

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub Committee A held at Knowle, Sidmouth on 7 January 2008**

**Present:** Councillors:  
Mrs F Newth (Vice Chairman in the Chair)  
G Godbeer  
S Hall

**Also Present** Councillors:  
K Potter  
C Tratt

Officers:  
Mr I Carter - Senior Licensing Officer  
Mr C Lane - Democratic Services Officer  
Mr D Smith – Legal Executive

The meeting started at 9.30 am and finished at 12.50pm.

\*13 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee A held on 1 October 2007, were confirmed and signed as a true record.

\*14 **Application to grant a Premises License under the Licensing Act 2003 at Beer Youth Hostel, Beer.**

The Sub Committee gave consideration to the application for the grant of a Premises Licence under the Licensing Act 2003 to permit the provision of regulated entertainment, the provision of entertainment facilities and late night refreshment and the sale by retail of alcohol for consumption on and off the premises at Beer Youth Hostel, Bovey Combe, Beer.

The Chairman identified members of the Sub Committee, Officers, applicants and interested parties. The applicants were Andrew Cochrane, Solicitor and Joanna Andrews, Manager. The interested parties were Mrs J Wheller, Environmental Health Officer, Mr A Wilkinson and Mr A Mills.

The Sub Committee carefully considered the application for a new premises licence to permit the provision of regulated entertainment, the provision of entertainment facilities and late night refreshment and the sale by retail of alcohol for consumption on and off the premises with a view to deciding whether the application promotes the licensing objectives, as required by the Licensing Act 2003. They also took into account Government Guidance and the Council's own licensing policy, and the Human Rights Act 1998 in making this decision.

The Sub Committee considered the particular locality of the premises in a small village and its physical relationship with other residential properties in the vicinity. They also considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that have been the subject of representations, that is to say: public safety public nuisance crime and disorder. From this they concluded that

**Application to grant a Premises License under the Licensing Act 2003 at Beer Youth Hostel, Beer(Cont)**

the police do not consider that there is currently any significant problem associated with the current operation of the premises, or that there is likely to be if the application is granted provided the conditions they have requested at mediation are imposed. The applicant had agreed to additional conditions relating to Appendix F to the report and to the installation of a noise limiter.

The applicants case at the hearing was that the Youth Hostel Association was a Charitable Association set up to provide accommodation for young people, but more recently had also been used by older people and family groups. The Association had decided that there should be provision for the supply of alcohol and a quantity of the Hostels, including the Beer Hostel, had held residential licences for some time. Following the Licensing Act 2003, it was feared that some of the activities already carried on were not legal under the Act and it was therefore decided to apply for full licences to regularize the position. It was difficult to say what entertainments would take place but there might, for instance be a showing of a DVD to a group of residents which technically needed licensing. The Association would be happy to restrict the number of persons attending licensable activities to 50. The premises did not lend itself to any large functions. The type of music functions might be woodwind bands but due to the proximity of the bedrooms any late disturbance would not be permitted. The applicant was happy with a condition restricting the performance of live and amplified music until 12 midnight except for New Year's Eve.

In reply to questions Mr Cochrane, Solicitor said that the Hostel had been in use since the early 1960's, full sized coaches could not get up the drive. The manager Ms Jo Andrews was to go on a Bar Keepers training course and would apply for a Personal Licence shortly. Ms Jo Andrews had been the Manager for about 2 months and shared the responsibility with her partner. They usually closed the reception and the bar at 10pm and they slept in an adjoining property which had a very thin wall.

The interested parties' case was on paper that the youth hostel was located in a quiet area which was largely residential, and most of the residents were elderly. The consumption of alcohol until 5.a.m. could only lead to increased pedestrian and vehicular traffic and that together with the licence for music at this hour was totally unacceptable. Access to the premises was very steep and the road was in a poor condition. The increased volume of traffic including deliveries would also adversely affect the area. There was concern over the access arrangements for emergency vehicles. There was likely to be an increase in criminal behaviour due to drug taking and drunken vandalism, and the authorities would have difficulty policing this.

At the hearing Mrs Jill Wheller on behalf of Environmental Health said they were quite happy with midnight as to the limit for live and amplified music, and under questioning agreed that this need not apply to New Year's Eve. She requested that a noise limiter should be fitted which she could control and set the limit. The applicants agreed to this as a condition of the licence. Mr Norman Wilkinson had been asked to represent 5 residents of whom one of them, Mr Adrian Mills, was also present. He had produced photographs showing the access, and two further letters, which the applicants had accepted could be produced. He pointed out that the hostel was above the roof line of Peazen flats and because of this the access was dangerous and it acted as a natural echo chamber so that some of the interested parties, who lived on the other side of the valley, and feared disturbance. The nearest resident to the drive was a 94 year old lady who feared the possibility of disturbance. The driveway was dangerous for emergency vehicles, and there were substantial problems in the summer months when residents at the Hostel arrived in large coaches.

**Application to grant a Premises License under the Licensing Act 2003 at Beer Youth Hostel, Beer(Cont)**

These could not negotiate the access and the passengers were dropped off in someone's private drive. Sometimes the drivers reversed into Bovey Combe, which was a difficult maneuver and when there were foreign students they could become disorientated. Mr. Mills made a point about the ownership of the drive

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence they had heard regarding the history of the premises, they considered that the establishment has been well managed and controlled.

The Sub Committee 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. The Sub Committee did, however, taken into account the concern of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late.

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact that local residents suggest.

All parties were reminded of the closure and review powers which the Government brought into force on 24 November 2005. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

- RESOLVED**
- 1) that the grant of the Premises Licence be permitted with the following conditions:
    - (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants plan.
    - (b) Permitted hours for the various licensable activities will be set out in the Appendix B and an amendment be granted to permit the extension of licensable activities to be carried on until 00.30 on 1 January.
    - (c) It be a requirement that Appendix E as amended by Appendix F are incorporated as conditions of the licence and that the following conditions should be added:
      - i) Conditions 6 – 10 of Appendix F.
      - ii) Condition 11, that a suitable noise limiter shall be installed within 3 months to the satisfaction of the Environmental Health Officer.
      - iii) Condition 12, that the number of persons involved in the licensable activities shall not exceed 50 at any one time.
    - (d) The mandatory conditions required by sections 19/20/21 of the Licensing Act 2003 will also be imposed.
  - 2) that the Designated Premises Supervisor would be Malcolm Robert Earncliffe.

\*15 **Schedule of applications for Sub Committee approval where the parties have agreed a hearing is unnecessary and representations have been withdrawn**

**RESOLVED** that the applications be granted as applied subject to the amendments set out in the schedule and any statutory conditions and the applicants having complied with relevant statutory requirements.

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