

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on 11 May 2009**

**Present:** Councillors:  
Graham Godbeer (Chairman)  
Chris Gibbings (Vice Chairman)  
Pat Graham

**Also Present:** Councillors:  
Steve Hall

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

The meeting started at 9.45 am and finished at 2.30 pm.

\*36 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 2 February, 30 March and 31 April 2009, were confirmed and signed as a true record.

\*37 **Application to grant a Premises License under the Licensing Act 2003 at Courtlands House, Courtlands Lane, Exmouth**

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, entertainment facilities and late night refreshment and the sale by retail of alcohol for consumption on and off the premises at the Courtlands House, Courtlands Lane, Exmouth.

The Chairman identified members of the Sub Committee, Officers, applicants and interested parties present. The applicant was Grace Carleton. The Police were represented by Karen Mobbs, with Philip Townsend of Devon County Council acting as a Road Safety Expert Witness. The Interested parties were represented by Graham Gover Solicitor, and Caroline McAusland and N Fereday.

The Applicant's the hearing, outlined her business experience, stating that she had operated similar licensed business before. Mrs Carleton then outlined the planning application for change of use of the premises to a hotel but this had been refused for amongst other issues, concerns over traffic safety. Mrs Carleton stated that she intended to operate a conference and function centre catering for business use, weddings, anniversaries and birthdays and so on. She had operated using Temporary Event Notices over the past 12 months and now wished to formalizer the licensable activities with a premises licence.

The applicant commented on representations about the road safety issues at the junction of Courtlands Land and the A396, and from the property, at the private traffic splay onto Courtlands Lane. She stated that she did not agree that there were any issues over the safety of local residents or patrons of her intended business. She had looked into providing mirrors for traffic leaving the property from the acute angled entrance and would be prepared to control exit and egress at times when guests would be expected to arrive or leave the premises.

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**Application to grant a Premises License under the Licensing Act 2003 at Courtlands House, Courtlands Lane, Exmouth (Cont)**

The interested parties asked for clarification over the positioning of the toilets within the premises and this was indicated by the applicant on the plan.

The Police case was on paper that the hours requested for licensable activities may result in drunkenness and anti-social behavior. There were also concerns over road safety risk at narrow junctions leading to and from the premises and that the narrow lane was unsuitable for the traffic which would serve the premises. At the hearing the Police asked Philip Townsend of Devon County Highways to attend, he read out a prepared statement. When questioned, Mr Townsend confirmed his recommendation that the application should be refused due to road safety risks. Mr Gover asked Mr Townsend for clarification over some of the issues raised in his report in relation to the type and frequency of traffic use on the narrow country lane.

The interested parties' case was on paper that in relation to the prevention of crime and disorder, there was the possibility of anti social activity and disorder associated with the late night economy and that there was no indication in the application of the volume of use of the premises. Regarding public safety, there were traffic flow issues along the narrow lanes that served the premises, a single track land, and road safety at the junction with Exeter Road. Regarding the prevention of public nuisance, there was the possibility of increased noise pollution next to a quiet residential area and traffic nuisance.

At the hearing Mr Gover restated the issues and put forward some suggested 'without prejudice' conditions to further promote the licensing objectives with particular regard to noise concerns and the road safety issues.

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.

The Sub Committee carefully considered the operating schedule put forward by the applicant 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 could be well managed and controlled with some good policies in place and adequately supervised from line management if conditioned appropriately with regard to the issues raised during the hearing.

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 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 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 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.

**Application to grant a Premises Licence under the Licensing Act 2003 at Courtland House, Courtlands Lane, Exmouth (Cont)**

**RESOLVED 1):** that the Premises Licence be granted 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 A.
- (c) All licensable activities to finish at 12.00 midnight Monday to Saturday and at 11,00pm on a Sunday.
- (d) The conditions will now be as shown in Appendix D as amended by Appendix E to read as follows:
  - 1. A trained manager must always be on duty during hours of opening.
  - 2. A designated smoking area must be provided for patrons. The smoking area must be clearly delineated on the plan and approved by an Environmental Health Officer of East Devon District Council and the Licensing Authority.
  - 3. Drinks must not be taken outside after 10.00 pm.
  - 4. A noise limiting device must be installed and maintained to the satisfaction of the District Council's Environmental Health Service. The level must be set by an Environmental Health Officer of East Devon District Council.
  - 5. All external windows and doors to any room where regulated entertainment is taking place must be kept closed except for access and egress.
  - 6. Amplified music must only be played in the rooms marked as Music Room and Drawing Room on the plan submitted to and approved by the licensing Authority.
  - 7. Commercial waste must not be kept at the premises for any period over 48 hours without the written permission of the Council's Environmental Health Service.
  - 8. CCTV to be installed and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
  - 9. CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.
  - 10. If the CCTV equipment is inoperative the Licensing Authority must be informed within seven days and immediate steps to be taken to restore the equipment to full working order.
  - 11. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
  - 12. Membership of the Local Licensees Association must be maintained and the license holder or their representative must attend meetings and participate in all relevant initiatives.
  - 13. The license holder must ensure that all staff receives appropriate training regarding emergency and general safety precautions and procedures.
  - 14. The license holder must ensure that all staff is aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.

15. The telephone numbers of local taxi operators must be prominently displayed at the premises for the benefit of customers.
16. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
17. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.
18. The premises must have a Health and Safety Policy which must be reviewed at least once a year and be available for inspection by the relevant authorities.
19. A proof of age policy agreed in writing by the Licensing Authority must be enforced.
20. Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exists.
21. Prominent, legible notices stating that smoking is only permitted within the designated smoking area must be displayed.
22. All bottles and glasses and rubbish must be removed from public areas on a regular and frequent basis.
23. Suitable signage must be displayed in the garden areas requesting patrons to respect the amenities of local residents.
24. Where outside areas are provided for the use of patrons facilities for the depositing and the collection of litter will be maintained.
25. The maximum occupancy of the premises must not exceed 150 people.
26. The area within which licensable activities are permitted are as shown outlined in RED on the plans submitted to and approved by the Licensing Authority.

(e) 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 Grace Carleton of Courtlands House, Courtlands Lane, Exmouth EX8 3NZ.

\*38 **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.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a variation of an existing premises	Honiton Rugby Football Club, Allhallows	Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be

<p>licence to be granted</p>	<p>Playing Fields, Honiton</p>	<p>unnecessary if the following agreed position is approved.</p> <p>The proposed operating schedule be amended to include the following conditions.</p> <ol style="list-style-type: none"> <li>1. The premises will retain its status as a Rugby Club and will continue to operate with membership and club rules.</li> <li>2. Suitably qualified door supervisors must be employed when the premises are open past midnight and both the provision of regulated entertainment and the supply of alcohol are taking place. When required, door supervisors must be employed 30 minutes prior to the commencement of the entertainment until 30 minutes after the end of the entertainment. To be employed at a ratio of 1:75.</li> <li>3. Drinks for consumption in outside areas must be served in plastic or toughened glass.</li> <li>4. Should there be any significant incidents of crime and disorder during the period of six months following the issue of the licence, C.C.T.V. will be installed.</li> </ol>
<p><b>Recommendation</b></p>	<p>Recommend approval of application subject to the amended operating schedule</p>	

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