise funds for the Organisation, review financial regulations and procedures and make recommendations to the Executive Committee.

19. TRUSTEES

1) There shall be three holding trustees of the Organisation in accordance with the Organisation's trust deed. The first trustees shall be appointed by the Executive Committee and any Trustee may attend meetings of the Executive Committee and be heard but not vote thereat.

2) The property of the Organisation (other than cash which will be under control of the Honorary Treasurer) shall be vested in the trustees to be dealt with by them as the Executive Committee shall from time to time direct by resolution (of which an entry in the minute book shall be conclusive evidence).

3) The Trustees shall not be deemed liable against risk and expense of the property of the organisation.

4) The Trustees shall hold office until death, resignation or removal from office by resolution of the Executive Committee who may for any reason which may seem sufficient to the majority of them present and voting at any meeting remove any Trustee from office.

5) If by reason of such death, resignation or removal the appointment of another Trustee is necessary; the Executive Committee shall by resolution nominate the person or persons to be appointed as the new Trustee or Trustees. For the purpose of given effect to such nomination the Chairman is hereby nominated as the person to appoint new Trustees of the Organisation (with the ratification of the Executive Committee) within the meaning of the Section 36 of the Trustees Act 1925.

6) The Trustee shall in all respects act, in regard to any property of the Organisation held by them, in accordance with the direction of the Executive Committee. The Trustees shall have power to sign any deeds or documents on behalf of the Organisation and to purchase, lease, mortgage, borrow, sell or pledge any property of the Organisation pursuant to the Objects of the Organisation: all in compliance with the Executive Committee's directions.

7) The Trustees shall maintain a current and up-dated list of all the Organisations Assets and furnish to the Executive Committee such list of inclusion in the Annual Report.

20. QUORUM

One third of the members (including at least one officer) shall form a quorum at a meeting of the Executive Committee, twenty members shall form a quorum at an Annual General meeting and twenty members shall form a quorum at a Special General Meeting

21. INTRODUCTION OF GUESTS

Each member may on occasion introduce up to two guests for whom the member remains responsible. Guests and members introducing them shall sign the visitors book provided. None of the following persons may be introduced as guests: - a former member who has been expelled, a former member who has ceased to be a member under rule 5, a person who, having been nominated for membership, has been refused admission to membership.

22. PERMITTED HOURS

Permitted hours during which intoxicants may be supplied, and to whom, shall be in accordance with the statutory limits in force from time to time. Bona fide out of town invited visitors on recreational activities, guests of members and others using the Organisation's premises on such occasions as funerals, weddings, christenings and similar gatherings may be supplied with alcoholic beverages for payment as provided.

23. GENERAL

- a) A member entitled to attend and vote at any meetings of the Organisation shall be entitled to one vote on any matter on which a vote is called except as provided for a casting vote.
- b) All proxy votes have to go to the chairman in which he will determine the legality of the vote and submit it accordingly.
- c) Any income and property of the Organisation from any source shall be used solely for the promotion of the Objectives of the Organisation and no portion thereof shall be paid in any form by way of personal profit to a member of the Organisation, provided that nothing herein shall prevent the payment in good faith of reasonable compensation to any member in connection with the discharge by him of the Organisation business.
- d) If the Executive Committee decides that it is necessary or advisable to dissolve the Organisation it shall call a meeting of all the members of the Organisation, of which not less than 21 days notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two thirds majority of those present and voting the Executive Committee have power to realise any assets held by or on behalf of the Organisation. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objectives similar to the objectives of the Organisation as the members of the Organisation may determine or failing that shall be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement for the final accounting period of the Organisation must be sent to the Charity Commission.

24. ALTERATION OF RULES

Any rule of the Organisation may be repealed or altered or any rule added provided that such repeal, alteration or addition shall have been approved by a two-thirds majority of the members present and voting on such resolution of which due notice has been given (provided always that no repeal or alteration shall have the effect of causing the organisation to cease to be a Charity) as provided within these rules. Any repeal, alteration or addition to the rules shall be notified in accordance with statutory requirements, and if required, shall not take effect until due approval is given.

25. INTERPRETATION OF RULES

Unless the context otherwise requires words denoting the masculine include the feminine, and words denoting the singular includes the plural, and vice versa.

