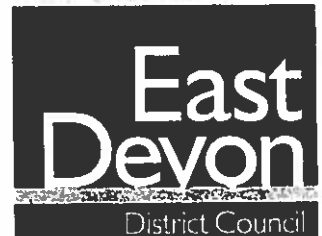


Date: 30 April 2009
Contact number: (01395) 571544
E-mail: clane@eastdevon.gov.uk
Our Reference: Christopher Lane
Your Reference: CL



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Graham Godbeer, Chris Gibbings and Pat Graham)
Remaining members of the Licensing and Enforcement Committee
for information)

Head of Legal, Licensing & Democratic Services – For information
Senior Licensing Officer
Assistant Solicitor
All parties to the hearing

Meeting of the Licensing & Enforcement Sub-Committee

Monday 11 May 2009 at 9.30am Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate). Visitor car parking is available at the top of the drive outside the main reception area.

Visitors please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time.

A G E N D A

Page/s
3 - 9

- 1 To confirm the minutes of the meeting of the Licensing and Enforcement Sub Committee held on 2 February, 30 March and 21 April 2009.
- 2 To receive any apologies for absence from Members of the Sub Committee.
- 3 To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances.

(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).

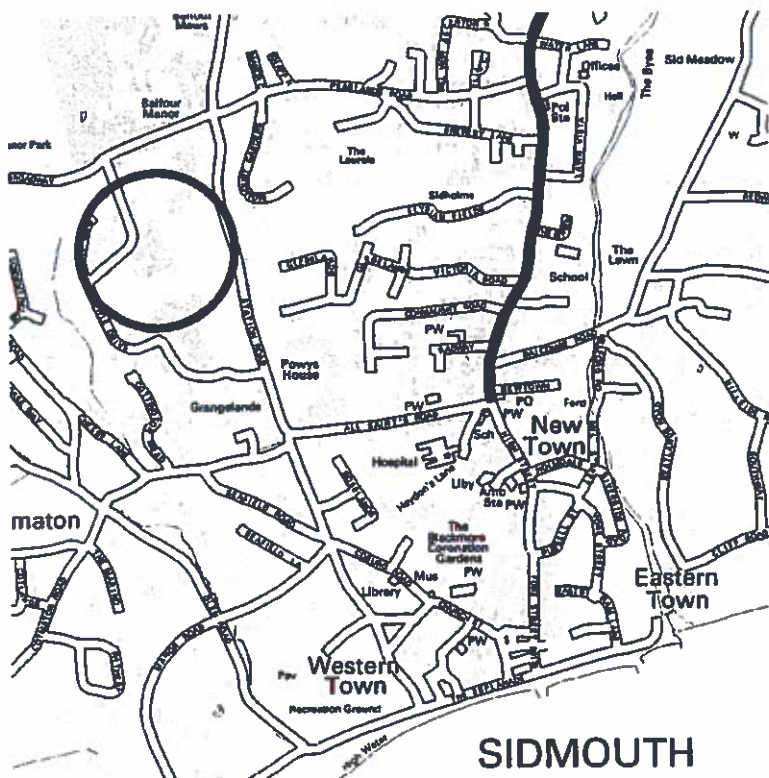
- 4 To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way are shown under Part B of the agenda).

5. Application for the grant of a premises licence under the Licensing Act 2003 to permit the provision of regulated entertainment, entertainment facilities and late night refreshment and the sale of alcohol for consumption both on and off the premises at Courtlands House, Courtlands Lane, Exmouth, EX8 3NZ. Senior Licensing Officer 10 - 41
6. Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary. Senior Licensing Officer 42 - 43

Members Remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. Parking is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth, From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).
From Exeter – 52A, 52B
From Honiton – 340 (Railway Station), 387 (Town Centre)
From Seaton – 52A, 899
From Ottery St Mary – 382, 387

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on 2 February 2009

Present:

Councillors:

Graham Godbeer (Chairman)

Pat Graham

Ann Liverton

Officers:

Neil McDonald - Assistant Licensing Officer

Chris Lane – Democratic Services Officer

Giles Salter – Assistant Solicitor

Also Present:

Councillor Chris Gibbings

Apologies:

Councillors:

Steve Hall

Ken Potter

The meeting started at 9.30 am and finished at 10.05 am.

***30 Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 24 November 2008 and 12 January 2009, were confirmed and signed as a true records.

***31 Application to grant a Premises License under the Licensing Act 2003 at
Tandori Nights,10 The Strand, Exmouth**

The Sub Committee gave consideration to the application for the grant of a Premises Licence under the Licensing Act 2003 to permit the provision of late night refreshment and the sale by retail of alcohol for consumption on the premises only at 10 The Strand, Exmouth.

The Chairman identified members of the Sub Committee, Officers and interested parties present. The applicants, Gulama Mostafa Choudhury and Azaz Hayder Choudhury, were not present. Devon and Cornwall Constabulary were represented by Inspector Capey and Karen Mobbs.

The Sub Committee considered it relevant that representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of representations at the hearing, that is to say: crime and disorder. From that, the Sub Committee concluded that the police considered that there was likely to be a significant problem with the operation of the premises if the application was granted.

