

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on 8 September 2008**

**Present:** Councillors:  
Graham Godbeer (Vice Chairman in the Chair)  
David Atkins  
Ken Potter

**Also Present:** Councillors:  
Chris Tratt

**Officers:** Ian Carter - Senior Licensing Officer  
Christopher Holland - Democratic Services Officer  
Neil McDonald - Assistant Licensing Officer  
Giles Salter – Assistant Solicitor

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

\*13 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 26 August 2008, were confirmed and signed as a true record.

\*14 **Application to grant a variation to a Premises License under the Licensing Act 2003 at Sidmouth Cricket, Croquet, Hockey and Tennis Club**

The Sub Committee gave consideration to the application for the grant of variation to a Premises Licence under the Licensing Act 2003 to permit the provision of regulated entertainment, the provision of entertainment facilities and the sale by retail of alcohol for consumption on and off the premises at the Sidmouth Cricket, Croquet, Hockey and Tennis Club

The Chairman identified members of the Sub Committee, Officers, applicants and interested parties present. The applicants were represented by Mr D Mason and Mr G Bess. The interested parties present were Miss J Frith and Mrs G Rae.

The Sub Committee considered it relevant that that no representation had been received from the police in relation to the Licensing Act objectives that had been the subject of representations from the interested parties.

The Applicant's representative, Mr Mason speaking at the hearing commented that an incident in April 2008 focused the Club Committee on the operation of the bar. They sought guidance from the Licensing Authority and wished to operate properly within the law. There was no wish to become a public house and the club had every intention to remain functioning as a private members club but that they needed the flexibility of a new premises licence to allow members of the public who enjoyed watching cricket to be able to purchase a drink from the bar without having to be signed in which had sometimes proved difficult to manage. Club rules were in the process of being amended and it was the committee's intention to run an orderly and decent well managed sports club. The club confirmed that they were happy with the conditions imposed as a result of the mediation meetings convened by the Council.

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**Application to grant a variation to a Premises License under the Licensing Act 2003 at Sidmouth Cricket, Croquet Hockey and Tennis club** (Cont)

The interested parties' case was on paper that in relation to the prevention of crime and disorder, sales should be limited to on sales only to Members and Guests in order to reduce the possibility of criminal damage

Regarding public safety, there were issues of parking at entrance to the Club, blocking of fire access by patrons vehicles.

Regarding the prevention of public nuisance, there was noise late at night, particularly after midnight, affects neighbours, issues of rowdy behaviour and damage to vehicles in Fortfield Terrace.

Regarding the protection of children from harm there were concerns over the supervision and management of children in the bar area, toilet and changing rooms.

At the hearing Ms Jo Frith added that she was a resident of Fortfield Terrace. Her concerns stemmed from April 2008 and criminal damage to cars in the terrace caused by young playing members of the cricket club. She was aware of the incident when a plain clothes police officer had purchased a drink from the bar. She was further concerned by the younger playing members of the cricket club who were flouting the club rules and involved in late night drinking. Ms Frith was concerned that nuisance associated with the club proved that management procedures were ineffective; there were further concerns over emergency access and limited parking causing obstruction to emergency services in Fortfield Terrace. Procedures needed to reflect the licensing objectives and should help and support the management of the club.

Ms Frith outlined issues of management which needed to be addressed by the club and asked why the club could not return to the hours it opened prior to the implementation of the Licensing Act in 2005. Ms Frith stated that she was a club supporter but wanted firmer management.

At the hearing Gita Rae stated that she was a resident of Fortfield Terrace and a social member of the club. She stated that she had spoken to a number of older adult members who played croquet and they said they would wish to see no alcohol on the pitches. She was pleased that the club would continue to be a members club, but she was concerned that the original management conditions were too vague and needed to be tightened to control in particular the emergency access and the protection of children using the bar area who may be unsupervised (she made reference to other sports clubs in the town-rugby, sailing golf etc). She felt there was a need for CCTV coverage. She also raised concern over smoking outside the club house late at night, the fire regulations and a possible breach of planning conditions.

During the hearing, the issue of Temporary Event Notices (TENs) was discussed and the club offered to control the number of non-member events to no more than 15 per annum to be conditioned by the Licensing Authority if the premises licence was granted.

The Sub Committee carefully considered the application for variation to a Premises Licence under 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 their decision.

\*13 **Application to grant a variation to a Premises Licence under the Licensing Act 2003 at Sidmouth Cricket, Croquet Hockey and Tennis club** (Cont)

The Sub Committee 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 was adequately managed and controlled with some good policies in place and evidence of supervision from line management. The Sub Committee was pleased that the Club General Management Committee was to review its management procedures in light of the application offenders and in managing public behaviour on and in leaving the premises.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, risk to children 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 that the operating hours are not unreasonably late.

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

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 variation 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.
- (c) The conditions in the operating schedule as set out in the amended Appendix F will apply including new condition 25 to read:  
“ A maximum of 15 occasions of non-member social events to be allowed in each year, to be notified to the Licensing Authority and the Police, at least 7 working days prior to the event”
- (d) The mandatory conditions required by sections 19,20 and 21 of the Licensing Act 2003 would also be imposed.

2) that the Designated Premises Supervisor would be Graham Bess, The Devoran Hotel, The Esplanade, SIDMOUTH, EX10 8AU

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**Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

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

Application to vary a premises licence	The Half Moon Inn, Clyst St Mary	Following mediation the applicant and three residents have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.  The application be approved as submitted subject to the inclusion within the operating schedule of an additional two conditions  1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority. 2. CCTV tapes/discs must be retained for a period of one month or for a time agreed in writing by the Licensing Authority
Application to vary a premises licence.	The Beach Hotel Exmouth	Following mediation between the applicant and a local resident the representations were withdrawn and have agreed that they consider a hearing to be unnecessary

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