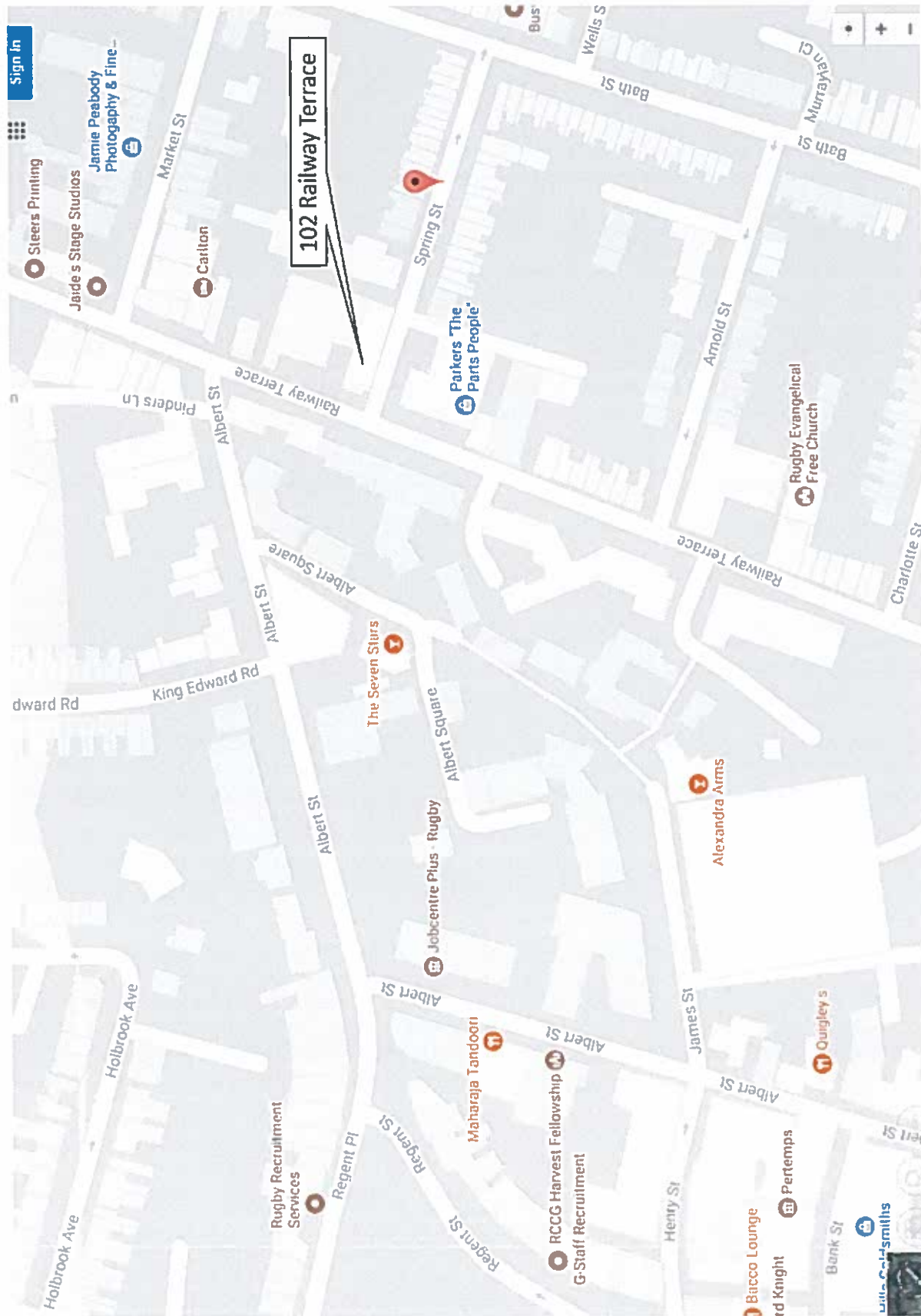
MEMBERSHIP of the WEST INDIAN COMMUNITY ASSOCIATION

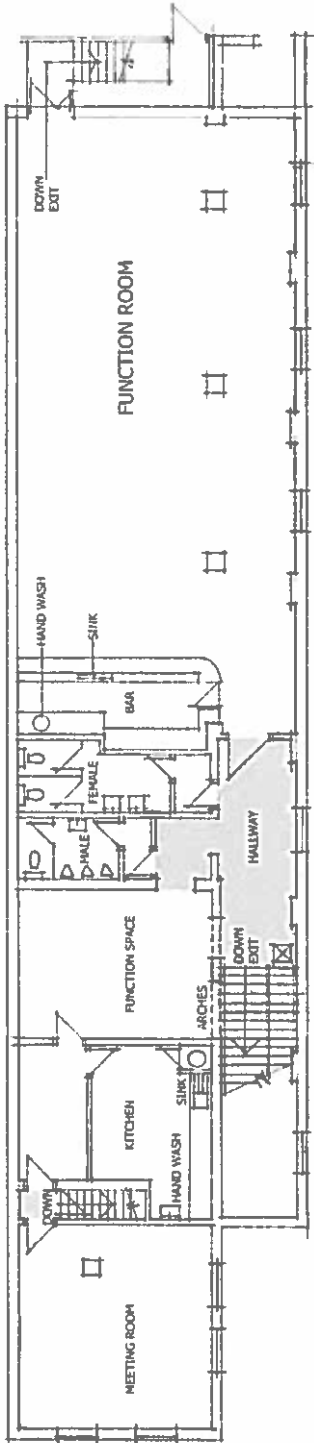
Categories of membership

- i) **Ordinary Membership:** Persons over the age of sixteen shall be eligible to apply for Ordinary Membership
- ii) **Concessionary Membership:** Persons, who would otherwise be eligible for Ordinary Membership, but who are unwaged or retired from gainful employment, may be granted Concessionary membership by the Executive Committee.
- iii) **Junior Membership:** Persons between the ages of twelve and sixteen may be admitted to Junior Membership, subject to special regulations promulgated by the Executive Committee from time to time.
- iv) **Life Membership:** An existing member may, by payment of a single sum, be admitted by the Executive Committee to Life Membership.
- v) **Honorary Life Membership:** Honorary Life Membership may, on the advice of the Executive Committee, be awarded by a General Meeting to such members as have performed special services to the Association.
- vi) **Temporary Membership:** On the occasion of events open to the general public or to specific groups or persons there attended, must apply for Temporary Membership which may be granted by two Officers acting on behalf of the Executive Committee

