

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING SUB-COMMITTEE B** held on 17 December 2018 at 10.00 am

### **Present**

**Councillors** L D Taylor (Chairman)  
D R Coren and R J Chesterton

### **Apologies**

**Councillor(s)** Mrs F J Colthorpe

### **Also Present**

**Councillor(s)** R J Dolley

### **Also Present**

**Officer(s):** Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Jeremy Pritchard (Team Leader - Commercial Team) and Carole Oliphant (Member Services Officer)

## **4 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs F J Colthorpe who was substituted by Cllr R Chesterton

## **5 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr L Taylor be elected Chairman of the Sub Committee for the meeting.

Cllr Taylor then took the Chair.

## **6 DETERMINATION OF A PREMISE LICENCE APPLICATION FOR TIVERTON WEST END BOWLING CLUB, WEST EXE PARK.**

Consideration was given to a report \* of the Lead Licensing Officer relating to an application that had been received by Tiverton West End Bowling Club, Tiverton. This was a requirement of the Council as the Licensing Authority.

The Licensing Sub Committee decided that the meeting should be heard in public session.

There were no interests to declare.

The Group Manager for Public Health and Regulatory Services outlined the contents of the report making reference to the following:

- The key differences between a club premise certificate which the Bowling Club already had and the premises license which they were applying for;

- There had been no complaints received by the Police or the Licensing Authority against the applicant since they had been granted a club premise certificate in 2005;
- The original inclusion for live, recorded music or related activities had been removed from the application as the requirement had been deregulated.

He reminded the Sub Committee of the licensing objectives which were:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

He confirmed that the applicant had offered the following conditions as part of the application:

- Clear and legible notices to be displayed at all exits requesting patrons to respect the needs of local residents
- A written age verification policy (Challenge 25)
- Consideration on advice from Responsible Authorities

He confirmed that the Authority had received 26 comments in support of the application and 23 in objection and that anonymous letters had been discounted as was standard practice. He further explained that only those representations which related to the four licensing objectives could be considered.

A number of representations mentioned the availability of parking in the surrounding area, which the applicant could not control and therefore was not a Licensing consideration.

Some representations had been received which were concerned with the health and safety of the general public (i.e. not people using the licensed premises) and he confirmed that the licence holders only responsibility was for their customers.

The Group Manager for Public Health and Regulatory Services explained the situation regarding the Designated Public Place Order for Westex Park which had expired in October 2017. He confirmed that a transition arrangement was now in place until October 2020 and that the order meant that the Police could remove alcohol from underage drinkers, intoxicated persons or from anyone committing a public order offence. The Order did not ban anyone from taking alcohol into the park.

The officer also highlighted that the application was for the consumption of alcohol on the premises only, therefore that customers would not be permitted to purchase alcohol to take away and consume elsewhere.

With regards to representations citing anti-social behaviour in the park the officer explained that there was no evidence of a link between anti-social behaviour in the park and the Bowling Club. He further explained that the Club were responsible for the behaviour of their members but not the general public who used the public areas of the park.

He explained that licensing law was not the primary mechanism for the general control of nuisance anti-social behaviour and that there was a presumption by the Licensing Authority to grant a license unless there were grounds not to.

The applicant was invited to make representation to the Sub Committee. She explained that there was nothing further to add than what had been provided in the report but in answer to a question responded that the Club was not looking to change any of its activities but the new licence would mean that they would no longer have to sign non-members of visiting teams into the Club.

Representations from other interested parties were then invited.

A local resident speaking on behalf of the residents group stated that they wanted to make representations about parking, noise and littering. She said that residents had concerns that Club members would be wandering around the park with alcohol and cigarettes and would leave a mess.

She requested further assurance that the Club should work with local residents and be respectful.

The applicant confirmed that the license applied for was for the sale and consumption of alcohol on the premises only. Most of the alcohol was consumed in the clubhouse but when members took a drink outside in the summer months they were provided with plastic glasses which were only used within the boundary of the club.

The resident was asked how many residents had reported the club or its members for anti-social behaviour to either the Police or the Licensing Authority. To which she replied that a dossier of evidence was currently being collected but had not yet been submitted.

She continued stating that she understood that parking was not a licensing issue but that she felt that granting a premise license would compound the issue and that someone would get hurt.

She further explained that local residents were concerned that Club members and people who hired the club would wander from the venue and spread out around the park. She said there were reports by some local residents of Club members being disrespectful to local residents and verbally abusing them. The applicant in turn explained that they had never received any complaints about any of their members but would treat the matter very seriously if details of the incidents could be brought to their attention.

She explained that residents had concerns that the Bowling Club, with a new license would be hiring out the clubhouse to individuals who may cause problems for the local community. The applicant confirmed that the Club was only seeking a premise license to enable them to host non-members from visiting clubs without having to sign them in and the Club had no intention of hiring out the clubhouse in excess of what it did currently.

The Group Manager explained that the Licensing Authority could not pre-empt problems with an application if there was no evidence to back this up and that was a

robust mechanism to review a license if there were problems once it had been granted.

Another resident asked the applicant why they wanted a premise license if they already had a club license and sought reassurance that the applicant was not going to open the clubhouse to the public.

The applicant confirmed that the only reason a premise license was required was so that the club could host visiting clubs without the need to sign them in. She stated that it was not the clubs intention to open any additional hours, to open the clubhouse to general members of the public or to rent out the premises to members of the general public.

The Sub Committee thanked the applicant and the members of the public for their comments and noted that it was a shame that the communication and trust between the two parties had broken down.

The Sub Committee withdrew to consider their decision.

The Sub Committee returned and the Chairman made the following statement:

The Sub Committee had taken into account the report of the Licensing Officer, the applicant and the relevant representations together with the presentations today.

In particular, the Sub Committee noted the following:

- Concerns about parking, whilst understood, were not within their remit, nor within the control of the Club;
- Concerns had not to date been evidenced in formal complaints to the relevant authorities;
- The Police and Licensing Authority had not be able to connect concerns about behaviour in the park to the Club;
- The Club's practice of using glass within the building for drinks and plastic outside;
- The need for, and benefit of, signage asking members to respect the locality; and
- The apparent breakdown in communications and trust with some local residents and the Club and the need for dialogue.

It was therefore **RESOLVED** that the licence be granted as applied for, noting that some aspects had been withdrawn as they were de-regulated, subject to the standard conditions and the following additional condition:

- Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

The Monitoring Officer then outlined the appeals process through the Magistrates Court.

(The meeting ended at 12.08 pm)

**CHAIRMAN**