

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee B held at Knowle, Sidmouth on Monday 12 March 2007**

**Present:** Councillors:  
Mrs C E Drew  
M J L Green  
Mrs F Newth

The meeting started at 9.30am and ended at 1.55pm.

#### **\*25 Election of Chairman**

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

#### **\*26 Application for a Premises Licence under the Licensing Act 2003 to permit the provision of regulated entertainment, the provision of entertainment facilities, late night refreshment and the supply of alcohol for consumption on the premises for Poltimore Village Hall**

The Sub-Committee gave consideration to the Application for a Premises Licence for Poltimore Village Hall, Poltimore under the Licensing Act 2003 to permit the provision of regulated entertainment, the provision of entertainment facilities, the provision of late night refreshment and the supply of alcohol for consumption on the premises.

The Chairman identified members of the Sub-Committee, officers, applicants and interested parties. The applicants were Mr K Shimen and Mr J Dallen. The interested parties were Mr D Norris, Mrs L Sanger Anderson, Mr D Norris, Mr D Jenkins representing Lee Jenkins and Mr & Mrs J Pettit.

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 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 relevant licensing objectives.

The Sub-Committee considered the application to grant a Premises Licence. The interested party's case, on paper related to three of the four licensing objectives, crime and disorder, public safety and prevention of public nuisance. Poltimore was a small village with few facilities and accessed only by minor roads, there were no parking facilities provided at the hall and the extended licence would lead to increase in traffic in and out of the village. Regarding the protection of children they were concerned at the potential for underage drinking.

At the hearing Lesley Sanger Anderson added, concerns about noise from late events (2 – 3am), petty vandalism and an incident that had led to damage at a property which was directly opposite. David Norris added, concerns about an event that had ended at 2.45am.

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Mr Norris expressed concerns about the future frequency of late events, the tightening of the membership rules, the risk at the premises where alcohol could be served in the early hours and also possible increased traffic and related noise. He suggested that TENS should be used to manage late events. There were also concerns about the use of two current licences. Mr Jenkins (representing Lee Jenkins) stated that he lived 100 yards from the hall. He felt the extension of hours as in Appendix B was excessive as the management committee could change in the future and extend the use and frequency of events. Mr Pettit suggested that there was confusion between the hours applied for and the hours agreed by the management committee. He feared that a differently constituted committee could change the nature of the hall and its use at anytime in the future.

The applicants' case was on paper was that the later hours applied for was to allow flexibility in allowing later events at the hall without incurring the costs and time involved in applying for TENS. At the hearing they added that there had been a lot of negotiation with the Licensing Officers and the police, that the application related to a private members club for parishioners of the village of Poltimore and their guests, that the hall was run by a management committee and that the hall could only be hired by a parishioner or someone sponsored by a parishioner.

There had been two complaints in the previous year relating to issues with noise and some nuisance, although there was doubt whether one of these complaints was directly related to an event held in the hall. The social committee wanted to open the premises three nights in any week (usually Tues/Fridays and Saturdays). The management committee had control of these hours of use and they were currently Sunday – Thursday 10am to 11pm, Friday 10am to 12midnight and Saturday 10am to 1am. The management committee would allow the extension of these hours on some special occasions.

After retirement to consider the application, the Sub-Committee stated it had carefully considered the application now proposed for 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 representations made by the interested parties and other documentation put before them.

The Sub-Committee considered the particular locality of the premises in a village and its physical relationship to residential properties in the vicinity. It considered it relevant that the police case was withdrawn after mediation with the inclusion of certain conditions relating to CCTV and doorstaff if any problems arose. From this the Sub Committee concluded that the police did not consider that there would be any significant problem associated with the operation of the premises, or that there was likely to be if the application was granted.

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 was well managed and controlled with good policies in place and adequate supervision from line management.

All parties were reminded of the closure and review powers which the Government brought into force on 24 November 2005. Premises which did not operate in an acceptable way in

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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 new Premises Licence be granted as follows:

(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. For avoidance of doubt, no alcohol should be consumed outside of the areas marked in red on the applicants plan.

(b) Permitted hours for the various licensable activities are amended as follows::

Plays, films, Indoor Sporting Events and Live Music: Monday to Sunday 10am to 12midnight.

Recorded music, facilities for dancing and entertainment: Sunday to Thursday 10am to 12midnight, Friday to Saturday 10am to 1am.

Late Night Refreshment – Sunday to Thursday 11pm to 12.30am, Friday and Saturday 11pm to 1am.

Supply of alcohol – Sunday to Thursday 10am to midnight, Friday and Saturday 10am to 1am.

Premises opening to the public: Sunday to Thursday 9am to 12.30am, Friday and Saturday 9am to 1.30am.

News Year Eve as Appendix B.

(c) The conditions in the operating schedule as set out in the amended Appendices E and F will also apply and will include the additional items 1 – 5. The applicant should note that the old licence had been surrendered. That membership control should be tightened by introducing a stricter membership policy to include signing in of guests and any members on all occasions.

2) The mandatory conditions of sections 19, 20 and 21 of the Licensing Act will apply.

3) The Designated Premises Supervisor would be Adrian Paul Cudmore, Parkside, Poltimore, Exeter, EX4 0AT.

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