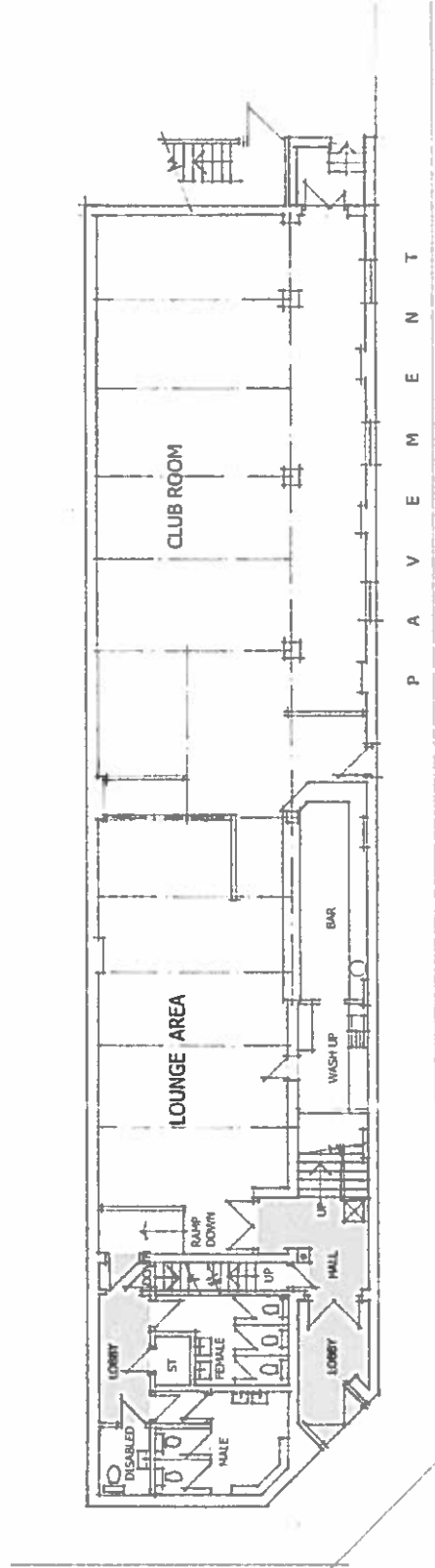
Subscriptions: At its final meeting prior to the Annual General Meeting, each year, the Executive Committee shall propose subscription rates for all categories of membership other than Honorary Life Membership.

Application for a new Club Premises Certificate at 102 Railway Terrace, Rugby, CV21 3HE





FIRST FLOOR

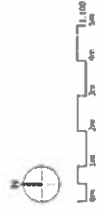


GROUND FLOOR

Project	102 Railway Terrace
Client	West Indian Social Club
Survey	SURVEY
Scale	1:100
Date	18.05.2017
Drawn	RP
Checked	RP
Project No.	R1136.16
Client No.	RI136.16:100

The Old Telephone Exchange, Albert Street, Rugeley, Warwick, CV21 2SA
 Registered Architects in UK | www.hoarchitects.co.uk | 01827 311177

hoarchitects





Representation Form From Responsible Authorities Licensing Act 2003

Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR

Responsible Authority (please delete as applicable): Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority

Your name	Gavin Smith/ Henry Biddington
Job Title	EHO / Principal EHO
Postal and e-mail address	Rugby Borough Council, Town Hall, Everux Way, Rugby, Warwickshire, CV21 2RR.
Contact telephone number	01788 533804

Name of the premises you are making a representation about	Rugby West Indian Association
Address of the premises you are making a representation about	102 Railway Terrace, Rugby, Warwickshire, CV21 3HE.

<i>Which of the four licensing objective does your Representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.</i>
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	<p>Rugby West Indian Association currently operates from a former Victorian School, located on St Peters, Road, Rugby. The area is mainly a residential area, similar to the proposed address on Railway Terrace.</p> <p>Whilst there is not a recent history of noise nuisance complaints or anti-social behaviour directly associated with the club, due to the proposed location being in a densely populated urban area, it is considered without suitable noise conditions to control noise associated with the licensable activities proposed there is potential for public nuisance to occur.</p> <p>A meeting was held between officers from the Commercial Regulation Team, the applicant (Mr Steve Vassell) and other club committee members (Ms Tamara Greaves and Mr Charlie O'Meara) on 7 July 2017. The purpose of the meeting was to look at the proposed layout and consider likely noise impact on local residents and discuss possible conditions to prevent public nuisance. The club committee have discussed scaling back licensable hours for Friday and</p>

		<p>Saturday nights from 02:00 to midnight. An e-mail confirming they will be amending their hours was received on 9 July 2017 (please see copy of e-mail attached).</p> <p>For completeness, please find a brief history of noise enforcement actions taken against the club at their current venue on St Peters Road, Rugby. This information is being provided for informative purposes only and should not be used by the Licencing Authority or Committee to make a decision on granting the club licence or not, as the enforcement actions have no legal standing due to length of time elapsed since the enforcement action was taken. It should also be noted that no further noise complaints from licensable activities have since been received since February 2013 from the clubs current location on St Peters Road.</p> <ul style="list-style-type: none"> • 12th August 2002 – Noise abatement notices served notices were served on the Chairperson, Club Secretary and Treasurer under Section 80 of the Environmental Protection Act 1990 for playing of loud music (please see copy attached). • On 9 April 2005, a breach of the notice was witnessed by authorised Council officers and appropriate enforcement action was taken against the club. Formal cautions were signed by the Chairperson, Club Secretary and Treasurer on the 17 August 2005, as an admission of guilt (please see copies attached). • Four separate noise nuisance complaints were received between February 2011 and February 2013 all related to either the playing of loud amplified music and/or club members being noisy when in the car park.
To protect children from harm	No	

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>Proposed licencing hours should be reduced to those recently agreed with the applicant and confirmed in the e-mail dated 9 July 2017. It is recommended that licensable activities being applied for detailed in Section's 4 to 12 for Friday and Saturdays should cease at 00:00 am. For Section 13, club opening times should be amended for Fridays and Saturdays to 00:15.</p> <p>A designated premises supervisor or</p>
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nominated representative shall keep written records of sound checks when live music, recorded music, or amplified sound is taking place. Sound checks must be made inside and outside the premises at all entrance/ exist doors to the premises and to walk outside around the premises on all sides where there are resident properties. The record must contain (a) date and time, (b) type of event, (c) name of person carry out the sound check, (d) location of the check, (e) whether the person determined if the noise was set to a level likely to cause a complaint, (f) action taken in respect to noise levels (i.e. being increased, decreased or no action), (g) the noise must be assessed at the start of the event and at intervals no less than 1 hour until the end of the event.

