

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 3 May 2017; 9.30am

[Members of the Committee](#)

Members for this Sub Committee: Cllr Jim Knight, Geoff Jung and Colin Brown

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 20 March 2017



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- 1 **Minutes for 12 April 2017** (pages 2 – 7)
- 2 **Apologies**
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified

- 5 **To agree any items to be dealt with after the public (including press) have been excluded. There is one item that officers recommend should be dealt with in this way.**

Part A Matters for Decision

- 6 **The Vice Chairman to move the following:**

“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 (Part B)”.

Part B Matters for Decision

- 7 **Determination of an application to licence a Hackney Carriage Driver** Licensing Officer (8 – 54)
Reason for consideration in Part B: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate)

[Recording the meeting](#)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 12 April 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 12.10pm

*24 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 29 March 2017, were confirmed and signed as a true record.

*25 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

The Sub Committee gave consideration to three applications for grants of premises licences where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

RESOLVED that the applications be granted as below, subject to the agreed positions set out in the schedules and any relevant statutory conditions and the applicants having complied with the relevant statutory requirements.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Devon Cliffs, Holiday Park, Beach Shack, Sandy Bay, Exmouth, Devon, EX8 5BT.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following additional conditions:

1. One member of door staff to be employed from 1200 until 1800 which will then increase to two SIA door staff from 1800 until the premises close.
2. Staff will carry out litter duty every 30 minutes throughout the hours the premises are open to the public.

3. There will be no sale of alcohol off the premises after 1800.
4. CCTV cameras will be installed to cover the patio area and shop.
5. The CCTV will be monitored by staff in the Shop and South Beach Bar at all times the premises are open to the public.
6. Signs will be placed throughout the premises warning patrons of the dangers of entering the sea after consumption of alcohol.
7. A warden will be employed at the Shack to monitor the area for underage proxy purchases of alcohol and will liaise at all times with the SIA door staff at the Beach premises.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Livestock Festival 2017, Froginwell Vineyard, Sidmouth Road Woodbury Salterton, Devon, EX5 1EP.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following additional conditions:

The event will be managed by an Event Management Plan the final draft of which will be presented to the Licensing Authority and the Police by 15 June 2017.

1. No more than 1000 tickets will be sold.
2. SIA Door staff will be employed at the event as follows:
10.00hrs to 14.00 hrs a minimum of 4 SIA Door staff
14.00 hrs to 17.00 hrs a minimum of 7 SIA Door staff 17.00hrs to Close a minimum of 10 SIA Door staff
Overnight a minimum of 2 SIA Door staff to patrol the campsite.
3. The premises will adopt a Challenge 25 proof of age policy. The only acceptable form of ID will be Passport photo driving licence and government approved PASS card.
4. Alcohol will be dispensed into plastic or toughened glass. All bottles will be decanted.

Name of premises and address:

Lympstone Manor, Courtlands Lane, Exmouth, Devon, EX8 3NZ.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following additional conditions:

1. Add to the offered CCTV condition – CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
2. The premises will adopt a challenge 21 Policy. The acceptable forms of ID to purchase alcohol will be Passport, Photo Driving License or Government approved PASS card.
3. Remove condition offered for free drinking water (this is a mandatory condition).
4. Remove condition offered of 'no one carrying open or sealed bottles or glasses will be admitted to the premises at any time'.

- *26 Application for the grant of a premises licence to allow live and recorded music, performance of dance, late night refreshment and the sale of alcohol on the premises at Sidmouth Harbour Hotel, Manor road, Sidmouth, EX10 8RU
The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow live and recorded music, performance of dance, late night refreshment and the sale of alcohol on the premises at Sidmouth Manor Hotel, Manor Road, Sidmouth, EX10 8RU.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

The Sub Committee carefully considered the relevant representations that all parties had made, the written representations and other documentation put before the Sub Committee. The Sub Committee considered the particular locality of the premises in and its physical relationship with other residential 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 which were, public nuisance and crime and disorder. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there were likely to be if the application was granted.