The police's case grounds for objection paper and at the hearing were that the applicants Gulama Mostafa Choudhury and Azaz Hayder Choudhury were not suitable persons to hold a Premises Licence. Both men had recently been convicted at Exeter Crown Court

*32

Application to grant a Premises License under the Licensing Act 2003 at Tandori Nights, 10 The Strand, Exmouth (Cont)

of offences relating to tax fraud. Details had been set out in the papers already circulated. At the hearing they presented certificated copies of the applicants' recent convictions. The Police stated that they had concerns as to the management of the premises which would not be sufficient to protect the public from harm. The applicants also had premises in Exeter but the licences had discontinued through the lack of a further application and the passing of time.

The Sub Committee carefully considered the application for a new premises licence to permit the provision of late night refreshment and the sale by retail of alcohol for consumption on the premises only at 10 The Strand, Exmouth with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. In relation to the evidence the Sub Committee had read and heard regarding the history of the premises, they had concerns that the premises would not be well managed.

RESOLVED: that the grant of the variation of the Premises Licence be refused for the following reasons:

- (a) Section 11.2 of the East Devon Licensing policy states: In reaching a decision on whether or not to grant a licence, the licensing authority, if relevant representations are made may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.
- (b) The Police recognise that the Licensing Act does not contain a 'suitability' test from Premises Licence Holders and that the promotion of the licensing objectives must be judged upon the operating schedule. However they feel that the recent convictions of the applicants weaken the strength of the proposed operating schedule because there can be no confidence in the applicants ability or willingness to operate in accordance with it.
- (c) To reinforce their representations the Police refer to this Authority's Licensing Policy that allows non-compliance with other legislation to demonstrate that the management of the premises is not adequate to protect the public from harm or nuisance.

*33

Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary (Cont)

RESOLVED that the applications be granted as applied subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	Kennaway House Sidmouth	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the inclusion within the operating schedule of the following conditions</p> <ol style="list-style-type: none"> 1. See appendix A attached
Application for the variation of an existing premises licence to be granted	14 Rolle Street, Exmouth	<p>Following mediation the Applicant, the Interested Party and the Council's Environmental Health Section have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the inclusion within the operating schedule of the following conditions</p> <ol style="list-style-type: none"> 1. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons when regulated entertainment is being provided. 2. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises. 3. On any day when regulated entertainment has been provided at the premises an announcement must be made prior to closing requesting patrons' co-operation in leaving the premises and vicinity as quietly and quickly as possible.

		<p>4. A noise limiting device must be installed and maintained on the first floor of the premises to control the volume of music. The limiter level must be set by an Environmental Health Officer for Pollution from East Devon District Council.</p>

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on 30 March 2009

Present:	Councillors: Chris Gibbings(Vice Chairman) Ken Potter
Officers:	Ian Carter - Senior Licensing Officer Diana Vemon - Democratic Services Manager Giles Salter – Assistant Solicitor
Apologies	Councillor Steve Hall

The meeting started at 10.00 am and finished at 10.05 am.

*33 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 2 February 2009, were deferred until the next meeting as neither Councillor had been present at the February meeting.

*34 **Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Senior Licensing Officer explained the background of the application, the negotiations carried out and amendments to the re-submitted plan and conditions, with which the Police was now satisfied.

RESOLVED that the applications be granted as applied subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a variation of an existing premises licence to be granted	Q Club, Exmouth	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The proposed variation of permitted hours be withdrawn from the application, and</p> <p>The application be approved as submitted subject to the amendment of the following conditions</p> <ul style="list-style-type: none"> 20. regarding CCTV to be amended to include 'to be provided for the purpose of investigation of crime' 23. regarding the positioning of doorstaff to be amended to clarify that the dedicated entrance door is on the ground floor.
Recommendation	Recommend approval of application subject to the amended operating schedule	

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on 21 April 2009

Present:

Councillors:

Graham Godbeer(Chairman)

Chris Gibbings (Vice Chairman)

Steve Hall

Officers:

Neil McDonald - Licensing Officer

Chris Lane - Democratic Services Officer

Giles Salter – Assistant Solicitor

The meeting started at 9.00 am and finished at 9.10 am.

***35 Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the application and the negotiations carried out

RESOLVED that the applications be granted as applied subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a new premises licence	Londis Convenience Store. 1-2 The Strand, Exmouth.	Following mediation, the applicants, the Devon & Cornwall Constabulary, and the three interested parties have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The proposed permitted hours for the sale of alcohol to terminate at 11.00 pm and the proposed permitted hours for the provision of late night refreshment to terminate at 3.00 am.
Recommendation	Recommend approval of application subject to the amended timings, the offered operating schedule and the Mandatory Conditions of the Licensing Act 2003.	

Chairman

Date

Agenda Item 5

Licensing & Enforcement Sub Committee

11 May 2009

Application for a premises licence to be granted under the Licensing Act 2003

Summary

The report summarises an application for a premises licence to be granted.