When live music or recorded music take place inside the premises all doors and windows should remain shut. Entrance/ exist doors will be fitted with self-closing mechanisms that will enable doors to automatically close once persons enter or leave the premise.

An alarm shall be fitted to the side 1st floor fire door facing directly on to Symington House, Spring Street, Rugby, which alerts staff when it is opened without authorisation of the designated premises supervisor or designated responsible person.

The side 1st floor fire door facing directly on to Symington House, Spring Street, Rugby, should be acoustically sealed to a specification agreed in writing with the Licencing Authority within 1 month from the date of the club licence being granted.

The licence holder shall erect and maintain clear and prominent notices displayed at all exits and designated smoking areas requesting club members and their guests to respect the needs of local residents and to leave the premises and the area quietly

There will be no collection of waste, which includes bottles, recycling and litter between the hours of (00:00 am to 08:00 am). The licence holder and the designated premises supervisor shall ensure the arrangements for the storage of empty bottles prevents

	unauthorised access to those bottles.
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Signed  Date 20th July 2017

Please return this form along with any additional sheets to Licensing Team, Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR or by emailing to licensing@rugby.gov.uk. This form must be returned within the Statutory Period. For more details please check with the Licensing Team on (01788) 533884.

Agreed amendments to application and licence conditions:

Licensable Hours: Hours of licensable activities on Fridays and Saturdays be amended in sections 4 to 12 of the application to cease at 00:00 midnight.

Opening Hours: Section 13 club opening times be amended for Fridays and Saturdays to end at 00:15hrs

Annex 2 conditions to be applied to the licence:

- 1) When live or recorded music, or any other amplified sound is taking place, the Club Manager, or named nominated person, must conduct sound level assessment/check at the beginning of the event and, from 21:00hrs conduct checks at regular intervals, both inside and outside the premises, exiting the doors to the premises and walking outside and around the premises assessing noise levels on all sides where there are resident properties.
- 2) A written log must be kept of sound checks and the record must contain
 - (a) date and time
 - (b) type of event
 - (c) name of person carrying out the sound check
 - (d) location of the check
 - (e) whether the person determined if the noise was set to a level likely to cause a complaint
 - (f) action taken in respect to noise levels (i.e. being increased, decreased or no action)
 - g) the noise must be assessed at the start of the event and at intervals no less than 1 hour until the end of the event.
- 3) When live or recorded music takes place inside the premises all doors and windows must remain closed.
- 4) Entrance and exit doors must be fitted with self-closing mechanisms that will ensure doors automatically close once persons enter or leave the premises.
- 5) An alarm must be fitted to the first floor side fire door facing directly on to Symington House, Spring Street, Rugby, to alert staff when it is opened without authorisation of the Manager or other senior member of staff on duty at the time.
- 6) The side first floor fire door, facing directly on to Symington House, Spring Street, Rugby, must be acoustically sealed to a specification agreed in writing with the Licencing Authority within one month from the date of the club licence being granted.
- 7) The licence holder shall erect and maintain clear and prominent notices displayed at all exits and designated smoking areas requesting club members and their guests to respect the needs of local residents and to leave the premises and the area quietly.
- 8) There will be no collection of waste, which includes bottles, recycling and litter between the hours of (00:00 am to 08:00 am).
- 9) The licence holder and the designated premises supervisor shall ensure the arrangements for the storage of empty bottles prevents unauthorised access to those bottles.

MAUREEN BROWN

Flat 6 Stanier Court
 Charles Warren Close
 RUGBY
 CV21 2XQ

Telephone No. 01788 537087
 1st July, 2017.

The Licencing Team
 Rugby Borough Council
 Town Hall
 Rugby. CV21 2RR/

RUGBY BOROUGH COUNCIL CLERK'S POST TEAM	
Date Rec'd	30 JUN 2017
Referred to	Licensing
For	

Dear Sirs,

Rugby West Indian Association, Railway Terrace, Rugby

I would like to object to the Friday and Saturday opening hours application. I have no objection of opening hours up to midnight but until 2am is a little bit over the top.

My reasons for the objections are that the Club is in a built up area and is surrounded by many elderly people and with the best will in the world people would not leave the club in a quiet orderly manner if they had been drinking for a long time.

There is also the aspect of transport. Taxis arriving to pick people up and people in private cars leaving. The roar of the engine of the vehicles and the headlights would be an inconvenience to people living near and around the club. The clunking of peoples heels and laughing and joking walking up Railway Terrace can be very loud and then there is sometimes those people who argue add to the noise. Arguing happens a lot of the time.

I am led to understand that other pubs and clubs in the vicinity, are supposed to stop entertainment at midnight.

I may add that I live half way between The London Calling, The Alexandra Arms and the West Indian Association Club and the noise on most Saturday nights is very loud up to midnight so anything past midnight would be terrible.

