

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Licensing & Enforcement Sub Committee A held at Knowle, Sidmouth on Monday 1 October 2007**

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

**Also Present:** Councillor  
G Godbeer

The meeting started at 9.30 am and ended at 10.15 am.

\*11 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee A held on 20 August 2007, were confirmed and signed as a true record.

\*12 **Application to vary a Premises Licence under the Licensing Act 2003 to amend the existing permitted hours of the licence and to amend the conditions of the operating schedule at the Grove Nightclub, Fore Street, Seaton. The application also seeks to amend the extent of the licensed premises by removing the out door area from the licensed area**

The Sub-Committee gave consideration to the Application for a variation to a Premises Licence for The Grove, Seaton under the Licensing Act 2003 to amend the existing permitted hours of the licence and to amend the conditions of the operating schedule. The application also sought to amend the extent of the licensed premises by removing the out door areas from the licensed area.

The Chairman identified members of the Sub-Committee, officers, and applicants. The applicant was Mr Joe Derrick. No interested parties were present.

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. They considered the particular locality of the premises situated in the town centre of Seaton 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 had been the subject of representations. From this it was concluded that the police did not consider that there was currently any significant problem associated with the operation of the premises or that there was likely to be if the amended application was granted.

The applicant's case was on paper that amending the hours for licensable activities on the days when Greenwich Mean Time/British Summer Time began would allow the licensee better control of clients as they left the premises early in the morning. At the hearing the applicant clarified the application for the sub committee.

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The other responsible bodies' case was on paper that there were concerns over the noise emissions from the club after the "late night period" (11.00pm – 7.00am). The Environmental Health Service (EHS) had prepared a schedule of works to counteract these concerns. If a proposed timescale for completion of these works was acceptable to the EHS, their representations on this application would be withdrawn. This was agreed at mediation. The Licensing Officer gave an update on this at the meeting. At the hearing the EHS withdrew their objection and did not attend the hearing as conditions on the licence were agreed by letter after mediation.

The interested parties' case was on paper, that in relation to the prevention of crime and disorder, increased drunkenness led to anti-social behaviour. Regarding the prevention of public nuisance, noise levels emanating from the club were above acceptable levels. No interested party attended the hearing.

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 other documentation put before them, including that from interested parties.

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 they had heard regarding the history of the premises, they considered that the establishment would be adequately managed and controlled with good policies in place. They 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. They did however, take into account the concerns of local residents about future operation by ensuring that suitable conditions were imposed and that operating hours were not unreasonable late. At the present time there was no real evidence that the operation the applicants proposed to run would cause the unacceptable impact local residents suggested.

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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**RESOLVED** 1) that a variation of the Premises Licence be granted as follows:

- (a) The extent of the areas within which the sale of alcohol will be permitted is as indicated by the legends on the applicant's plan.
- (b) Permitted hours for the various licensable activities will be as set out in the amended Appendix B, with particular reference to the changes for non Standard Timings – Christmas Eve Sunday to Wednesday when it falls, and British Summer time.
- (c) The conditions in the operating schedule as set out in Appendix F will also apply.

The Sub Committee also accepted the conditions as offered by the applicant in a letter dated 21 September 2007. Works to be completed by 16 November 2007.

- (d) The mandatory conditions in section 19 and 21 of the Licensing Act 2003 will be imposed.

2) the Designated Premises Supervisor would be Raymond John Derrick

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