

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING SUB-COMMITTEE A** held on 4 August 2022 at 2.00 pm

### **Present Councillors**

D J Knowles, Miss J Norton and  
Mrs E J Slade

### **Also Present**

**Officer(s):** Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Solicitor) and Carole Oliphant (Member Services Officer)

## **1 APOLOGIES**

There were no apologies for absence

## **2 ELECTION OF CHAIRMAN**

Cllr Mrs E J Slade was duly elected Chairman of the Sub Committee

## **3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR THE ELEPHANT ON THE GREEN, 14 ST LAWRENCE GREEN, CREDITON EX17 3LL**

Consideration was given to a report \* of the Corporate Manager for Public Health, Regulation and Housing Officer relating to an application that had been received by the Elephant on the Green, 14 St Lawrence Green, Crediton EX17 3LL.

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 Corporate Manager for Public Health, Regulation and Housing outlined the contents of the report making reference to the Licensing Objectives being:

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

The officer explained that two representations had been received which related to public nuisance concerning late night noise arising from patrons, especially regarding the outside area and live bands performing within the premises. Those representations also raised additional matters relating to off-site parking and a

nearby existing licensed premises which had been submitted which concerned parking but that this was not relevant to the application.

The applicant had offered a range of conditions which would mitigate concerns of neighbours including the closing of outside areas from 9.00pm for the consumption of alcohol.

The applicant explained that all events held at the venue would be ticketed and targeted at the local population. It was not intended that the venue would be a bar or public house. All drinks would be table service only and it was intended to be a small venue where people could meet. There was an intention to show films for select audiences and the projector could also be used for business meetings. The venue could only hold 40 people seated comfortably.

The Corporate Manager for Public Health, Regulation and Housing further explained that under legislation restrictions on any music could not be put in place or enforced between the hours of 8am – 11pm at an alcohol licensed premises if the audience was below 500 people.

The Corporate Manager for Public Health, Regulation and Housing also asked the applicant what type of films they intended to show and how different age certifications would be managed to prevent young people viewing age restricted content. The applicant explained they could be advised of any appropriate measures to put in place.

The Committee then withdrew to consider its decision.

The Sub-Committee took into account the relevant legislation, the Council's Statement of Licensing Policy and the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, the report of the Licensing Officer, the Application and the relevant representations submitted, together with the presentations of those present at the hearing.

In particular, the Sub-Committee noted the following:

- The Responsible Authorities e.g. the Fire Service, Environmental Health etc. had made no representations.
- The applicant had agreed additional conditions with the Police Alcohol Licensing Officer (Exeter & Mid Devon).
- That concerns had been raised about possible noise nuisance in the representations received.
- The proposed conditions suggested by objectors during the hearing which included no outside activity after 9.00pm; keeping doors and windows closed; no alcohol served after 9.00pm; no entertainment after 9.00pm.
- The hours of the application applied for.
- That parking issues were raised as part of the application, but that this is not a relevant licensing consideration.

Decision

The Licensing Sub-Committee decided to grant the application for the licence as applied for and subject to a further condition. The licence to be subject to the Standard Conditions, and with the addition of the following:

Condition:

Where a film is to be shown that has been classified as 12A, 15 or 18 the licence holder must cause a notice to be displayed, in a conspicuous position, at the entrance to the premises or room in which the film is to be shown reading:

**PERSONS UNDER THE AGE OF [insert as appropriate] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

Reasons for the decision:

The Sub-Committee was of the opinion that there was no overriding licensing objective which supported the refusal of the application.

Further, the Sub-Committee felt that issues raised by the objectors have been addressed within the responses from the applicant, and through the standard conditions and the additional conditions made and agreed with the Police.

(The meeting ended at 3.50 pm)

**CHAIRMAN**