Yours faithfully,



MAUREEN BROWN

RUGBY BOROUGH COUNCIL
CLERK'S
POST TEAM

Date Rec'd 11 JUL 2017

Referred to David

For SUTTONS

Donald J Farr

6 Spring Street

Rugby

CV21 3HH

d.farr@tiscali.co.uk

07850 460006

Head of Environmental Services

Rugby Borough Council

Town Hall

CV21 2RR

20th June 2017

Notice of application for Club Premises Certificate – Licensing Act 2003

re: The application by Steven VASSELL dated 17th June on behalf of the
West Indian Association at 102 Railway Terrace Rugby CV21 3HE

Overview

The front door of the above address is in Railway Terrace, the property runs along Spring Street, the fire doors of the property are well down Spring Street. This is a residential area with many young families living in Spring Street.

The Club has no car parking facility.

Spring Street is a residential one way street of 28 homes. There are approximately 18 parking spaces in total for residents by paid permit, and for visitors by meter parking, on one side of the road. The other side of the road is covered by double yellow lines.

Symington House, being a new development of 22 apartments opposite my house and adjacent to 30 Spring Street, and recently given planning permission by the Council, has almost completed the first phase of the development and apartments are now on the market. It must be noted that Apartments Nos. 1, 2, 3, 4, 5, 6, 13, 14, 15, 17, 19 and 21 all are within feet of the Club.

Between Symington House and 30 Spring Street is a flourishing dance school. During term time this has children delivered and collected late afternoon and early evening. In school holidays and at weekends this delivery and collection of children takes place morning and afternoons.

My response

I can accept the application if it were during normal licensing hours i.e up to 23.00 however the application details the alcohol licence and entertainment licence being until 02.00a.m on a Friday and Saturday. Is it really necessary or good practice, to intend to serve alcohol for 16 hours a day?

I would also query the 10.00 opening time – is it really necessary to be this early?

This is totally unacceptable and shows that Mr Vassell seemingly has no consideration whatsoever for the existing neighbours of the Club.

The lack of parking for the Club is a main consideration. Spring Street is already a parking nightmare, threatening to get worse once the 22 apartments of Symington House are sold. I must point out that there are but 14 allocated parking spaces in a car park accessed from Market Street, at the rear of Symington House.

This Club is not in the middle of an out of town estate with masses of car parking and no neighbours to disturb with cars and taxis collecting and delivering clients, but is within a quiet, family occupied, residential area.

I feel that this is not a well thought out application and totally ignores the existing residents of the 28 houses in Spring Street, and future residents of the nearest neighbours to the Club being the 22 owners of the Symington House apartments.

I must oppose the granting of a Licence as per the application, but would not oppose the application if the times reverted to more reasonable 12.00noon to 23.00 seven days of the week.

I should like to add that I feel very strongly that every household within 100 yards of the premises applying for a licence needs to have a copy of the notice posted through their door. This application affects the quality of life of all the neighbours of the Club.

The present system - with a fading notice posted five to six feet above the ground in a side window, not even adjacent to the front door of the premises in Railway Terrace, alongside a very much larger advertising board for an electrical contractor is a joke.

The tiny 'official notice' at the back of the Rugby Advertiser needing a magnifying glass to read is contained in a newspaper that people have to buy to be able to read.

I repeat that a leaflet drop to all premises within 100 yards of the applicant's premises would be fairer and would ensure that all residents concerned were informed.

I presume that you are duty bound to advertise the licence application. I would question whether a faded notice five feet up a wall or hidden in the back pages of a paid for newspaper constitutes bringing the matter to the attention of all local residents.

09/06/2017

RUGBY BOROUGH COUNCIL CLERK AND IS POST BOX	
Date Rec'd	11 JUL 2017
Referred to	Room 53
For	

From: -

Dr Wendy Scott
and
Ms Angela Craig
Residents at
8 Spring St
Rugby
CV21 3HH

To

Director of Housing and Environmental Health
Rugby Borough Council
The Retreat
Newbold Road
Rugby
CV21 2LG

Re: Notice of Application for Club Premises Certificate -Licensing Act 2003

To Steven Vassell of West Indian Association, 102 Railway Terrace, Rugby CV21 3HE

We want to raise an objection to the scope of the application which would extend the commercial activity in the residential area of Spring St.

Namely the all-day sale of alcohol drinking activity and the associated noise and disruption to a quiet street. We think that some restriction would better fit the residential nature of the street. We would like to see the hours restricted in keeping with other licensed premises in other residential areas of rugby.

The weekend (Frid-Sat) sale of alcohol should be restricted to 12midnight as from experience of the former use of the premises, namely The Railway Club the noise and activity severely affects the resident's ability to sleep uninterrupted with raised voices, car doors banging and the taking up of severely short number of parking spaces in the street.

As for the entertainment application, we assume this will include music and again from the previous Railway Club which was very modest in its activity the noise levels could still affect the noise with music travelling and keeping people awake in the street. We would like this application to be restricted to end at 12 midnight. To have entertainment as late as 2am will inevitably lead to severe disruption from the noise of the music and or other entertainment and from when people leave the club late in the evening.

We have two small children living in this house and children in most of the properties fronting onto the premises of 102 Railway Terrace. We do not think that our way of life should be destroyed by the commercial interests of this enterprise. The application appears to extend the activity into a night club and is not in keeping with a residential area.

I really hope that our concerns are duly noted and that a club should respect the area they are operating in. I think that a modest approach to the length of opening and to the sale of alcohol and entertainment activity is a workable compromise.

Yours Sincerely,

W. Scott



Dr Wendy Scott and Ms Angela Craig

Julie FARR 6 Spring Street. Rugby. Warwickshire. CV21 3HH

Head of Environmental Services
Rugby Borough Council
Town Hall
Rugby CV21 2RR

RUGBY BOROUGH COUNCIL CLANDIS PST TEAM	
Date Rec'd	11 JUL 2017
Referred to	David
For	SURROWS

11th July 2017

Dear Sir/Madam

Re: application for Grant of a Club Premises Certificate for
102 Railway Terrace, Rugby by Mr Steven Vassell.