Recommendation

That members consider the application for a premises licence to be granted under the Licensing Act 2003 - To permit the provision of regulated entertainment, entertainment facilities and late night refreshment and the sale of alcohol for consumption both on and off the premises at Courtlands House, Courtlands Lane, Exmouth, EX8 3NZ.

a) **Reasons for Recommendation**

To comply with statutory processes.

b) **Alternative Options**

To either grant, refuse or modify the application.

c) **Risk Considerations**

None

d) **Policy and Budgetary Considerations**

The Council's Licensing Policy is referred to in the body of the report. There is a possibility of the Council having to pay the applicant's court costs if a successful appeal is brought against the decisions made today.

e) **Date for Review of Decision**

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1 Description of Application

- 1.1 An application has been received from Carleton Estates Ltd for the grant of a premises licence at Courtlands House, Courtlands Lane, Exmouth EX8 3NZ.
- 1.2 The premises are a large grade 2 Listed Georgian Mansion set in its own grounds in a rural residential area located between Exmouth and Lypstone. The area for public trade is proposed to consist of four suites on the first floor and a ground floor wing containing the billiard, dining, drawing and music rooms together with two halls and the library.
- 1.3 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.

- 1.4 Members may wish to seek clarification from the applicant over the non standard timings for facilities for dancing and late night refreshment for Christmas Parties.
- 1.5 A plan of the premises will be available at the meeting to show the layout of the establishment and the areas of licensable activity.

Mediation Meeting & Amended Application

- 1.6 A mediation meeting chaired by the Licensing Authority and attended by the Applicants, twenty three Interested Parties, the Police and the Council's Environmental Health Service was held at the premises on 29 April 2008. As a result of the mediation meeting the applicant has amended the application by offering ten additional conditions as listed at 10 - 19 on Appendix E under 'Additional Conditions Following Mediation Meeting'. These additional conditions have addressed the concerns of the Environmental Health Service who have reached an agreed position and they now consider a hearing to be unnecessary if the offered extra conditions are accepted by the committee.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
Representations received see Appendix B
- 2.2 Devon Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received
- 2.4 Devon Trading Standards
No representations have been received
- 2.5 East Devon District Council, Environmental Health Service
Agreed position reached following mediation meeting.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from were received from twenty five (25) interested parties. Details of the representations are attached at Appendix B.
- 3.2 Details of the responses to the statutory Notice of Hearing are attached at Appendix C.

4 Proposed Operating Schedule

- 4.1 The applicants have prepared an Operating setting out the steps they propose to take to promote the licensing objectives. A copy of the proposed Operating Schedule, numbered for ease of reference is attached at Appendix D.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 2.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.' These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives.
- 5.2 Section 2.2 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.

- 5.3 Section 2.3 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

- 5.4 Section 4 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.

- 5.5 The **Guidance** issued under Section 182 Licensing Act 2003 also states:

The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties.

Licensing Hours

- 5.6 Section 6.1 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with licensing hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas. There is no presumption within the legislation for longer opening hours and the licensing objectives are paramount in any consideration of an application.

- 5.7 Section 6.3 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Nuisance

- 5.8 Section 17.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

5.7 Section 18.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

6. Observations

6.1 The application being considered is for the grant of a Premises Licence to permit :

- the performance of plays
- the exhibition of films
- the performance of live music
- the playing of recorded music
- the performance of dance
- the provision of entertainment of a similar description to live music, recorded music or dance
- the provision of facilities for making music
- the provision of facilities for dancing
- the provision of facilities for entertainment of a similar description to making music or dancing
- the provision of late night refreshment
- the supply of alcohol for consumption on and off the premises

6.2 Representations have been received from the Council's Environmental Health service, the Devon & Cornwall Constabulary and interested parties who believe that if the licence is granted it will fail to promote all four licensing objectives. Following the mediation meeting the Council's Environmental Health have reached an agreed position with the applicants through the amendment of the operating schedule to include additional conditions.

6.3 The representations received are concerned that there may be drunken or rowdy behaviour and vandalism from patrons together with noise and the risk that patrons may enter into private land adjoining Courtlands House. Concern has also been raised over inadequate external lighting, noise and smells from catering equipment rubbish dropped by patrons and no offered conditions to ensure that bottles and glasses are cleared from public areas.

6.4 The interested parties and the Police have raised concerns over the suitability of the access road and potential disruption and noise from vehicles attending and leaving the premises. As the highway is outside of the perimeter of Courtlands House and the private drive is not included within the licensed premises Members will need to consider the relevance of these representations and the extent that the applicant can under the licensing act be made responsible for areas outside of the licensed premises.

6.5 Although Environmental Health have reached an agreed position with additional conditions being offered with regard to the prevention of public nuisance the representations from the interested parties regarding noise from patrons and functions and concerns over commercial waste remain.

6.6 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form. To assist the Sub Committee a set of conditions have been prepared at Appendix E that members may wish to consider having heard from both the applicant and the interested party. The conditions are in part suggested to replace those offered by the applicant with conditions that reflect the applicants intentions but offer a more concise and enforceable operating schedule.

Legal Implications

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by interested parties or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:-
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

No alcohol may be supplied unless there is a designated premises supervisor who also holds a personal licence.

Every supply of alcohol under a premises licence must be made or authorised by a personal licensee

(b) Section 20 - Mandatory condition relating to exhibition of films-not relevant in this case

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

(c) Section 21 - Door Supervision

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.
- 6.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 6.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals.

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates' Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as designated premises supervisor. The magistrates' court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates' court may make any costs order it thinks fit.

