

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee B held at Knowle, Sidmouth on Monday 24 September 2007

Present: Councillors:
Mrs C E Drew (Chairman)
Mrs F Newth
K Potter

Also present: Councillors
D G Atkins
S Hall
J Humphreys
C Tratt

The meeting started at 11.05am and ended at 1.30pm.

*6 **Minutes**

The minutes of the meeting of Licensing Sub Committee B held on 18 June 2007, were confirmed and signed as a true record.

*7 **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 sale by retail of alcohol for consumption on and off the premises at Sidmouth Town Association Football Club, Recreation Ground, Manstone Lane, Sidmouth**

The Sub-Committee gave consideration to the Application for a Premises Licence for Sidmouth Town Association Football Club, Recreation Ground, Manstone Lane, Sidmouth under the Licensing Act 2003 to permit the provision of regulated entertainment, the provision of entertainment facilities, late night refreshment and the sale by retail of alcohol for consumption on and off the premises.

The Chairman identified members of the Sub-Committee, officers, applicants and interested parties. The applicants were Mr T Grover and Ms S Thompson. The interested parties were Mrs Edwards, Mrs K Dowding (representing Mr & Mrs Dougherty), Mrs R K Hughes, Mr Mison and Mr & Mrs Swindells .

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 and also the relevant licensing objectives. They considered the particular locality of the premises situated in a suburb of a town and its physical relationship with other residential and commercial properties in the vicinity

The Sub-Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that have been the subject of representations. That is to say: public safety, public nuisance, crime and disorder, and the

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protection of children from harm. From this it was concluded that the police did not consider that there was currently any significant problem associated with the current operation of the premises or that there was likely to be if the application was granted.

The applicants' case was on paper that this was an application to change the club premises certificate to a premises licence under the Licensing Act 2003. At the hearing they added it would give the club more flexibility to hold functions without the expense of suing TENS. The club had operated a club premises certificate for 30 years without as far as could be recalled any issues of anti-social behaviour or vandalism as was suggested by 'interested parties'. It would allow the club to invite teams and supporters into the club house during and after matches. The club had a membership of 180 adult/OAP members, and 10 junior members. There were currently 45 player members. There were never more than 50-60 people at an organised function.

The interested parties case was on paper that in relation to the prevention of crime and disorder, alcohol fuelled antisocial behaviour associated with the premises. The potential for rowdy behaviour and vandalism in a quiet residential area. Regarding the prevention of public nuisance, noise nuisance from late night parties and discos, the playing of live and recorded music. Noise from clients and their vehicles leaving the premises.

At the hearing Mr Mison added that he believed that the club were doing an excellent job, particularly their encouragement of the young, but he was concerned by the perceived problem of noise, rubbish and vandalism. Following the applicants case he could see that things wouldn't necessarily change but they might in the future and that this might open the door to late night revelry, particularly attracting elements from the town centre. Having heard the applicant and attended the mediation he was not so concerned now that the application if granted would have a negative effect.

Mrs Hughes was concerned that although the present committee would operate as with a limited number of functions that a new committee might operate more late functions in the future; that this would lead to the floodgates being opened. That a 'blanket licence' would lead to parties every weekend. Mrs Thompson (club representative) assured the 'interested parties' that this would not be the case and that in 2007 there had only been two 60th and one 40th birthday parties above and beyond organised club functions. She believed that the club would only want to put on a late night function once in very three month period. The average age of the clientele was about 45-50 years on any Friday or Saturday night and that any rowdiness, drunkenness was related to revellers from the town or youths at the skate park.

Mr Swindells was concerned over control of non-members drinking at the club if they hired the premises for private functions, but was reassured that the club wished to retain its members signing-in policy and put on functions for club members and guests. Mrs Swindells made two points. Why had the Responsible Authorities not made representations? Licensing officer stated that they had been consulted but had not made any returns as to concerns with the running of the club. She believed that the size of the club was too small for the functions they would be operating and that sooner or later there would be an (building) extension. She was advised that this would be a matter for planning.

Kay Dowding (representing Mr & Mrs Dougherty) was concerned with clientele drinking outside of the premises and that this intimidated the elderly who used the field as a short cut to shops and the pharmacy. She was also concerned with the way in which EDDC

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Environmental Health dealt with 'out of hours' complaints. She was advised by the Solicitor that the Licensing Authority worked alongside Environmental Health to deal with all noise complaints linked to licensing and the enforcement took place if evidence could be produced.

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 heard regarding the history of the premises, it was considered that the establishment was well managed and controlled with good policies in place and adequate supervision from line management.

The Sub Committee considered that CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving the premises and w provide both the club and its neighbours with the protection and assurance that both would require to exist side by side.

Members 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. The Sub Committee had, however, taken into account the concern 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 applicant now proposes to run will cause the unacceptable impact local residents suggest.

All parties were reminded of the closure and review powers (S 51 Licensing Act 2003) which the government brought into force from 24th 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.

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 applicant had made at the meeting and the representations made by the interested party and other documentation put before them.

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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.
- (b) Permitted hours for the various licensable activities will be as set out in the Appendix B.
- (c) Replace Appendix E with Appendix F except that: Item 7 Appendix F is removed and item 8 to read "CCTV must be installed, maintained and operated to the satisfaction of the Licensing Authority within 6 months of the granting of the premises licence". Additional items for consideration 1 – 4 become conditions 19, 20 21 and 22.
- (d) The mandatory conditions of section 19 and 21 of the Licensing Act 2003 will be imposed.

2) the Designated Premises Supervisor will be:

Geoffrey West, 46 Ashley Crescent, Sidmouth, Devon, EX10 9UG.

Chairman Date