

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE A** held on 3 April 2023 at 2.00 pm

Present

Councillors

J M Downes (Chairman)
Mrs F J Colthorpe and Mrs E J Slade

Present

Officers:

Deborah Sharpley (Solicitor), Harriet Said (Team Leader (Commercial)), Alan Drake (Licensing Consultant), Philip White (Specialist Assistant Licensing), Sandra Hutchings (Specialist Support Officer), Andrew Seaman (Member Services Manager) and Angie Howell (Member Services Officer)

1 APOLOGIES

There were no apologies.

2 ELECTION OF CHAIRMAN

Cllr J Downes was duly elected Chairman of the Sub Committee.

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR SMEATHARPE STADIUM, CLAYHIDON, EX14 4SP

Consideration was given to a report * of the Corporate Manager for Public Health, Regulation and Housing relating to an application that had been received for a new premises licence to be granted under the Licensing Act 2023 for the Smeatharpe Stadium, Clayhidon, EX14 4SP.

The Chairman introduced the members of the Sub-Committee, 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 by the Councillors.

The Lead Licensing Officer outlined the contents of the report and noted that 4 representations had been received which related to noise, potential traffic and the likelihood of theft as well as the Stadium being within an Area of Outstanding Natural Beauty (AONB).

The Chairman clarified that the Sub-Committee was here to consider the licensing of events and not whether events held at the Stadium. The latter was not for the Sub-Committee to consider.

The Applicant was present and was requested to present their case:

- The Stadium has been operating for a number of years using temporary event notices to licence small events. The applicant has a personal license.
- He had been setting up a bar at the motor racing events since 2017; and had either been present at these events himself or had arranged for someone with a personal licence to cover the events.
- This premises license would be for the motor race meetings only. Although he was aware that the Stadium hosted other events.

Questions asked, raised the following:

- There was a planning restriction in place for the Stadium to hold up to 17 motor racing events per year.
- The events at the Stadium were not licensable events and would take place regardless of a premises license.
- The Applicant would be at the events himself or arrange for a colleague to cover (who also held a personal license).
- The application related to 2 bars at the Stadium. For some events one of the bars was shut down after the racing and the bar nearest the camping area would be kept open until 10.30pm.
- With regards to alcohol storage at the bars, the Applicant explained that alcohol was only kept overnight when an event is held on a Saturday and Sunday. The Applicant would stay overnight and security was also on site. Otherwise only kegs were kept at the bars and the Applicant noted that there was an 8ft metal fence surrounding the area which would make removal of the kegs difficult.
- There had ~~only~~ been one occasion when a Smeatharpe Stadium motor racing event was confused for another event across the airfield.
- There had been racing events held at the Stadium for circa 30 years.

The Applicant and Officers then withdrew so that the Sub-Committee could 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 from Wendy Higginson, James Rogan, Lisa Turner and Graham Long, 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 hours of the application applied for.
- The applicant had agreed (with the Police and Council) to amend the licensing hours of his application to 10.30am to 10.30pm and a condition that the two bars will only operate when there is a motor racing event taking place at Smeatharpe Stadium.
- That concerns had been raised in the representations about the following:

- i. increased traffic in an Area of Outstanding Natural Beauty (AONB)
 - ii. increased noise and litter nuisance
 - iii. adverse impact on the AONB
 - iv. increase in noisy events
 - v. increased risk of drink driving
 - vi. increased light pollution
 - vii. increased likelihood of theft due to unattended remote location and alcohol being left on site
- The proposed conditions suggested by objectors in their representations.
 - The remote location of the Stadium.
 - That the Stadium is permitted, by planning law, to hold up to 17 motor racing events per calendar year.

Decision

The Licensing Sub-Committee decided to grant the application for the premises licence with the variation to the licensing hours applied for being a start of 10.30am and finishing at 10.30pm (instead of 11.30pm). The licence to be subject to the Standard Conditions, and with the addition of the following condition:

Condition:

The two bars at Smeatharpe Stadium will only be open for the sale of alcohol on the days of organised motor racing events at the Stadium.

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.

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 condition made and agreed with the Police.

Further, the Sub-Committee indicated that it was here to consider the licensing of events at the Stadium and not to decide whether events should be held at the venue.

The representations that were considered potentially relevant to the licensing objectives were: the noise and litter nuisance; light pollution; and the increased likelihood of theft due to unattended remote location and alcohol being left on site, although a distinction needed to be drawn between the above being created by or related to the licensing activities and the motor racing itself.

The fact that the stadium is in an AONB, whilst not directly relevant to the licensing objectives, is something which was considered as part of the wider considerations open to the Sub-Committee to have regard to in accordance with the Council's Statement of Licensing Policy.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 2.53 pm)

CHAIRMAN