8. Review provisions.

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable those living or running businesses in the vicinity of the premises, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9 Police Closure

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be effected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

Financial Implications

No apparent financial implications

Appendices

- Appendix A – Requested times and activities in table form
- Appendix B – Details of representations received
- Appendix C – Details of responses to the Notice of Hearing
- Appendix D – Applicants proposed Operating Schedule
- Appendix E – Items for consideration.
- Appendix F – Plan

Background Papers

- Licensing Application dated 19 February 2009
- The District Council's Statement of Licensing Policy

Ian Carter ext 2080
Licensing Officer

Licensing & Enforcement Sub Committee
11 May 2009

Courtlands House

Proposed Timings

	a) Performance of a play (indoors)	b) Exhibition of films (indoors)	e) Performance of live music (indoors)	f) Playing of recorded music (indoors)	g) Performance of dance (indoors)	h) Entertainment similar to (e), (f) or (g) (indoors)	i) Provision of facilities for making music (indoors) j) Facilities for dancing (indoors) k) Facilities for entertainment similar to (i) or (j)
Monday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 12.30am	8.00am - 1.00am	8.00am - 1.00am	9.00am - 1.00am	9.00am - 1.00am
Tuesday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 12.30am	8.00am - 1.00am	8.00am - 1.00am	9.00am - 1.00am	9.00am - 1.00am
Wednesday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 12.30am	8.00am - 1.00am	8.00am - 1.00am	9.00am - 1.00am	9.00am - 1.00am
Thursday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 12.30am	8.00am - 1.00am	8.00am - 1.00am	9.00am - 1.00am	9.00am - 1.00am
Friday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 12.30am	8.00am - 1.00am	8.00am - 1.00am	9.00am - 1.00am	9.00am - 1.00am
Saturday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 12.30am	8.00am - 1.00am	8.00am - 1.00am	9.00am - 1.00am	9.00am - 1.00am
Sunday	10.00am - 11.55pm	10.00am - 11.45pm	11.30am - 11.00pm	8.00am - 11.00pm	8.00am - 11.45pm	9.00am - 11.30pm	9.00am - 1.00am

Non Standard Timings - Christmas Eve & New Year's Eve

b) Exhibition of films e) Performance of live music, f) Playing of recorded music, g) Performance of dance, h) entertainment similar to (e) (f) or (g),
i) Facilities for making music, m) sale of alcohol, Hours open to the public

non-residents
residents

To terminate at 2.00 am
To terminate at 3.00 am

Non Standard Timings - Christmas Parties
j) Facilities for dancing, l) Late night refreshment

To terminate at 2.00 am

Non Standard Timings - Functions
Hours premises are open to the public

To commence at 6.30 am

Sale of alcohol - Residents Only
m) sale of alcohol

To terminate at 3.00 am

Courtlands House

Proposed Timings		Hours premises are open to the public
i) Late night refreshment	m) sale of alcohol for consumption on and off the premises	
Monday	11.00pm - 1.00am	8.00am - 1.00am
Tuesday	11.00pm - 1.00am	8.00am - 1.00am
Wednesday	11.00pm - 1.00am	8.00am - 1.00am
Thursday	11.00pm - 1.00am	8.00am - 1.00am
Friday	11.00pm - 1.00am	8.00am - 1.00am
Saturday	11.00pm - 1.00am	8.00am - 1.00am
Sunday	11.00pm - 1.00am	8.00am - 1.00am

Non Standard Timings - Christmas Eve & New Year's Eve

b) Exhibition of films e) Performance of live music, f) Playing of recorded music, g) Performance of dance, h) entertainment similar to (e) (f) or (g).

