

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Licensing & Enforcement Sub**  
**Committee held at Knowle, Sidmouth on Tuesday 16 June**  
**2009**

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

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

The meeting started at 9.30 am and finished at 10.10 am.

\*4 **Application to grant a Premises License under the Licensing Act 2003 at Musbury Garage, Marlborough Road, Musbury Mary**

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 Musbury Garage, Marlborough Road, Musbury.

The Chairman identified members of the Sub Committee, Officers and applicants. There were no interested parties present. The applicant was Mr Rinaldi, represented by Mr Graham Gover, Solicitor.

The Applicant's case at the hearing was the premises formed part of a garage which consisted of a petrol sales operation, a car hire business and a workshop. The applicant was expanding the petrol kiosk to absorb the space made available by an empty car sales unit. The enlarged kiosk would therefore contain a space for the sale of convenience goods, including alcohol, under the banner of the SPAR franchise. The applicant wanted to make it clear to the Sub Committee that whilst the shop should sell branded goods it remained an independent family business. Alcohol sales were a small but essential part of that business.

The Police had visited and inspected the premises and had not chosen to impose any further conditions. The applicant considered that the conditions at Appendix D to the report set out the way in which he wished to responsibly manage the sale of alcohol at the premises. He then addressed the issues raised by interested parties. Firstly, public safety; the applicant stated that the parking and movement of cars at the premises was not an issue to be conditioned.

Secondly, public nuisance; addressing concerns of on-street drinking, the applicant pointed the Sub Committee to the conditions set out at Appendix D and the staff training that would be given. There were two licensed premises selling off sales in the village currently, the Post Office and the Golden Hind pub and there was no evidence that the concerns interested parties had raised had manifested themselves in the village currently. If they had then the Police would have raised their concern and made representations. Lastly, protection of children from harm; the conditions volunteered dealt with the representations made.

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**Application to grant a Premises Licence under the Licensing Act 2003 at Musbury Garage, Marlborough road, Musbury (Cont)**

The Sub Committee carefully considered the application for 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 would be well managed and controlled with good policies in place and adequately supervised from line management.

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.

**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) The conditions will now be as shown in Appendix D.

2) that the Designated Premises Supervisor would be Mr Rinaldi of Hideaway, Spring Head Road, Uplyme, Lyme Regis,DT7 3UG.

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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 for subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

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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 (Cont)**

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	East Devon Tennis Centre, Exmouth	<p>Following mediation the applicant and East Devon District Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the operating schedule being amended to include the following conditions:</p> <ol style="list-style-type: none"> <li>1. No music or amplified sound to be played except within the fitness suite and bar area and then not later than 21.00 hours on any day of the year unless the applicant has first submitted a comprehensive noise report detailing noise containment and materials to be used to acoustically insulate the licensed premises, and a noise limiter installed in each room and the levels to be set by an Environment Health Officer for Pollution from East Devon District Council.</li> <li>2. The designated smoking area to be the small patio immediately adjoining the fitness suite ( this applies now under the existing provisions for use of the building)</li> <li>3. Customers will be asked not to stand around talking in the street outside the premise or car park and will be asked to leave the vicinity quickly and quietly</li> <li>4. Suitable signage will be displayed at the patio entrance requesting patrons to respect the amenities of local residents ( There are no garden areas within the control of the applicant )</li> <li>5. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible</li> </ol>
Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	Windmill Garage, Offwell, Honiton, EX14 9RP	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to:</p> <ol style="list-style-type: none"> <li>1. The reduction of hours for Licensable Activities from 24 hours to 5 am to 12 Midnight daily.</li> </ol>

Application for a Variation of a premises licence to be granted	Hare and Hounds, Putts Corner, Sidbury, Sidmouth, EX10 0QQ.	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to:</p> <ol style="list-style-type: none"> <li>1. The areas marked on the submitted plan as rear car park, front car park and beer garden will be for the consumption of alcohol only.</li> </ol>

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