

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee B Held at Knowle, Sidmouth on Monday, 6 February 2006

Present: Councillors:

Mrs C E Drew
R Mudge
Mrs F Newth

The meeting started at 9.30 am and ended at 12.35 pm.

***11 Election of Chairman**

RESOLVED that Councillor Mrs C E Drew be elected Chairman for the meeting.

***12 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee B held on 16 September 2005, were confirmed and signed as a true record.

***13 Application for a Variation of a Premises Licence under the Licensing Act 2003 for The George Inn, Chardstock**

The Sub-Committee gave consideration to the Application for a Variation of a Premises Licence for the George Inn, Chardstock under the Licensing Act 2003 to permit the provision of regulated entertainment, entertainment facilities and late night refreshment.

The Chairman identified members of the Sub-Committee, officers, the applicant and representatives. The applicants were Ms Varry Taylor and Adam Snow. Mr C Parkinson and Mr & Mrs K Wigg attended for the interested parties. No responsible authorities attended.

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

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.

In relation to the application, the Licensing Officer informed the Sub Committee that no statutory body had made representations in relation to the application and no complaints had been received by the Council's Environmental Health.

The Sub-Committee considered the application to vary the Premises Licence. The written representations received from the interested parties related to all four of the licensing objectives.

*13 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for The George Inn, Chardstock (Cont'd)**

The applicants case was that they were applying for the maximum hours they thought they would ever need, but had no intention of expanding or changing the character of the premises from a village pub. They submitted that they would not be playing live music except for pre-booked events (and never karaoke), would only be serving coffee and not hot food after 11.00pm. They would continue to have skittle matches, which only infrequently ran late for end of season play-offs; and would normally stop selling alcohol and close the premises, before midnight.

At the hearing they added that they had been the licensees for two and a half years, the car park was never full (except on school runs) and most of the patrons were local and did not drive to the pub because of the drink-driving laws. They thought that the pubs in adjacent villages were open until midnight, which was confirmed by the Licensing Officer. They accepted that the skittle alley should close at 11.00pm and recognised that it was not properly soundproofed.

The interested parties case was that while the proprietors of the business were well respected and gave no cause for concern, any new proprietors might change the pub to a more intrusive character if the hours requested were granted or. They were concerned that there was already a lot of noise from the skittle alley, a building which they said was not adequately insulated; and they were concerned about noise from people leaving the premises later at night and increased traffic.

At the hearing, Mr Parkinson said that he was concerned about the welfare of the village and accepted that the village needed a pub. He stated that he had suffered no inconvenience from the pub even at Christmas or New Year, because the current licensees ran the pub responsibly.

Mr Wigg agreed that the licensees were excellent but that he and his wife suffered from noise from the skittle alley. He realised that this had to be suffered as part of village life. He also agreed that 11.00pm was a reasonable time for use of the skittle alley to cease. He had experienced noise from music being played in the skittle alley when the previous licensees were running the pub and was anxious that this should not happen again. He said that he had been on the point of complaining, but then the present licensees took over and he had experienced no problems since.

A written representation, received late, from Mr Leonard, the sub-postmaster, was also taken into account with everyone's consent.

After retirement to consider the application, the Sub-Committee stated it had carefully considered the application with the amendments the applicants now proposed for the variation of the Premises Licence with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. They also took into account Government guidance, the Council's own licensing policy and the Human Rights Act 1998 in making the decision. They considered relevant representations that the applicants had made at the meeting and the written representations made by the interested parties and other documentation put before them.

The Sub-Committee took into account the particular locality of the premises in a small village 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 amended application was granted.

*13 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for The George Inn, Chardstock (Cont'd)**

The Sub-Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application, if approved. In relation to the evidence heard regarding the history of the premises, they considered that the establishment was well managed and controlled with good policies in place and adequate supervision from line management. It was noted from paragraph 1.6 of the report that the applicants had amended their operating schedule to add an additional condition requiring a six-month review of the need for CCTV at the premises. This condition was accepted.

Members did not accept that there was evidence of a significant public nuisance, risk of crime and disorder or risk to public safety arising from the current 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 future operation by ensuring that suitable conditions were imposed and the operating hours were not unreasonable late. At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents feared.

RESOLVED

- 1) that a new Premises Licence be granted on the following basis:
 - (a) The extent of the areas within which the various licensable activities be permitted as indicated by the legends on the applicant's plan
 - (b) Permitted hours for the various licensable activities be as set out in the "Proposed Timings" table in Appendix B, except that licensable activities in the skittle alley would cease at 11.00pm.
- 2) (a) that the conditions in the operating schedule as set out in the amended Appendix F, as further amended by Appendix G would also apply and a further condition also be imposed restricting the hours for the disposal of empty bottles to between 10am and 6pm.
(b) A condition also be imposed that use of the outside drinking areas shown on the plan should cease at 11pm.
3. The mandatory conditions of sections 19 and 21 of the Licensing Act 2003 will be imposed.
4. The Designated Premises Supervisor would Varry Taylor of the George Inn, Chard Street, Chardstock.

Chairman Date