i) Facilities for making music, m) sale of alcohol, Hours open to the public

non-residents
residents
To terminate at 2.00 am
To terminate at 3.00 am

Non Standard Timings - Christmas Parties

j) Facilities for dancing, l) Late night refreshment

To terminate at 2.00 am

Non Standard Timings - Functions

Hours premises are open to the public

To commence at 6.30 am

Sale of alcohol - Residents Only

m) sale of alcohol

To terminate at 3.00 am

Representations Received

1. Inspector J Capey, Devon & Cornwall Constabulary, Exmouth Police Station, North Street, Exmouth, EX8 1JZ	
Objective	Representations
Prevention of Crime & Disorder	The hours requested for licensable activities may result in drunkenness and anti-social behaviour. C.C.T.V. helps to reduce incidents of crime and disorder and assists the Police in the prevention and detection of crime.
Public Safety	We have concerns in relation to the application due to road safety risks. It is our view that there is poor visibility at the junctions leading to and from the premises and that the narrow lane is unsuitable for large amounts of traffic.
Suggested Conditions	CCTV to be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. Data to be kept for a period of between 7 and 14 days.
2. Ms J Wheller, Environmental Health Officer (Commercial), East Devon District Council, Knowle, Sidmouth, EX10 8HL	
Agreed position reached following amendment of application to include additional conditions.	
3. Mr J G Munro, Blue Hayes, Courtlands Lane, Lypstone, Exmouth, EX8 5AB	
Objective	Representations
Prevention of Crime & Disorder	No forecast of members attending the various activities proposed are projected. The authority must have a view from current social experience as to the potential for disorder arising from such a premises. Society is already plagued by the effect of late nightclubbing.
Public Safety	The application gives no indication of the traffic flows involved. The entrance of Courtland House onto Courtland Lane is 'blind' and potential for collision is higher. The Council should have a risk assessment for traffic flows at Courtlands Cross. The risk of serious accident would increase from added flows from Courtlands House
Prevention of Public Nuisance	Traffic problems along the narrow Courtlands Lane are well documented. Added flows from Courtlands House would add to the nuisance of passing in private entrances of premises along the lane.
Protection of Children from Harm	The entrance of Courtlands House is shared between my own property and North Lodge by way of a private 'splay'. A young family with children lives at North Lodge and my young grandchildren visit.
4. Mrs Caroline McAusland, Earham House, Courtlands Lane, Exmouth, EX8 3NU	
Objective	Representations
Public Safety	Traffic management is a problem due to Courtlands Lane being single lane. The traffic generated will pose a risk to other road users & particularly to residents. The exit onto Exeter Road is dangerous with limited visibility. Noise exposure will also be significant from traffic generated.
Prevention of Public Nuisance	The premises are located in a coastal preservation zone & area of great beauty as well as having an adjacent residential area. The licence if granted would significantly increase traffic flow in a single track lane causing a public nuisance. Noise emissions with open windows would cause a public nuisance to adjacent residential properties
5. H Richard, The Gatehouse, Courtlands Lane, Lypstone, EX8 3NZ	
Objective	Representations
Prevention of Public Nuisance	I place my objection to the granting of a licence to Courtlands House as the activities proposed by the owner are out of character for the very peaceful nature of the Courtlands estate, and will have a huge impact on the quality of life of all residents by virtue of the additional noise and traffic generated by the additional vehicle traffic along the single track country lane presently serving Courtlands Lane residents, as well as noise generated from the proposed activities. Courtlands estate is in a very quiet and peaceful corner of Lypstone, it is an area of extreme beauty and fronting National Trust land. Granting a drinks licence will change the character of the area completely, turning a quiet part

	<p>of Lypstone into an extension of the busy Exmouth nightlife. That is a huge and damaging change of character, and will be disturbing and upsetting to local residents who bought into the area to enjoy the peace and tranquillity of the surroundings.</p> <p>Clearly from the application the applicant wishes to have the ability to perform live and recorded amplified music until 0.30am each day, and refreshments through until 1.00am each day. That is bound to impose huge nuisance on the residents many of whom live in the direct proximity of the main house i.e. within yards. Cars leaving in the early hours of the morning, taxis running waiting for clients, people talking, shouting etc will all create unacceptable and distressing levels of noise at unsociable hours.</p> <p>If for example 200 revellers arrive for a disco, live music event or similar, this will entail anything from 50 to 200 cars travelling down the lane at similar times, and the same number leaving in the early hours of the morning. The effect on the resident's peace in their homes will be devastating.</p> <p>Furthermore there is no barrier to stop visitors to the house using the private residents' road to access the house. Traffic on this private road would prove noisy and disturbing.</p> <p>The application also covers use of the building for a variety of purposes during a wide range of operating hours. Again this will bring traffic along the road creating public nuisance. Could I please refer you back to the recent declined planning permission, as I understand that the planners had concerns over road access for a hotel, let alone the number of vehicles that could be attracted to recorded and live music events.</p> <p>I am very concerned that while the application refers to indoor music, there is nothing to stop windows being opened even for ventilation purposes and amplified music travelling over a very wide area. This will again create great nuisance and disturbance to the residents who live literally yards away from the house. This is very unfair and will ruin the quality of life for many.</p> <p>There would appear to be nothing to stop revellers spilling out of the house into the grounds. This would be particularly attractive in fine weather given the glorious setting overlooking the estuary, and again the noise from people, amplified music etc could not be contained and as such would have a huge impact on residents. The families that live within 50 yards of the house will have disturbed nights every night of the year if the licence is granted</p>
6. DW & LI Dadd, Gaffers, Courtlands Lane, Exmouth, EX8 3NU	
Objective	Representations
Prevention of Crime & Disorder	Drunken behaviour and rowdiness in Courtlands Lane is an issue which Police cannot possibly cope with as the distance from the town would take too long for the Police to get to "trouble".
Public Safety	Courtlands Lane could not cope with the sheer volume of partygoers with the sheer volume of partygoers and road accidents would be inevitable
Prevention of Public Nuisance	The hours sought are too long, spoiling the residents' peaceful lives – the elderly residents would be kept awake at night by thumping disco music.
7. Mr K L Groves, Orchard Cottage, Courtlands, Courtlands Lane, Exmouth, EX8 3NZ	
Objective	Representations
Prevention of Crime & Disorder	I have concerns in this area in the light of the hours requested and the nature of the functions proposed but assume the local police would deal with any problems in this respect
Prevention of Public Nuisance	This is the area in which I have major concerns. This property is situated in an extremely quiet, rural location and the proposed licence would have a major impact on the locality if granted. It appears that the proposed hours could apply every day (and night) of the year which would severely impact on all of the properties in close proximity. Although the application specifies 'indoor' it is still likely that noise will carry, particularly in the summer if windows are opened which will be necessary as there is currently no air conditioning in the premises. Also, with current licensing requirements not allowing smoking inside, it is highly likely that there will be numerous smokers gathering outside the property, possibly until the end of the event,

