

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub-Committee D**

**Held at Knowle, Sidmouth on Monday, 20 February 2006**

**Present:** Councillors:  
Mrs C E Drew  
D J Cox  
Mrs F Newth

**Also Present:** Councillor  
J Knight

**Apology:** Councillor:  
Mrs A E Liverton

The meeting started at 9.40 am and ended at 12.35 pm.

\*14 **Election of Chairman**

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

\*15 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee D held on 25 November 2005, were confirmed and signed as a true record.

\*16 **Schedule of applications for approval where the parties have agreed a hearing is unnecessary and representations have been withdrawn**

**RESOLVED** that the application from Stockland Victory Hall, Axminster Road, Stockland for a new premises licence to include the amended licensing opening hours offered by the applicant and subject to the operating schedule and the mandatory condition in Section 19 of the Licensing Act 2003, be approved..

\*17 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for The Q club & Snooker Club, Manchester Street, Exmouth**

The Sub-Committee gave consideration to the Application for a Variation of a Premises Licence for the Q Club & Snooker Club, Manchester Street, Exmouth under the Licensing Act 2003 to extend the permitted hours and remove a condition of restricted entry.

The Chairman identified members of the Sub-Committee, officers, the applicant and representatives. The applicants were Mr & Mrs R Kortland (only Mr Kortland attended) represented by Mr G Gover, solicitor. There were no interested parties present. No responsible authorities attended.

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.

\*17 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for The Q Club & Snooker club, Manchester Street, Exmouth (Cont'd)**

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 four licensing objectives agreed by the Council.

The Legal Adviser reminded members of the need to take into account the Human Rights Act 1998, the ability of parties to ask for a review of the licence and the police closure powers.

The Sub-Committee considered the application to vary the Premises Licence. The written representations received from the interested parties related to three of the four licensing objectives. In relation to the prevention of crime and disorder, residents of Chester Court suffered anti-social behaviour in Manchester Street, which included fighting, shouting and vomiting in the street. Regarding public safety, there had been occasions where missiles had been thrown at residents' windows. Regarding the prevention of public nuisance, the level of anti-social behaviour affected the quality of the lives of the residents at the Chesters.

The applicant's case at the hearing was, that since the introduction of the new licensing legislation, the pattern of trading had changed and as customers were tending to go out later in the evening he wished to be on a level playing field with his competitors and not only extend opening hours but remove the restriction concerning entry to the premises after 1.00am. In response to the interested parties objections the applicant stressed that there were five external digital CCTV cameras which monitored pedestrian activity, customers entering and leaving the premises, 24 hours a day/ 7 days a week. His examination of the recordings suggested that the vast majority of his customers tended to make their way towards The Strand i.e. away from Chester Court.

However, as a goodwill gesture the applicant agreed to liaise with the residents of Chester Court and provide a dedicated telephone "helpline" in case of need.

The interested parties' case was that they were constantly bombarded with uncontrolled anti-social behaviour, drunkenness, fighting, vomiting, sleep deprivation and general public nuisance in contravention of the licensing objectives.

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

The Sub-Committee took into account the particular locality of the premises in a town centre and its physical relationship with other residential and commercial premises in the vicinity. They considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives, namely crime and disorder, public safety, public nuisance and protection of children from harm. From this they concluded that the police did not consider that there was any significant problem associated with the current operation of the premises or that there was likely to be if the amended application was granted.

The Sub-Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application, if approved. In relation to the evidence

\*17 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for The Q Club & Snooker Club, Manchester Street, Exmouth (Cont'd)**

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. Members were mindful that the premises were apparently purpose built with separate entrances to the upper floor private members Snooker Club and the ground floor Q Club. There appeared to be adequate internal and external CCTV coverage and policies in place to control the two different types of business.

Members 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. They did, however, take into account the concerns of local residents about future operation by ensuring that suitable conditions were imposed and the operating hours were not unreasonable late. At present there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents feared.

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 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 a variation to the Premises Licence be granted on the following basis:

Q Club

(a) Appendix E – conditions consistent with the Public Entertainment Licence Additional Conditions and shall apply only to the area known as the Q Club (ground floor).

(b) Delete item 2 i.e., the restriction that there shall be no entry to the premises after 1am, is removed.

(c) Amend item 5 add “All doorstaff shall be employed at a ratio to be agreed by the Police and Licensing Authority, which is currently, 1:75. In addition a female supervisor will be available if searches are to be carried out on female customers”.

Q Club and Snooker Club

(a) “Irresponsible drinks promotions will not be permitted and the standards for the management of standards drinks promotions produced by the British Beer and Pub Association will be complied with”.

(b) Permitted hours for the various licensable activities for Q Club and Snooker Club will be as set out in the amended Appendix B.

(c) The conditions will now be as set out in the amended Appendix B.

(d) The conditions in the operating schedule as set out in the amended Appendices E and F will apply.

2). The mandatory conditions of sections 19 and 21 of the Licensing Act 2003 will be imposed.

3) The Designated Premises Supervisor would be John Hutchinson of the Q Club, Manchester Street, Exmouth.

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