

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee C held at Knowle, Sidmouth on Monday, 8 May 2006

Present: Councillors:

Mrs C E Drew
M J L Green
T G Reeves

The meeting started at 9.33 am and ended at 12.25 pm

***13 Election of Chairman**

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

***14 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee C held on 10 February 2006, were confirmed and signed as a true record.

***15 Application for a grant of a Premises Licence under the Licensing Act 2003 for Escot Park, Escot, Ottery St Mary**

The Sub-Committee gave consideration to the Application for a Grant of a Premises Licence for Escot Park , Escot, Ottery St Mary under the Licensing Act 2003 to permit the provision of regulated entertainment, entertainment facilities, late night refreshment and the supply of alcohol for consumption on and off the premises.

The Chairman identified members of the Sub-Committee, officers, the applicant and representatives. The applicant was Ms L Kennaway who attended with her representative and PA Ms M Tibbott. The interested party present who wished to speak was Mr D Johnson. 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.

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 .

*18 **Application for a Grant of a Premises Licence under the Licensing Act 2003 for Escot Park, Escot, Ottery St Mary (Cont'd)**

The Sub-Committee considered the application to grant a Premises Licence. The written representations received from the interested parties related to one of the four licensing objectives. In relation to the prevention of public nuisance, noise nuisance from one particular event "Beautiful Days" held during the summer of 2005 had continued very late into the evening on the day of the event.

The applicant's case was, that the property had been the family home since 1794, she had held a licence for 15 years and that majority of functions were private including weddings. Public functions include open air theatre, but she stressed she managed the events herself and was always on site. She specifically excluded proms or 21st birthday parties because Escot was also her family home. All staff were trained to ensure alcohol was sold under supervision. Events for children were supervised by their teachers in the case of school parties, and for other events under 16s had to be accompanied by an adult. Off sales were generally made in connection with people leaving events such as weddings.

The interested party's case, on paper related to complaints of amplified noise late at night at a previous festival. The interested party at the hearing expressed his concern over the noise, and the inability to identify the source. The applicant produced brochures and indicated her willingness to keep neighbours informed of forthcoming events, and gave out her telephone number for contact should there be any public concern about the future operation of the premises, particularly noise nuisance. Other written representations from interested parties largely related to concerns about noise, which seemed to relate to the Beautiful Days Festival, and concerns about off-sales encouraging under-age drinking.

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 application was granted.

The Sub-Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. Although this was a new premises, they considered that the establishment would be well managed and controlled with good policies in place and adequate supervision from line management at all times.

They did not accept that there was evidence of a significant public nuisance or risk to children arising from the operation of the premises. The complaints received concerning amplified music appeared to relate to the Beautiful Days Festival. The sub committee understood from the applicant that this event was to be operated under a separate premises application, which would extend to a much larger area. There was a lack of evidence of a history of complaints to the statutory authorities.

*18 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for Escot Park, Escot, Ottery St Mary (Cont'd)**

They 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 were not unreasonably late, and they would specifically exclude larger festivals such as Beautiful Days. This would be achieved by a condition which would limit numbers. At the present time there is no real evidence that the operation the applicant now proposes to run will cause the unacceptable impact local residents suggested.

RESOLVED 1) that 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 applicant's plan.
 - (b) Permitted hours for the licensable activities will be as set out in Appendix B as offered by the applicant.
 - (c) Conditions in the operating schedule as set out in Appendix E will apply, subject to the replacement of certain conditions as set out in Appendix F
 - (e) Details of any marquees to be erected will be submitted for approval at least 28 days before the event is due to take place, in writing, to the Licensing , Fire and Police Authorities.'
 - (f) No event shall take place on the premises within the area shown on the plan at Appendix G where the number attending exceeds 2000 at any one time, subject to safe capacity limits for any particular licensable activity.
- 2) that the mandatory conditions of sections 19 and 20 of the Licensing Act 2003 will be imposed.
- 3) that the Designated Premises Supervisor would be Lucy Kennaway of Escot House, Escot Park, Escot, Ottery St Mary.

Chairman Date