	creating general noise nuisance. In view of the location it is highly likely there will be a considerable number of vehicles needed to carry attendees to and from the function which will create considerable noise and nuisance, particularly in the early hours of the morning.
	I am aware that the property currently has planning for functions and that a number of training courses have been carried out during daytime hours. This does not cause any concern but the current application would completely change the nature of the property and have a major impact on both the general area and all other surrounding properties.
8. Mr M Robinson, The Coach House, Courtlands Lane, Exmouth, EX8 3NZ	
Objective	Representations
Prevention of Crime & Disorder	As part of a recently refused application for planning permission to convert Courtlands House into a hotel the applicant indicated parties of up to 400 people. The combination of difficult access and sheer numbers means that we fear police resources will be overstretched. Furthermore there are no barriers between Courtlands House and the surrounding properties making my property at risk from crime and vandalism with the sheer numbers intended in the vicinity.
Prevention of Public Nuisance	<p>My property is in the courtyard of Courtlands House. The proposed 365 day a year licence will have a highly negative impact on the current peaceful, rural location. Since moving here in 2006 I have been aware of 2 or three daytime conference events for small number only, midweek between 9.00am and 6.00pm. Previous plans indicated that a toilet facility was to be installed in the house, directly opposite my front door. The outside access suggests that we will have people congregating and smoking in the courtyard area with no way of restricting access.</p> <p>The access to the property is through two entrances. The gravel drive next to my house will cause tremendous disturbance as cars and taxis transport this number of attendees late at night. The house is a listed building with zero modern soundproofing. Plus the fact in summer evenings, doors and windows will have to be left open with late night music causing great disturbance.</p> <p>Currently we have domestic waste facilities for the 13 private properties and it would be of great concern where the required volume of waste will be dumped for the size of events proposed.</p>
9. K W Robinson & J Robinson, Runaway, Courtlands Lane, Exmouth, EX8 5AB	
Objective	Representations
Prevention of Crime & Disorder	<p>Courtlands Lane is a single track road and we are concerned that the extra traffic generated by the licensing of these premises would have serious safety implications both along the lane and at the Courtlands Cross crossroads on the main Exmouth to Exeter road.</p> <p>This is a peaceful, rural area which this large volume of traffic would badly disturb; particularly late at night as we must assume that there will be a 'drinking up' period after the already late licensing hours proposed.</p> <p>The provision of late night refreshments between the hours of 23.00 and 1.00' would result in more traffic arrival after normal pub hours.</p> <p>With large numbers visiting the site the impact from litter on the area would be significant.</p> <p>It appears that there is unlimited scope for the type of function to be provided. How would these be controlled, bearing in mind that the applicant mentioned numbers of 400 in a previous letter to E.D.D.C. Our fear is that it could give rise to anti-social behaviour in this tranquil corner of Exmouth. Would the police be able to control this in premises so far from the town centre as well as controlling the town itself at vulnerable times of night?</p> <p>Noise from the functions, even if inside, would inevitably spill outside as windows and doors were opened. If people at these functions were to spill outside, again inevitably (for smoking etc) the noise and nuisance impact would be profound. Any music, noise etc will travel far in such a peaceful setting as experienced by the residents of Lympstone and Courtlands Lane</p>
Public Safety	
Prevention of Public Nuisance	
Protection of Children from Harm	

	<p>from events at Powderham Castle.</p> <p>Any use of the premises for commercial functions would result in excess traffic generated, not only by the visitors, but also by maintenance and delivery vehicles to Courtlands House along Courtlands Lane which is totally unsuitable for heavier traffic. There must be safety issues to the residents, particularly as there are children living in the lane</p>
10.	C J Thompson, Carrick, Courtlands Lane, Exmouth, EX8 3NU
Objective	Representations
Prevention of Crime & Disorder	The long hours and late night provision of alcohol may lead to drunken rowdy behaviour and vandalism.
Prevention of Public Nuisance	<p>(a) Courtlands Lane is in a quiet semi-rural area. If this licence is granted that peaceful and undisturbed character is likely to change. Long licensing hours are sought throughout the year. There are no conditions limiting attendance numbers or frequency of events. Courtlands Lane is a single track road. It is unsuitable for the number of vehicle movements likely to be generated by these proposals not to mention the attendant noise and pollution from these vehicles. High vehicle movements could at certain times, make it difficult for residents to leave their property whether by car or on foot. Such traffic movements could also cause difficulty of access by public service vehicles and tradesmen. Large traffic movements could be a particular nuisance at night from noise.</p> <p>(b) There is no mention of what parking facilities are to be provided at Courtlands House. If there is inadequate parking this could lead to problems with vehicles parking on Courtlands Lane blocking access for residents and other road users.</p> <p>(c) The application includes provision for live and recorded music. This may cause nuisance with noise leaking from the premises. There may also be noise disturbance from smokers and drinkers outside the premises.</p>
11.	Mr K & Mrs M J Moudry, Sowden Orchard, Sowden Lane, Lympstone, EX8 5AD
Objective	Representations
Prevention of Public Nuisance	<p>This application if granted represents a completely inappropriate development in what is currently a quiet rural neighbourhood. The potential damaging nature comes from intrusive noise from music and car doors slamming at unsocial hours.</p> <p>Moreover, the provision of an off-licence is surely incongruous in such a location. There are already alternative off-licences available in both Lympstone village and Exmouth without encouraging people to travel a long way.</p> <p>Access is down a single vehicle width road with a sharp ninety degree bend which is subjected to regular flooding. The road has no pavements and is partly unlit and the Highways Authority has expressed concerns over safety issues. The inevitable increase in traffic that would be produced by this development would make what is already a difficult lane even more dangerous.</p>
12.	Tony Stokoe, Hidden House, Courtlands Lane, Lympstone, EX8 5AB
Objective	Representations
Prevention of Public Nuisance	<p>Courtlands Lane is a narrow, single track lane which, even at normal times, can be difficult to traverse due to oncoming traffic. Also, between the Exmouth Road and Courtlands there are houses on both sides of the road for whom access onto the lane is already very difficult. A particular problem for us returning to our home in the evening will arise with vehicles leaving an entertainment event at Courtlands, possibly with the driver have consumed alcohol and we as just one car are trying to go in the opposite direction to the traffic flow. It is already difficult sometimes with a need to reverse a substantial distance and with a flow of cars coming in the opposite direction it will be residents who will have to reverse possibly a very substantial distance. For older residents this is a particular problem.</p> <p>We are also very concerned about noise from the venue. We already hear concerts from across the estuary at Powderham Castle which is very much</p>

