

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee B held at Knowle, Sidmouth on Monday 9 October 2006**

**Present:** Councillors:  
Mrs C E Drew  
Mrs A E Liverton  
T G Reeves

The meeting started at 9.30am and ended at 10.50am.

\*18 **Election of Chairman**

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

\*19 **Minutes**

The minutes of the meetings of the Licensing and Enforcement Sub-Committees held on 31 July and 14 August 2006, were confirmed and signed as a true records.

\*20 **Application for a grant of a Premises Licence under the Licensing Act 2003 to permit the supply of alcohol for consumption off the premises for Beer News, Fore Street, Beer**

The Sub-Committee gave consideration to the Application for a Grant of a Premises Licence for Beer News, Fore Street, Beer under the Licensing Act 2003 to permit the supply of alcohol for consumption off the premises.

The Chairman identified members of the Sub-Committee, officers, applicants and interested parties. The applicants were Mr and Mrs Henderson. The interested party who attended was Mr Groves.

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 written representations received from the interested parties related principally to three of the four licensing objectives, namely public safety, public nuisance, prevention of crime and disorder and protection of children from harm.

The applicants' case was on paper that the ability to sell alcohol complemented the applicants ability to provide a more diverse service to customers. At the hearing they added this was a commercial decision that would complement the service they currently provided

**Application for a grant of a Premises Licence under the Licensing Act 2003 for Beer News, Fore Street, Beer(Cont'd)**

to their customers. That it was essential for their trade during the winter months. They wished to sell wines and beers from fridges and more expensive spirits from behind the sale point. They confirmed that shop staff would be trained in the sale of alcohol.

The interested party's case, on paper was that there were four licensed premises in Beer currently and that the village did not need another. There were issues with the sale of alcohol where the premises also sold children's toys and confectionary.

At the hearing they added that whilst the application was for the sale of a limited amount of wine and beer, there was nothing to stop a further applicant to clear the shop of current sale items and open a dedicated off licence. The interested party did not want an off licence opposite his property, particularly as there were issues during the summer months with youngsters drinking on the pavement.

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 and commercial properties in the vicinity. It considered it relevant that no representations had been received from the responsible authorities in relation to the Licensing Act objectives that have been the subject of representations today, namely: public safety, public nuisance, crime and disorder and protection of children from harm. 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 would be well managed and controlled with good policies in place and adequate supervision from the management.

They did not accept that there was evidence of a significant public nuisance, risk to crime, and disorder risk to public safety risk or children arising from the operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities.

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.

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**Application for a grant of a Premises Licence under the Licensing Act 2003 for Beer News, Fore Street, Beer(Cont'd)**

**RESOLVED** that the 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) The conditions in the operating schedule as set out in Appendix E together with the conditions in Appendix F including the additional item for consideration will apply.

There was no Designated Premises Supervisor currently named in the application. A Personal Licence holder will be trained and notified to the Licensing Authority before the Premises Licence can operate.

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