With reference to the above application I wish to make the following points against the application being granted as it stands, which I hope you will take into consideration when dealing with the above.

Spring Street is a residential street, with a commercial property at one end with opening hours between 8am – 6pm, and parking for customers at the front of the property. These hours do not interfere with residents after 6pm. When the current ongoing development at Symington House is finished, it will consist of 22 apartments adding further to the number of residents who live in Spring Street. Since the previous Social Club closed on the site of 102 Railway Terrace, the number of families with young children who live in Spring Street has risen in number.

I am concerned that as a residential street, with the Social Club requesting to open as early as 10am 7 days a week may well encourage customers to drink and drive. Other public houses in the locality do not open before 11.30am / 12noon. The Railwaymen's Social Club in Hillmorton Road does not open until 11.30am, so I question why Rugby West Indian Association wishes to open as early as 10am. The property does not have a car park of its own and with limited parking spaces available to residents; the opening from 10am to 11pm will incur an extra number of cars being parked in Spring Street.

I believe that staying open to 2am on a Friday/Saturday evening will be detrimental to the wellbeing of the residents of Spring Street, and certainly not considerate to the families with younger children. The extra noise incurred with customers leaving the Club early in the morning, with cars moving off, taxis arriving and leaving, along with customers in general saying goodnight would interfere with residents sleep.

Does the property have sufficient double glazing and noise prevention insulation to stop the entertainment disturbing the residents at the end of Spring Street / Railway Terrace? When the occupants of Symington House move in, as they have not been aware of this application, they are going to be surprised to say the least. Under the previous occupants of this building, noise from entertainment proved to be a regular problem; therefore I hope that Rugby Borough Council will be supportive if the residents have problems.

Yours sincerely
Mrs. Julie Farr.

30, Spring Street
Rugby
Warwickshire
CV21 3HH

12 July 2017

Director of Housing and Environmental Health
Rugby Borough Council
The Retreat
Newbold Road
Rugby
CV21 2LG

RUGBY BOROUGH COUNCIL C AND IS PST TEAM	
Date Filed	12 JUL 2017
Referred to	_____
For	_____

Dear Sirs

Notice of Application for Club Premises Certificate – Licensing Act 2003

Re: Application by Steven Vassell dated 17th June 2017 on behalf of the West Indian Association at 102 Railway Terrace, Rugby, CV21 3HE

Further to the application above. As you are aware this is a residential area. We think the 10am opening to be a little early. The timescale of Sunday to Thursday till 11pm is acceptable with us. We can accept till 12 midnight on Friday and Saturday evenings with a proviso to 1am for special occasions only when advised.

We trust that the previous regulation for keeping the fire door closed at all times and the previous concert room door closed will be strictly adhered to.

Noise levels in the early hours would interfere with residents sleep. Previous owners of the club were made aware of the problems.

Our street is residential parking, one way system and accounts for 18 spaces on one side of the street. There are not enough spaces for current residents let alone 'club traffic'.

Also Symington House will soon be residential 24/7 occupancy which will increase the parking problems even more.

Yours faithfully



S Elliott



J Brittain



PROPERTY FINANCE

BIG Property Finance
Floor 8, Lyndon House
58-62 Hagley Road
Birmingham
B16 8PE

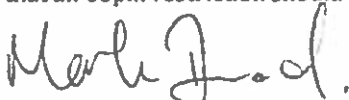
Date 12th July 2017
Head Of Environmental Services
Rugby Borough Council
Town Hall
CV21 2RR

RUGBY BOROUGH COUNCIL C AND IS PST TEAM	
Date Rec'd	13 JUL 2017
Referred to	_____
For	_____

Dear Sir/Madam,

We are the developers at Symington House, Spring Street in Rugby adjacent to the West Indian Association at 102 Railway Terrace, we do feel that this licence application will negatively impact the enjoyment of future residents of the development and we object to the 2am extension on their behalf.

We do not necessarily object to the use but feel a 2am licence will result in unsociable noise and other problems associated with drinking at this late hour. This is a quiet residential street and we feel strongly that an 11pm restriction should be put in place to maintain this.


Yours Sincerely,

Mark Bond, Operations Director.

RUGBY BOROUGH COUNCIL
C AND IS
PST TEAM

Date Rec'd 14 JUL 2017

Referred to Licensing

For _____

21 Spring Street

Rugby

CV21 3HH

13th July 2017

Dear Sir

Re: Proposed Entertainment Licence for
Spring Street West Indian Club

I have concerns for the above licence being
granted to the above Club.

They are:

1. Hours proposed for Friday and Saturday Entertainment
2. Loudness of Groups (No sound proofing)?
3. Parking (as insufficient parking already)
4. Noise from Car Drives beginning
5. Also Elderly people living in flats
in Railway Terrace
6. Anti-social behaviour (Drunkenness and
Damage to residents property).

I trust you will consider my comments/concerns.

Yours Faithfully

Mrs C. M. Crompton

and night-time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.

- 4.4 The Council does not propose to implement standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Council will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of the representations received.

5 OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.

- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously. This is expected to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the area.

- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.

- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER

- 6.1 The Licensing Authority, having not been presented with evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order(s) are appropriate for the Council's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. The Government Guidance states that "need" is not a matter for the Licensing Authority but is a matter for the planning authority and the free market.

- 7.2 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider any area within the Borough to currently have a particular

Where a responsible authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

Prevention of Public Nuisance

- 8.17 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.18 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.
- 8.20 The Licensing Authority expects authorisation holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public or statutory nuisance.
- 8.21 Where the provisions of existing legislation proves inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.