APPENDIX B

	further away and so we fear that noise from a very local venue like this, even though in theory it is located inside the venue, is going to be such that sleep will be disturbed and the peace of the countryside (a major reason for living in a small village) will be disturbed.
13. Sue Acred, Gardeners Cottage, Courtlands, Courtlands Lane, EX8 3NZ	
Objective	Representations
Prevention of Crime & Disorder	I have concerns in this area in relation to the hours that have been requested and the type of functions proposed. I assume that the local police will deal with any problems in this respect.
Prevention of Public Nuisance	I have major concerns with this focus point. We live in a particularly quiet, rural location and the licence proposed would have a significant impact on the area and its surroundings. The hours that have been proposed could apply all year round, day or night and this would have a vast impact on all properties in close proximity. Although the application does state the functions would be 'indoors' it is still likely that the noise will carry, particularly with the current licensing laws not allowing smoking indoors. It is, therefore, highly likely that any smokers would gather outside the property throughout the event with a possibility of them roaming around the estate creating general noise nuisance
	I have been informed that the property has gained planning to hold functions and that several different training courses have been held during daytime hours. This however does not worry me. I am concerned that the current application would mean that the whole character of the property would be drastically changed, resulting there being a large effect on the immediate area and all properties in and around the estate.
14. Mr S & Mrs S Doble, North Lodge, Courtlands Lane, Lymstone, Exmouth EX8 5AB	
Objective	Representations
Prevention of Crime & Disorder	No CCTV in the location or area that town centres have the benefit of for this kind of licence for a late night venue.
Public Safety	No details of capacities of guests, on a previous application quoted '400' guests' from an enquiry. Traffic management - no details of vehicle movements for the volume of visitors
Prevention of Public Nuisance	Location of premises in a semi-rural quiet area. Far reaching application seven days a week 8.00am -2.00am. Nuisance to close neighbours in the vicinity. Access to property by a narrow lane with 180 degree turn which passes my property with noise and lights shining into property
Suggested Amendments.	Applications to be withdrawn. The location and entrance to this premises are inadequate for the type of application made. If the premises were to trade even in its current form a new entrance should be made at the elbow or sharp bend on Courtlands Lane
15. J Kitson & K Kitson, South Lodge, Courtlands Lane, Exmouth, EX8 3NZ	
Objective	Representations
Prevention of Crime & Disorder	1. Lighting and CCTV I am concerned that the lack of appropriate lighting and CCTV around Courtlands House may increase the opportunity for crime, not only to the potential clients but also the residents and their properties. The location of Courtlands House is over 2 miles from Exmouth and therefore will put added strain on the police force to attend any potential incidents.
Public Safety	1. Traffic management. It has been established by the highways agency that the road access to Courtlands House is inadequate. See rejected planning application 08/2693/cou "likely to result in a conflict between residential and commercial traffic which would be prejudicial to safety, amenity and convenience" Access to the property is via a very tight hairpin bend at North Lodge which will be potentially dangerous to commercial traffic, property and the children that live at and visit North Lodge. This is compounded by the poor lighting along the access to and from Courtlands House and along Courtlands Lane. 2. Ventilation and temperature. No maximum limit has been stated for the

