

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Licensing &**  
**Enforcement Sub-Committee A**  
**held at Knowle, Sidmouth on Monday, 14 April 2008**

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

**Also Present:** Councillors:  
D G Atkins  
G Godbeer  
C Tratt

Officers:  
Ian Carter - Senior Licensing Officer  
Christopher Holland - Democratic Services Officer  
Douglas Jackson - Licensing Officer  
Giles Salter - Assistant Solicitor

The meeting started at 9.30 am and ended at 2.13 pm

**\*21 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee A held on 4 February 2008, were confirmed and signed as a true record.

**\*22 Exempt Information**

**RESOLVED** that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

**\*23 Exclusion of the Public**

**RESOLVED** that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session.

**\*24 Private Hire Driver's Licence Applications**

Consideration was given to whether an applicant was a fit and proper person to be licensed as Private Hire driver.

**RESOLVED** that Mr FGW be asked to re take the Driving Standards Agency test within the required 3 months period and produce a pass certificate to the Licensing Manager within 14 days. Failure to do so will necessitate another appearance before the next available Licensing Committee.

In reaching this decision the Licensing & Enforcement Sub Committee A had regard to the Human Rights Act 1998 and in particular, Article 6.  
The Committee considered the following item in Part A of the meeting.

\*25 **Application to vary a Premises Licence under the Licensing Act 2003 for The Q Club, Manchester Street, Exmouth**

The Sub-Committee gave consideration to the Application as amended for a Variation of a Premises Licence for the Q Club, Manchester Street, Exmouth under the Licensing Act 2003 to amend the existing operating schedule by the removal of conditions and the imposition of additional conditions and to vary the licensed area by way of structural alterations.

The Chairman identified members of the Sub-Committee, officers and the applicant. The applicant was Mr Johnson and son. The interested parties present were Mr P Aherne, Ms C McLoughlin and Mr Stanyer.

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 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 applicant's case was on paper, that the variation was to use the existing roof terrace as a smoking area with shelter to accommodate patrons using the bar and restaurant so that they did not have to use the highway.

At the hearing they gave an explanation of the proposed plan and its impact. It was also noted that the Q Club had been a night club since 1995, and since February 2003 the club had been licensed to open for two nights a week until 3.00 am. The application was for no physical alteration to the premises except one fire exit on the first floor was to be used for exit and egress to the property. The advantage of a new premises application was to safeguard the conditions on the current licence. The applicant was happy to accept and adopt the Appendix F conditions. The applicant was also happy to hold meetings with residents and other businesses to discuss the management of the club on a six month basis or more often when necessary. A new licence had been applied for clarity and convenience. The VIP lounge would open on Thursday, Friday and Saturday.

It was noted that appropriate measures had been added to the management of the lounge including 2 extra doormen, and a Street Marshall. The Police and Fire Service had discussed the premises with the applicant and they considered there to be good relations and a well managed premises. The Fire Service had suggested the new entrance for the VIP Lounge. Appropriate conditions had also been discussed and drafted in conjunction with EDDC Licensing Authority. The applicant had reviewed their own CCTV footage and it was evident that most of his clients exited the premises into the Strand to find taxis or takeaways.

Mr Eyre ( the applicant's witness) added that he had been involved in the Tiffany's and Mambo Clubs in Exeter for just over a year. The operation was aimed at 25-50 year olds, 20% being female clients, who were well managed and supervised. Most groups pre-booked adult entertainment. The ambience was similar to a casino with table service of premium priced drinks. Clients were welcomed by security staff who explained the club rules and managed queues within the building. There was no issue with underage entry as an age policy was strictly managed.

\*23 **Application to vary a Premises Licence under the Licensing Act 2003 for The Q Club, Manchester Street, Exmouth (Cont'd)**

The capacity of the VIP Lounge would be around a maximum of 125 although this had not been confirmed by the Fire Service.

The interested party's case was on paper that the variation would lead to anti social behaviour and vandalism. There were issues of public safety because of the nature of the structure and proximity to neighbouring premises. Use of the roof space would lead to noise nuisance. At the hearing the interested parties added:

Carla McLoughlin-Scheme Manager for Chester Court. Chester Court was a sheltered housing scheme for the elderly. She had found the mediation useful. Her concerns were chiefly about large groups of men who might be refused entry and subsequent anti-social behaviour. The volume of taxi traffic and associated noise. The entrance to the VIP Lounge was very close to the junction of Manchester Street. She felt that pubs and clubs in the vicinity had reached saturation point and that the police couldn't do any more. There were issues over intimidation of 3 elderly residents who drove, returning at night to Chester Court, and being abused by club goers. Ms McLoughlin also made reference to Article 8 of the Convention of Human Rights.

Mr Stanyer- He was concerned with inebriated people moving along Manchester Street from the York Inn to the Q Club where they were served further amounts of alcohol and then left the Q Club in worse condition. He also stated that he had stood in the courtyard at Chester Court watching the behaviour of club goers and he had been verbally abused and threatened with physical violence. He had also observed club goers urinating through the railings of the courtyard onto his vehicle.

Mr Aherne- His representation was as a business person and a private resident. He was concerned with the public safety of the queue to the VIP Lounge up a flight of stairs, its proximity to a road junction and the control of smokers on the public highway. There was also a noise issue late into the evening. He had observed club goers throwing cigarette stubs into his yard, and there had been past issues with damage to parked vehicles, and broken glass bottles which he attributed to the Q Club. Issues with parking were also highlighted.

Mr Aherne requested to show a few minutes of video from CCTV footage. There was an objection under Licensing Act 2003 Hearings Regulations No. 18. The evidence had not been submitted to all parties prior to the hearing. It was agreed between the parties that the footage could be shown but no sound should be transmitted to the hearing.

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.

**\*23 Application to vary a Premises Licence under the Licensing Act 2003 for The Q Club, Manchester Street, Exmouth (Cont'd)**

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 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 satisfied that the VIP Lounge would be run to a high professional standard with good control and supervision.

Members considered that door staff, Street Marshalls, and CCTV have an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving the premises.

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 of the Premises Licence be granted on the following basis:

- 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 amended Appendix B.
  - c) The conditions in the operating schedule as set out in the amended Appendices E, as amended by Appendix F will apply.
- 2) that the mandatory conditions of sections 19 and 21 of the Licensing Act 2003 will be imposed.
- 3) that the Designated Premises Supervisor would be John Derek Hutchison of 122 St. Katherine's Road, Whipton, Exeter.

In reaching this decision the Licensing & Enforcement Sub Committee A had regard to the Human Rights Act 1998 and in particular, Article 6.

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