The applicant, Mr Simon Maguire – Operations Manager case on paper, was that Sidmouth Harbour Hotel was currently licensed under the name of Westcliff Hotel, the licence having been converted and varied in 2005 from the old licensing regime

under the local magistrates into the new format of the Licensing Act 2003. The hotel had been subject of recent structural alterations and upgrade and the old licensed area on the ground floor had been altered and extended to such an extent that a new premises licence was required. An application for a new premises licence was originally submitted on 22 December 2016 but failed due to an error by the applicants in advertising the application in a local paper within ten working days as required under the Act.

At the hearing he added that the application for a new licence was being made because of significant changes to the structure of the building. The premises had a good record in terms of issues with the previous licence.

The applicant understood the fears of the local residents and was sensitive to those matters raised in their representations, and would continue to take them seriously. He stated that he wished to work with the Sub Committee to ensure that the premises that would not reflect poorly on the hotel's reputation.

When questioned by the Sub Committee the applicant made a number of concessions concerning conditions for operation around management of noise, curtailing of hours for sale of alcohol and closure of the premises to the general public.

The interested parties case on paper was that in relation to the prevention of crime and disorder, late night drinking so often was the cause of crime and disorder and they did not want Sidmouth to become one of those towns. Regarding the prevention of public nuisance, there would be noise from the extended outside terraces with doors opening from the dining room and drinking areas.

Mr & Mrs Page explained the proximity of their property (Clifton Cottage) to the applicant's premises. The new facility changed the nature and operation of the premises. The property was being heavily promoted as a wedding event venue. His very recent experience was that there was considerable noise from lunchtime onwards coming from the open terrace. This impinged upon the quiet enjoyment of his own property. Mr Page had reason to complain about a recent event to the management but he was unsure whether the noise issue had been dealt with. He stated that he had measured noise volume from his property and stated that sound levels on a Saturday evening were 70 dB, this was from a disco that had ended at midnight.

Mr Page hoped that management would take control of sound levels but he doubted that however large notices displayed within the premises were, he feared that wedding guests would not respect the disruption to the amenity and effect of noise for the local residents. He stated that noise should not be audible beyond the boundary of the premises.

Ms Anthea Millett stated that the purpose of the Licensing Act was to strike a balance between what was reasonable to operate in the location and consideration of the effect that the premises might have on crime and disorder and public nuisance. She could not understand why the applicant was requesting the sale of alcohol and operation of the premises for much longer than that which they stated they were actually going to operate.

The Sub Committee carefully considered the operating schedule put forward by the applicant 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 would be well managed and controlled and there would be appropriate policies in place.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, arising from the operation of the premises. This was because of a lack of evidence of complaints to the statutory authorities. The Sub Committee had however, taken into account the concern the interested party about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonable late.

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggest.

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 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 grant of a Premises Licence be made 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 as set out in the amended Appendix A.
- c) Monday to Thursday and Sunday Sale of alcohol from 11.00am to 12.00 (midnight) Premises closed to the public (Terminal Hour) ' 12.30am.
- d) The conditions in the operating schedule as set out in the Appendix F will also apply.
- e) The Sub Committee imposes the following new conditions:
 - 33 No non-residents to be served after 12.00 (midnight)
 - 34 A designated telephone number for the Duty Manager is to be made available to local residents in the vicinity of the premises.
 - 35 All doors and windows, except for access and egress, to be closed from 11.00pm, with the outside areas supervised to ensure that residents and non-residents at the premises do not disturb the local residents in the vicinity so as to cause a noise nuisance.
 - New 24 Regulated entertainment taking place at the hotel will be strictly controlled to prevent public nuisance and to ensure this a noise limiter will be installed with the appropriate noise level being set to the satisfaction of East Devon District Council Environmental Health Service.
- f) The mandatory conditions of sections 19 & 21 of the Licensing Act will be imposed.

2.

the designated Premises Supervisor will be Kenneth Cumming of Sidmouth Manor Hotel, Manor Road, Sidmouth, EX10 8RU.

Attendance list

Councillors present:

Steve Hall (Chairman)
Jim Knight
John O'Leary

Councillor also present:

John Dyson

Officers present:

Giles Salter, Solicitor
Neil McDonald, Licensing Officer
Chris Lane, Democratic Services Officer

Chairman Date