

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Blackdown House, Honiton on 10 April 2019

Attendance list at end of document

The meeting started at 9.30 am and ended at 1.10pm.

53 Minutes of the previous meeting

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 30 January 2019, were confirmed and signed as a true record.

54 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.

55 Declarations of interest

There were no declarations of interest.

56 That members consider an application for the grant of a premises licence to allow the sale of alcohol on and off the premises & late night refreshment on the premises at Mansell Raceway, Dunkeswell, Honiton EX14 4AH

The Sub Committee gave consideration to an application for the grant of a premises licence to allow the sale of alcohol on and off the premises and late night refreshment on the premises at Mansell Raceway, Dunkeswell, Honiton, EX14 4AH.

The Sub Committee carefully considered the application with the amendments the applicant had now offered at the hearing for the licensable activities and the extension of proposed hours of operation with a view to deciding whether the applicant promoted the licensing objectives as required by the Licensing Act 2003. They also took into account Government Guidance and the Council's own licensing policy and the Human Rights Act 1998 in making this decision.

The Sub Committee considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They also considered the particular locality of the premises in a rural setting within the Blackdown Hills AONB 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, that is to say: public safety, public nuisance, crime

and disorder. From this the Sub-Committee had concluded that the police did not consider that there would be any significant problem associated with the operation of the premises.

The applicant was Njal Lovell, DPS/Manager, represented by Amy Cater of Tozers Solicitors. The applicant's case was set out on paper.

At the hearing the applicant added that the Karting Track at the site had been in existence since the 1960s, and brought tourism to the area but there was a need to provide more facilities on site through a Licensing application. This was no different to other karting tracks across the country. Customers could attend a race day and have a drink or meal in the new premises. The Mansell brand was about legacy and he would not want the premises to negatively impact on the community.

The extensive condition dealt with the issue of kart use and alcohol consumption which was prohibited through the use of wrist bands, so that alcohol could not be purchased by anyone participating in kart racing until the wrist band had been removed, also the management used breathalysers if there were any suspicions of alcohol consumption, incident reports and CCTV.

The applicant referred to the fact that there had been no representations from any of the Responsible Authorities which remonstrated that they were not unduly concerned by the proposed operation or that they were concerned by light or noise pollution from the premises as this was a new application. The applicant suggested that the proposed operating schedule was therefore in line with the Licensing Objectives as set out in the Act.

At page 51 of the bundle the applicant referred the Sub Committee to the proximity of the premises in Sheldon and Dunkeswell from which objections to the application had been received. All the properties were over 1km from the premises. It was accepted that there was some noise from the karting but noise from patrons leaving the premises or car doors being closed at night would not be heard or have the impact the residents suggested.

The applicant made comparisons with The Aviator, Dunkeswell Aerodrome and the Dunkeswell Social Club which had longer hours of operation and were closer to residential premises. Planning permission had dealt with light emanating from the premises. A condition of the planning consent had been the installation of light reducing glazing, and low level lighting as patrons leave the premises at night.

At pages 53, 56 & 57 of the report the Sub Committee were shown photographs of light pollution from buildings at the aerodrome and the point was made that light pollution could not be an issue at the premises currently because the building was not currently operational.

In conclusion the applicant stated that the application was not abnormal, it was sustainable and all concerned were addressed in the premises operating schedule.

The interested parties represented at the meeting were, Cllr Colin Brown, representing Dunkeswell Parish Council, Wendy Plimmer-Page, representing Jennifer Ash and James Page and Claudie Napier from Sheldon Parish Meeting and representing Nancy Plimmer, David Whipp and Moira Wood.

The interested parties' case was on paper, first in relation to the prevention of crime and disorder, concerns about drinking and driving outside of the venue, lack of policing in a rural area, particularly at night. Regarding public safety, relating to drinking and driving. Regarding the prevention of public nuisance, noise and light pollution in the AONB, intensification of traffic on the rural roads.

At the hearing they expressed their concern for the continuing development of the site in the AONB, that Sheldon and Dunkeswell were fundamentally very quiet places other than when the karting track was in use. The track use was controlled by a planning agreement between Mansell Raceway and the Council.

Cllr Brown wanted to know why the premises needed to be licensed outside of times when there was karting taking place. The applicant responded that it had been approached by businesses at the aerodrome to provide a place where they could meet with clients etc. and that a licence as submitted was the most appropriate way to meet those needs. It was a commercial decision.

Wendy Plimmer-Page stated that the premises did have an impact on her and other residents in Sheldon because of light and noise pollution and that she could not understand how the premises needed to operate after 9.30pm on any evening. There were smaller businesses that relied on the peace and tranquillity of the area.

The Sub Committee wanted some clarification of how the site was controlled and managed over a race weekend when there were caravans/campers on site to ensure minimal disturbance in the area. The applicant assured the Sub Committee that the site was shut down at 10.30pm when generators were requested to be switched off and lights turned out.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. They considered that the establishment would well managed and controlled with good policies in place and adequate supervision from line management.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, arising from the proposed operation of the premises. At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local resident suggested.

Whilst the Sub Committee acknowledged the concerns expressed by the interested party before it, they believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions offered and agreed at mediation which had been tailored to the size, characteristics and activities on the premises, and which members believed were necessary and proportionate.

All parties were reminded of the closure and review powers which the government brought into force once the new licences were operational from 24th November 2005. Premises which do 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 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 applicant's plan.
- b) Permitted hours for the various licensable activities will be set out in Appendix A, as amended by the applicant's plan.
Sunday Hours
Sale of alcohol 10.00am to 21.30pm. Terminal Hour 10.00pm
- c) The conditions in the operating schedule as set out in the Appendix F will apply, with additional conditions.
- d) Condition 27. A dedicated phone number of the DPS or Duty Manager will be provided for residents to raise issues or concerns relating to the premises licence under the Licensing Act 2003 licensing objectives.
- e) Condition 28. All windows and doors to be closed no later than 10.00pm, save for access and egress to or from the premises, to prohibit noise escape and reduce any noise disturbance to residents.
- f) The mandatory condition required by section 19 of the Licensing Act 2003 will also be imposed.

2. The Designated Premises Supervisor would be Njal Lovell of 28 Queen Street, Honiton, EX14 1HD.

57 **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.

58 **To determine whether the person named in the report is a fit and proper person to be licensed as a Hackney Carriage Driver**

Consideration was given to whether a new applicant was a fit and proper person to be licensed as a Hackney Carriage Driver.

Members considered the Council's policy on all issues, the overriding duty of the Sub Committee was protection of the public.

RESOLVED that, Mr CJG's Hackney Carriage Drivers application for his licence be refused.

Attendance List

Councillors present:

C Brown
S Hall (Chairman)
G Jung
B de Saram

Councillors also present (for some or all the meeting)

Officers in attendance:

Lesley Barber, Licensing Officer
Christopher Lane
Giles Salter, Solicitor

Councillor apologies:

Chairman

Date: