

**LICENSING-SUB COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)**

<b>PREMISES</b>	Hereford Rugby Football Club, Wyeseide, Belvedere Lane, Hereford. HR4 0PH
<b>APPLICANT'S NAME</b>	Hereford Rugby Football Club Ltd.
<b>APPLICATION TYPE</b>	New
<b>PANEL MEMBERS</b>	Councillor Alan Seldon Councillor Paul Andrews Councillor Polly Andrews
<b>DATE OF MEETING</b>	14 July 2021 and 20 August 2021

Members of the licensing sub-committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda, the supplement published on 14 July 2021 and the background papers.

The technical licensing officer presented the report.

Before the sub-committee heard from the members of the public who had made representations, it was confirmed that there was no longer a cumulative impact zone policy contained within Herefordshire Council's Statement of Licensing Policy 2020/2025. The previous policy had contained one but had not covered this area. This application would have to be considered on its own merits and the proximity of other premises with licences could not be taken into account.

The sub-committee heard from the public representations who highlighted the following:

- Due to the location of the apartment block, they looked onto the rugby ground and the club was approx. 200 yards away. It was a peaceable location.
- The sporting activities were enjoyed and they wished it to remain a nice club and not become a pub/club.
- With the club windows open, the noise would be intolerable as most of the residents were older.
- Traffic in and out of the club would cause a nuisance.
- There was a concern about an increase in crime and disorder if the licence was granted.
- They had not reported previous incidents as they wished to be good neighbours.
- West Mercia Police had previously closed down one of the events at the club because there had been a suspected rape.
- There had been an incident with naked men running across the rugby pitches.

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- The police had interviewed everyone at the club as they had been carrying out a drugs investigation.
- It was suggested that a site visit took place so that the members of the sub-committee had an understanding of the issues.
- When there were ticketed events, people try to access the event through residents' property. When these people were challenged, residents were threatened with physical abuse.
- When dinner parties were held, it was a different dynamic as attendees tended to be older.
- They had always had a good relationship with the club and the club relied them to keep an eye on the grounds.
- One public speaker lived on the ground floor so they would endure more disturbance.

Following a query from a member of the sub-committee, it was confirmed that the applicant had not reached out to the residents of the apartment block directly.

The sub-committee then heard from the applicant's agent who highlighted:

- The history and background to the club which included the fact that it was a registered club where members could bring guests.
- Matches were normally played on a Saturday afternoon
- The club was very much part of the community and the stated objectives were to strengthen the bonds between the club and the local area.
- Details of local events the club had recently hosted were outlined
- The application for a premises licence had been made to replace an existing club licence.
- The licensable area was confined to the club house and not the grounds.
- Regulated entertainment had previously been authorised under Temporary Event Notices (TENS).
- The club was run by and for the benefit of its members and needed to be on the soundest financial footing possible.
- The club wishes to hire the premises to people other than its members which they currently cannot do under the club licence.
- There had been no representations from responsible authorities.
- There had been consultation with environmental protection prior to submitting the application.
- The application was for a new licence to replace a club premises licence and was not a variation. The licence would negate the need for TENS
- There would be a right to review the licence if there was nuisance.
- The club manager would be unchanged and would be the designated premises supervisor which was not required under a club licence.
- There was anecdotal evidence of raucous behaviour but that the sub-committee needed to take decision based on evidence. There may also have been instances where persons unconnected to the club had used the grounds.
- The club manager takes all incidents seriously and the chairperson of the club also took them seriously. There was encouragement to contact them if there were issues so that they could be resolved.

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- The club did value their neighbours.
- The club would not turn into a late night pub.

Following a query from a member of the sub-committee, it was confirmed that the applicant agent's did not know who would be upset by an application until it was advertised. Letters had not been sent out to all residents.

After a private discussion, the sub-committee agreed to adjourn to allow for a site visit to take place on 6 August 2021 at 4.00 pm. This application would then be heard again on 17 August 2021 at 10.00 am.

The site meeting that was arranged for 6 August 2021 had to be adjourned due to not being quorate and took place on 17 August 2021 and the sub-committee would reconvene on 20 August 2021.

Two further supplements to the report were published on 18 August and 20 August 2021.

The re-convened sub-committee on 20 August 2021 heard from the technical licensing officer who outlined the report.

The sub-committee then heard from the applicant's agent

- The application was confined to the footprint of the club house and not the surrounding grounds.
- The application did not cover regulated entertainment outside of the licensable area
- An explanation of the temporary event notices was provided and it was noted that there was normally only one during the year for the annual dinner.
- There had been a temporary event notice in place in respect of the 31 July 2021 where it appeared that a noise complaint had been received. Details of this event were provided and it was noted that the president of the club had checked the sound levels during the sound check and had requested that the sound be turned down.
- Attention was drawn to the fact there were no other complaints since 2016 and no objections from responsible authorities.
- Third parties did apply for temporary event notices relating to the grounds of the club and these did not relate to the current application.
- Following a meeting with local residents, there was an agreed way forward with a nominated representative from the local residents being identified.

The licensing technical officer outlined the process for submitting requests for temporary event notices. It did appear that there was an issue with the connectivity between the council's system and gov.uk. The council would look into the issue.

The committee carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and

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considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's statement of licensing policy.

**DECISION**

The sub committee's decision was to grant the licence as applied for with the following modification:

Live Music (Indoors), Recorded Music (Indoors)

Monday – Thursday 12:00 – 23:00, Friday – Saturday 12:00 – 23:59

Late Night Refreshment (Indoors/Outdoors)

Friday – Saturday 23:00 – 23:59

Sale/Supply of Alcohol (consumption on and off the premises)

Sunday – Thursday 10:00 – 23:00

Friday – Saturday 10:00 – 23:59

**REASONS**

The licensing sub committee had heard from the licensing technical officer, applicant, applicant's agent, the public representations and had carefully considered the written representations and the published supplements.

The sub-committee had filtered out what issues related to the grounds and the area clearly identified in the application, but acknowledged that due to the location of the club house it had been difficult.

The sub-committee were pleased that there had been dialogue between the applicant and residents and would hope that this would be maintained.

In order to promote the licensing objectives, specifically the prevention of public nuisance, the sub-committee decided to grant the licence as requested but with a modification to the hours on Fridays and Saturdays. The non-standard timings requested in the application were not modified.

**APPEAL INFORMATION**

Under Schedule 5 Paragraph 8 of the Licensing Act 2003, the applicant or a person who made relevant representations, may appeal against the decision. Schedule 5 Paragraph 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.