

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub-Committee A**

**Held at Knowle, Sidmouth on Monday, 2 April 2007**

**Present:** Councillors:  
M J L Green  
Mrs A E Liverton  
Mrs F Newth

**Apologies** Councillor  
Mrs C E Drew

The meeting started at 9.30 am and ended at 11.50 am.

\*31 **Election of Chairman**

**RESOLVED** that Councillor Mrs F Newth be elected Chairman for the meeting.

\*32 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 22 January 2007, were confirmed and signed as a true record.

\*33 **Exempt Information**

**RESOLVED** that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

\*34 **Application for a premises licence under the Licensing Act 2003 to permit the supply of alcohol for consumption off the premises for Moores 28-29 The Strand, Exmouth**

The Sub-Committee gave consideration to the application to permit the provision of regulated entertainment and the supply of alcohol for consumption on and off the premises for Moores Newsagents, 28-29 The Strand, Exmouth.

It was confirmed that the Sub-Committee had read the documents in respect of the application including the representations from the interested parties. Those present were advised that there was no need to duplicate or repeat information already submitted.

The Chairman identified members of the Sub-Committee, officers, the applicant and interested parties. The applicants were Mr R Tuckett and Mr M Mackay representing Mr S Halilogullari. The interested party was Mr P Aherne. No responsible authorities attended.

The Sub Committee received and took account of during its discussions, the procedure of Licensing Act 2003 hearings circulated to all parties present at the meeting and also the four licensing objectives agreed by the Council.

The Legal Adviser reminded members of the need to take into account the Human Rights Act 1998, the ability of parties to ask for a review of the licence and the police closure powers.

**\*34 Application for a premises licence under the Licensing Act 2003 to permit the supply of alcohol for consumption off the premises for Moores 28-29 The Strand, Exmouth(cont'd)**

The Sub-Committee considered the application to grant the Premises Licence. The written representations received from the interested parties related to all four licensing objectives, In relation to the prevention of crime and disorder, the police were already overstretched at other locations in the town and granting this licence would encourage drinking on the street in a no drinking zone. Regarding public safety, issues with glass bottles left lying around the town centre. Regarding the prevention of public nuisance, increased glass and litter on the streets and issues of noise nuisance. Regarding the protection of children from crime. Moore's was a very popular shop, there were issues with children buying sweets and magazines at the same time as the purchase of alcohol by adults in the shop.

At the hearing the interested party added that he as concerned that the staff at the shop would not have enough experience in dealing with intoxicated members of the public who might enter the premises after being refused alcohol in the licensed premises in the town centre of Exmouth. For this reason SIA trained door supervisors should employed. This would enable other premises to deal with their own supervisory issues without having to oversee the applicant premises. The applicant accepted the conditions as set out in Appendix F of the papers. The issue of concern was the requirement of SIA door supervisors as the interested party understood was required in S19 of the Licensing Act 2003.

The Sub-Committee took into account the particular locality of the premises in a town centre and its physical relationship with other residential and commercial premises in the vicinity. They considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives, namely crime and disorder, public safety, public nuisance and protection of children from harm. From this they concluded that the police did not consider that there was any significant problem associated with the current operation of the premises or that there was likely to be if the application was granted.

The applicant's case on paper was that the application was to allow their existing business of a convenience store to have the added function of an off-licence. At the hearing they added that the application was set out as in the papers. The proprietor was aware of the importance of restricting under age sales of alcohol because he already had experience of tobacco and lottery sales to the public. He said that there would be at least two members of staff employed with relevant experience and training when alcohol was on sale. Staff would be employed with the experience and strength to resist underage sales. There was no CCTV in the alleyway because of planning restrictions and reasonable light. The applicant confirmed the DPS and stated that 4 more people were being trained to sell alcohol.

In making the decision, the Sub Committee considered relevant representations that the applicant had made at the meeting and the representations made by the interested parties and other documentation put before them.

The Sub Committee had considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment would be suitably managed and controlled with good policies in place and adequate supervision from line management.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety or protection of children from harm arising from the proposed operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. They did however take into account the concerns of local residents about the operation by ensuring that suitable conditions were imposed. At the present time there was no real

**\*34 Application for a premises licence under the Licensing Act 2003 to permit the supply of alcohol for consumption off the premises for Moores 28-29 The Strand, Exmouth(cont'd)**

evidence that the operation the applicant now proposes to run would cause the unacceptable impact the "interested party" suggested,

**RESOLVED:** 1) that a Premises Licence be granted on the following basis:

- a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
- b) Permitted hours for the various licensable activities will be as set out in Appendix B
- c) The conditions in the operating schedule as set out in the amended Appendices E and F will also apply as follows.  
Appendix E removed and substituted by Appendix F.
- .d) Condition 7 of Appendix F to read: "A minimum of two staff must be employed on the premises during the hours that the premises are .licensed to sell alcohol.
- e) the mandatory conditions of Sections 19 of the Licensing Act 2003 will apply.

2) that the Designated Premises Supervisor would be Robert John Tuckett of 4 Calvados Close, Chudleigh, TQ13 0PR.

**\*35 Schedule of applications for approval where the parties have agreed a hearing is unnecessary and representations have been withdrawn**

**RESOLVED:** that the application from Carlton Inn, Honiton, subject to the operating schedule and the mandatory conditions in Section 19 of the Licensing Act 2003, be approved.

**\*36 Exclusion of the Public**

**RESOLVED** that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed, and on balance the public interest is in discussing the items in private session (Part B).

**\*37 Hackney Carriage Driver's Licence Applications**

Consideration was given to whether the applicants were fit and proper persons to be licensed as Private Hire and Hackney Carriage driver.

- RESOLVED**
1. that if after six months Mr BAW has not passed a Driving Standards Agency test for a Hackney Carriage Driving Licence then his licence be automatically revoked;
  2. that if after six months Mr GHG has not passed a Riving Standards Agency test for a Hackney Carriage Driving Licence then his licence be automatically revoked.

In reaching these decisions the Licensing & Enforcement Sub Committee A has had regard to the Human Rights Act 1998 and in particular, Article 6.

Chairman ..... Date .....