Protection of Children from Harm

- 8.22 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that authorisation holders including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 8.23 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol
- 8.24 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible, but cannot impose conditions requiring the admission of children to any premises.

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing and Safety Committee and Sub-committees are not bound by decisions made by the Council's Planning Committee, and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval, where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a responsible authority, where such representations relate to one or more of the licensing objectives (see Paragraph 1.1 above).

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Representations should be made directly to the Licensing Authority by writing to Rugby Borough Council, FAO Public Health and Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR or licensing@rugby.gov.uk
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to demonstrate how they intend to meet the licensing objectives. Where no information is given by the applicant, there may be circumstances where the Licensing Authority considers the application to be incomplete and the application is returned without further processing.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions, other than those volunteered by the applicant in the Operating Schedule or by agreement with a responsible authority, will only be imposed in order to promote the licensing objectives following a hearing and will only relate to matters within the control and ability of the applicant. Licence conditions will not normally be imposed where other regulatory provision is in force (e.g. planning, environmental health, fire safety, and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not propose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed

Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Additional guidance

- 1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code,

the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play⁷ which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

⁷ See chapter 15 for when a performance of a play is licensable.

16. Regulated entertainment

Types of regulated entertainment

- 16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment are due to take effect on 6 April 2015. Therefore, up until that date you should refer to chapter 16 of the guidance published in October 2014.
- 16.2 The descriptions of entertainment activities licensable under the 2003 Act are:
- a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment;
 - a performance of live music;
 - any playing of recorded music;
 - a performance of dance; and
 - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:
- take place in the presence of a public audience, or
 - where that activity takes place in private, be the subject of a charge made with a view to profit.
- 16.4 Guidance around what constitutes audiences and private events is at paragraphs 16.11-16.14.

Overview of circumstances in which entertainment activities are not licensable

- 16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:
- activities which involve participation as acts of worship in a religious context;
 - activities in places of public religious worship;
 - education – teaching students to perform music or to dance;
 - the demonstration of a product – for example, a guitar – in a music shop;
 - the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;

¹⁸ The word 'licence' is typically used as a reference to all forms of authorisation

- Morris dancing (or similar)¹⁹;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity²⁰;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity²¹;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)²².

16.6 As a result of deregulatory changes that have amended the 2003 Act²³, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500²⁴.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises,

¹⁹ Including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.

²⁰ See paragraphs 16.57-16.61

²¹ See paragraphs 16.65-16.68

²² This was previously licensable under the 2003 Act until the commencement of the Live Music Act 2012.

²³ The Live Music Act 2012 ("2012 Act") <http://www.legislation.gov.uk/ukpga/2012/2>; Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 ("2013 Order") <http://www.legislation.gov.uk/uksi/2013/1578/contents/made>; The Legislative Reform (Entertainment Licensing) Order 2014 ("2014 Order") <http://www.legislation.gov.uk/uksi/2014/3253/introduction/made>; and the Deregulation Act 2015 ("2015 Act").

²⁴ But see paragraphs 16.47 -16.48 in relation to dance that is adult entertainment and remains licensable.

- provided that the audience does not exceed 500²⁵.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁷.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment)

²⁵ Provided that a number of other important conditions are satisfied (see paragraphs 16.38-16.43).

²⁶ The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

²⁷ Provided that a number of other important conditions are satisfied, see paragraphs 16.38-16.43.

taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely²⁸, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN)²⁹ could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).³⁰ Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.
- 16.9 The various effects of the changes made to entertainment licensing by the set of deregulatory changes between 2012 and 2015³¹ are described in greater detail in subsequent paragraphs:
- Music entertainment, see in particular paragraphs: 16.20-16.21; 16.26-16.33; and 16.36-16.44;
 - Plays, dance, and indoor sporting events, see in particular paragraphs: 16.34-16.35 and 16.45-16.48;
 - Local authority, hospital and school premises, see in particular paragraphs: 16.16-16.20
 - Community premises, see in particular paragraphs: 16.21-16.24 and 16.34-16.35
 - Circuses, see in particular paragraph 16.25
 - Boxing or wrestling entertainment, see in particular paragraphs: 16.49-16.51.

²⁸ See paragraph 16.12

²⁹ See chapter 7

³⁰ See paragraphs 16.70-16.72 in relation to other licensing regimes

³¹ An entertainment activity may meet the conditions of more than one exemption

General circumstances in which entertainment activities are licensable

16.10 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act, as amended³².

Audience

16.11 For the purposes of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present³³ and that the purpose of the licensable activity is (at least in part) intended to entertain any person present³⁴. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.

16.12 More than one entertainment activity (or for a single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

Private events

16.13 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.

16.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as

³² See examples at paragraph 16.5

³³ In some circumstances, such as un-ticketed live music events, a degree of judgement may be required as to whether persons are part of an audience. Factors to consider could include whether a person is within the perimeter of the premises, the audible range of the performance, and their visibility of the entertainment. In order to meet the definition of an entertainment activity in the 2003 Act, the activity must take place in the presence of an audience and be provided for the purpose, or for purposes which include the purpose of, entertaining that audience.

³⁴ For example, a darts championship competition hosted in part to entertain an audience could be a licensable activity, but a pub game of darts played for the enjoyment of the participants is not licensable.

being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided.

