

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the LICENSING SUB-COMMITTEE A held on 15 May 2020 at 10.00 am

**Present
Councillors**

J M Downes, D J Knowles and L D Taylor

**Present
Officer(s):**

Simon Newcombe (Group Manager for Public Health and Regulatory Services), Maria De Leiburne (Legal Services Team Leader), Thomas Keating (Specialist Lead (Licensing) Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

1 Apologies

There were no apologies

2 Election of Chairman

Cllr L Taylor was duly elected Chairman for the Sub Committee

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR SAMPFORD PEVERELL RECREATION GROUND AND SPORTS PAVILION, SAMPFORD PEVERELL, TIVERTON, DEVON, EX16 7BU

Consideration was given to a report * of the Lead Licensing Officer relating to an application that had been received by SAMPFORD PEVERELL RECREATION GROUND AND SPORTS PAVILION, SAMPFORD PEVERELL, TIVERTON, DEVON, EX16 7BU.

The Chairman introduced the members of the Sub Committee and the officers present and explained the process that the hearing would follow.

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

There were no interests to declare.

The Lead Licensing Officer outlined the contents of the report making reference to the following:

- The sports field and the fixed structure of the pavilion
- A plan of the site and building
- The application included an area for a temporary marquee
- The application was for live music/recorded music and the supply of alcohol
- The applicant had requested the requirement for a Designated Premises Supervisor be dis-applied which meant that the Management Committee would take responsibility for all licensing activities

The Conditions offered by the applicant included:

- Challenge 25 Policy
- Training for Staff
- Placement of notices

There had been no representations from responsible authorities.

The reason for the hearing was that a new premise license application had received representations objecting to the application and the District Council, as the Licensing Authority, was therefore obliged to hold a hearing to determine the application.

The objections received had alluded to issues with the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

He explained the options available to the Sub Committee:

- Granting the licence as applied for
- Granting the licence subject to appropriate modifications necessary for the promotion of the licensing objectives
- Excluding from the scope of the licence any of the licensable activities to which the application relates
- Refusing to specify a Designated Premises Supervisor
- Rejecting the application

The Applicants for Sampford Peverell Recreation Ground and Sports Pavilion were asked to present their case to the Sub Committee.

Mr Adlington explained that the license applied for was the large CLIC Sargent event and additional charity events and for the benefit of the clubs that used the site to be able to generate income from small alcohol sales and it was not the case that the site would be hired out for large gatherings. He described the social aspect of the clubs using the site including the cricket club.

Mr Harding stated that members of the Cricket Club did not usually decamp to the local public house drink after games and that the license would be used for players and their families to have a drink after a game which would generate revenue for the Cricket Club. He explained that there had never been an issue with litter on the field and that there was CCTV on site which would monitor and antisocial instances if they were to occur.

Answering questions from the committee the applicants stated that the venue was not going to be advertised as a private venue, the location of the CCTV and that they employed a Child Welfare Officer.

Those who had made representations were asked to give their reasons for their objections to the application to the Sub Committee.

Mrs Mackenzie explained that she had no objection to the large CLIC Sargent or other charitable events being held at the venue. But was concerned that the

application was for 7 days a week and that alcohol could be served all day and that would have a detrimental affect on her family. She expressed concerns about the license not providing a Designated Premises Supervisor and that she was unsure where responsibility would lie if there were issues with licensable activities on the site.

Mr Penfold stated that in the main he agreed with the statements made by Mrs MacKenzie and that he found that it was socially unjust that someone should sell alcohol to raise money and that the application was not in tune with the Constitution of the Parish Council which stated its activities were in the interests of social welfare.

Members of the sub committee questioned if the Cricket Club should be the applicant if they were the club that would predominately be using the license and if this was the case would there be a requirement for a Designated Premises Supervisor.

The Lead Licensing Officer explained that it is for the applicant to decide who applies and in this case, the Cricket Club had not submitted the application, Sampford Peverell Recreation ground and Village Hall Charity had as a charitable organisation. The Licensing Officer confirmed that if the use of the premises was predominately by the Cricket Club, then the premises may not necessarily be considered as a community premises and then a Designated Premises Supervisor would be required. In light of the information provided at the hearing, the Licensing Officer instructed the Sub-Committee to consider S182 Guidance (Paragraphs 4.56 – 4.60) which provide details about the definition of a community premises.

The Applicant then explained that the Management Committee was responsible for the site and that they rented it out to numerous clubs and also arranged charitable events. The Cricket Club predominately used the site during the summer months and the Football Club in the winter. The licence was to be used by all the clubs that rented the site if they wanted to do so and the license would also cover the charitable events arranged by the Management Committee.

In answer to a question about accountability for problems with regard to licensing activities on the site the Lead Licensing Officer explained that if there were any complaints then the Management Committee would be the first point of contact and then investigations would move to persons holding the event.

The Chairman thanked the interested parties for their contributions and explained that the Sub Committee would now withdraw and consider their verdict.

The Sub Committee then withdrew from the public meeting to discuss the application and the representations made.

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

- The responsible bodies had made no representations e.g. Police, Environmental Health

- Concerns about security of the premises and possible noise nuisance
- Concerns of no Designated Premises Supervisor and the hours of the application applied for
- Concerns about parking, whilst understood, were not within their remit, nor within the control of the Management Committee;
- The need for, and benefit of, signage asking patrons to respect the locality; and
- The apparent breakdown in communications and trust with some local residents and the applicant and the need for dialogue.

The Chairman of the Sub Committee explained that Members had discussed the need for Designated Premises Supervisor and that because the use of the premises was not limited solely to the use by the Cricket Club, and therefore they felt that it was a community premises.

He explained that the times applied for in the application were not being altered as the Sub Committee felt that the application was not to make the pavilion into a public house and that on some occasions matches would go on past 9.00pm. They also noted that there had been no representations from the Police or Public Health on this matter.

It was therefore **RESOLVED** that the licence be granted as applied for, subject to the standard conditions and the following additional conditions:

- 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.
- Prior to events with over 500 people in attendance, the licence holder must provide notification of the event to the Licensing Authority (Mid Devon District Council), Environmental Health (Mid Devon District Council) and Devon and Cornwall Police. This notification must be provided a minimum of 2 months before the start date of the proposed event and must include the name of the event, duration of the event (start, end date and time) and the number of people expected.
- Notification of the event must be provided in writing (email notification is acceptable) and must also include a copy the proposed Event Management Plan for the event.
- The final Event Management Plan must be kept on the premises during the course of the event and may include any required amendments brought about following consultation with the Safety Advisory group or Responsible Authorities under the Licensing Act 2003.

The Legal Representative then outlined the appeals process through the Magistrates Court.

Note: *Report previously circulated and attached to the minutes

(The meeting ended at 12.05 pm)

CHAIRMAN