Circumstances in which entertainment activities are no longer licensable

16.15 No licence is required for certain entertainment activities on specified premises, as follows:

Local authorities, hospital healthcare providers and school proprietors: cross-entertainment activity exemption

16.16 No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00-23.00 on any day provided that:

- for entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has a relevant property interest, or is in lawful occupation;
- for entertainment provided by, or on behalf of, a health care provider it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- for entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

16.17 This Guidance cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case. However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises, where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority's behalf on that local authority's premises by a cultural trust in discharge of a local authority's discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity;
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

16.18 It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party³⁵

³⁵ But see paragraph 16.20

does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority³⁶ merely facilitates through providing a public space³⁷.

- 16.19 All the terms used in this exemption, such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order³⁸.

Local authority, hospital and school premises: third party music entertainment

- 16.20 No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that:

- it is performed in front of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent³⁹ of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these “trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

Community premises: music entertainment

- 16.21 No licence is required for a performance of live music or the playing of recorded music on community premises⁴⁰, between 08.00-23.00 on any day provided that:

- the community premises are **not** authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises⁴¹;
- the music entertainment is in the presence of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent⁴² of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

³⁶ Or healthcare provider or school proprietor.

³⁷ The exemption would similarly not apply, for example, to a commercial company operating on premises belonging to a local authority under a long term lease.

³⁸ See footnote 20

³⁹ This requirement is designed to ensure that those responsible for the premises hosting the entertainment have considered and approved the effect of the event on other users of their premises and the wider community.

⁴⁰ The definition of community premises is covered in paragraphs 4.56-4.60 of this Guidance. A community premises is likely to be multi-functional and ‘other similar building’ within the definition cannot be stretched to ordinarily include a public house, a bingo hall, or other business premises or private property.

⁴¹ Where a community premises is licensed for the supply of alcohol by a premises licence (or exceptionally a club premises certificate), then any performance of live music or the playing of recorded music on relevant alcohol licensed premises may be subject to the conditional deregulation described in paragraphs 16.26-16.33.

⁴² See footnote 36

Community premises: exhibition of film

16.22 No licence⁴³ is required for an exhibition of a film on community premises⁴⁴ between 08.00-23.00 on any day provided that:

- the film entertainment is not provided with a view to profit⁴⁵;
- the film entertainment is in the presence of an audience of no more than 500 people;
- the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent⁴⁶ of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

16.23 Under this exemption, one condition is that the film entertainment is not being provided with a view to profit⁴⁷. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made solely to cover the costs of the film screening⁴⁸ is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.

16.24 This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy⁴⁹. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

⁴³ However, see paragraph 16.70 in relation to copyright

⁴⁴ See footnote 37

⁴⁵ See paragraph 16.23

⁴⁶ See footnote 36

⁴⁷ 'not provided with a view to profit' is the inverse of 'with a view to profit' mentioned in paragraph 16.13

⁴⁸ Legitimate costs of a film screening would include overheads directly relevant to providing the film entertainment (e.g. premises hire, film hire, equipment etc.)

⁴⁹ See 3rd bullet point in paragraph 16.22

Travelling circuses

16.25 Where types of entertainment are present in a performance by a travelling circus⁵⁰ they will not be licensable provided that certain qualifying conditions are met⁵¹. The qualifying conditions are that:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises⁵²;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces⁵³, in the presence of an audience of more than 500 people⁵⁴; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review⁵⁵.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

⁵⁰ 'Travelling circus' is defined in the 2014 Order as meaning a circus which travels from site to site for the purpose of giving performances. Musical entertainment at a travelling fairground is likely to be incidental to the main attractions and rides that are not themselves regulated entertainment.

⁵¹ There is no audience limit for this exemption, but the conditions are designed to ensure that deregulation does not have unintended consequences for the licensing objectives – e.g. only bona fide travelling circuses qualify.

⁵² See Chapter 3 of this Guidance

⁵³ See paragraph 16.31

⁵⁴ The 2014 Order substituted "500" for "200" that was in the 2012 Act

⁵⁵ See paragraphs 16.55-16.56

16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance⁵⁶.

Key terms used in relation to live music

16.30 Under the live music provisions, "music" includes vocal or instrumental music or any combination of the two. "Live music" is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, 'live' music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist⁵⁷ or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds⁵⁸. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

16.31 A "workplace" is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

16.32 A "relevant licensed premises" for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.⁵⁹

Recorded music

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;⁶⁰
- where the playing of recorded music takes place at relevant licensed premises in the

⁵⁶ See paragraph 2.13. Post the 2013 Order, Section 177 can be relevant to a performance of dance after 23.00 on any day

⁵⁷ Karaoke is generally classed as a performance of live music

⁵⁸ This would include 'scratching'

⁵⁹ TENs are covered in chapter 7

⁶⁰ See Chapter 3 of this Guidance

- presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).⁶¹

Plays and dance

16.34 No licence is required for a performance of a play or dance to the extent that certain qualifying conditions⁶² are satisfied. However a performance of a play or dance remains licensable:

- where the performance takes places before 08.00 or after 23.00 on any day; or
- where the performance takes place in the presence of an audience of more than 500 people.

Indoor Sport

16.35 No licence is required for an indoor sporting event to the extent that certain qualifying conditions⁶³ are satisfied. However an indoor sporting event remains licensable:

- where the event takes places before 08.00 or after 23.00 on any day;
- where the event takes place in the presence of more than 1000 spectators.

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions⁶⁴ (or conditions added on a determination of an application for a premises licence or club premises certificate⁶⁵) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g.

⁶¹ This would be by way of imposing a condition on a premises licence or club premises certificate as a result of a licence review, see paragraphs 16.55-16.56

⁶² See paragraphs 16.6 and 16.45-16.48

⁶³ See paragraph 16.6.

⁶⁴ In relation to relevant licensed premises, see paragraph 16.32

⁶⁵ See paragraphs 16.39-16.40