	functions and there is no air-conditioning, thus potential overcrowding combined with poor ventilation is an additional risk.
Prevention of Public Nuisance	<p>1. Nature of activity and location of premises. Courtlands estate is currently a residential area with a semi-rural function and is prominent in the landscape. It is in very close proximity to the estuary. The estate is surrounded by fields housing cattle, sheep and chickens. My sheep are in a field less than 70m from the proposed function suite. Sheep and other animals suffer stress related to noise and their health will likely suffer as a result of noise and light pollution. This is a very quiet and peaceful area and this tranquillity is one of the main reasons that we purchased our property. This licence would permit activities which are not appropriate or in keeping with this quiet and peaceful area. The Exe Estuary is defined as a Ramsar site indicating that it is a protected wetland site of international importance. It is also a Special Protection Area (SPA) of European designation and a Site of Special Scientific Interest as a result of its wintering birds and wildfowl (information taken from EDDC website). The increased traffic, activity and noise is likely to be detrimental to this bird sanctuary of international importance.</p> <p>2. Noise sensitive premises. Courtlands House is in very close proximity to residential properties some of which have young children (including our own). We have serious concerns regarding the effect that noise and a licence to sell alcohol could have on our children.</p> <p>3. The noise and light pollution from cars. The opening hours that are proposed in the application are from 0800 to 0100 (extended to 0200 on Christmas and New Year's Eve) throughout the week. Thus the increase in noise from clients, staff and deliveries would be relentless.</p> <p>4. Use of outdoor areas. The applicant has stated the activities will be limited to indoors but has given insufficient information regarding what access the clients will have to the outdoor areas and the provision of supervision and surveillance of outdoor access. This poses significant concerns for us, as our property borders the applicants. If there is access to the outside then the noise pollution will rise considerably. There is also significant risk that people attending the premises could inadvertently enter the private areas of adjacent properties.</p>
16. Ms J R Parker, Homeleigh, Courtlands Lane, Lympstone, EX8 3NZ	
Objective	Representations
Prevention of Crime & Disorder	Late night drinking causing distress and vandalism especially if there is an off-licence. Also litter problems. Another concern is if there was trouble the police would take longer to get to Lympstone if there were problems elsewhere
Public Safety	Excessive traffic in the lane, which is now heavier with the cycle-path which is used by many children. Speeding cars
Prevention of Public Nuisance	This is a quiet lane which will be greatly changed due to the noise of music for long periods of time. As there will be no air conditioning extreme noise from drinkers outside premises in the summer months. Also noise from slamming car doors. Noise from people leaving late at night.
Protection of Children from Harm	Speeding cars in narrow lane used by the children who live in the lane and also young cyclists
17. Mr A & Mrs J Stokes, Eastergate, Courtlands Lane, Lympstone, EX8 3NX	
Objective	Representations
Prevention of Crime & Disorder	Potential to promote drunken behaviour and unruly behaviour
Public Safety	Danger of drunken attacks on people attending venues at the premises i.e. GBH, assault.
Prevention of Public Nuisance	There will be complete disturbance to the generally quiet and peaceful character of the area, by people smoking and drinking outside. The late-night and early morning traffic noise will disturb our sleep. The sound of the music will also disturb sleep, especially in summer.
Protection of	There is already a problem with underage binge drinking in Exmouth. This

Children from Harm	application will just be encouraging the spread of it to outlying areas.
18. Ms J Adams, The Cottage, Courtlands Lane, Lymstone, EX8 3NZ	
Objective	Representations
Prevention of Crime & Disorder	I am concerned that police resources will be stretched if permission is granted, as this location is a considerable distance from other late night licensed premises in Exmouth (approx 2.3 miles). Attendance of the police at the premises would involve the use of a patrol car, given the rural location. The lack of lighting outside of the premises may provide opportunities for crimes to those attending, and to their unattended vehicles.
Public Safety	I am concerned that as there is no CCTV planned around the House or grounds or road and that lighting is limited along the entrance drive and the lane to the main road, that the safety of people attending events could be compromised. No limits have been suggested by the applicant as to the maximum number of people that can attend an event. I am concerned that public safety will be compromised through lack of adequate fire escapes, or over-crowding as the applicant recently indicated that they would be expecting parties of up to 400 people (see attached copy letter sent to EDDC as part of a planning application). There is no air-conditioning in the premises, which is a Listed Building, and ventilation of over-crowded rooms could also lead to public safety concerns
Prevention of Public Nuisance	Please see attached aerial view showing the location of the premises and that of neighbouring properties. The premises is situated in the semi-rural countryside - any public use of the House or gardens would have a detrimental effect on the character of the area and on the peace and quiet enjoyed by my family and that of neighbouring properties. Whilst the premises does have an existing planning permission for use of part of the ground floor of the house as a function suite (granted when there was one owner occupier of the entire estate), to my knowledge there have been a handful (less than ten) of daytime events, including one or two weddings since the permission was granted in 2002. This will be an important factor should it be alleged that there is an active use of the premises for functions and that no reports of disturbances have been made to-date. My home is under 10 meters from the rear of the premises (where a proposed secondary exit exists adjacent to the proposed gentlemen's toilets) and under 20 meters from the main front door and entrance drive. Noise from people and vehicles arriving, parking and leaving (especially in the evenings, late at night) will be inevitable, from car doors slamming, engines starting up, tyres turning on gravel (in the entrance drive and parking area) and people talking etc. This will have a seriously negative effect on the quality of and quiet enjoyment of my home and family if this application is granted. Given the smoking ban in public buildings, smokers will congregate outside of the main entrance and other exits (including one 10 meters from my front door), creating noise and pollution and litter. Drinkers are also likely to gather outside in warm weather, again leading to noise. Given the close proximity of my home, this will have a detrimental effect on my family and neighbours, especially in the evenings and night, which is contrary to the quiet and peaceful nature we have come to appreciate of this small residential estate. The hours proposed by the applicant are very long and cover every day. Any noise or disturbances in the evening, or at night will no doubt keep me awake or wake me (or my children) and this causes me great concern as I often have to leave for work in the early hours of the morning (5am). Given the age and design of the listed Building, and that there is no double glazing or air-conditioning, I am concerned that amplified sound will emanate from windows or vents (open or closed). The lack of physical barrier to the private roadway to the twelve houses and three apartments on Courtlands Estate is likely to mean that visitors (in cars, coaches and taxis) attending a function or commercial deliveries (vans or lorries) etc. get directed past my home as all the properties on the estate share the same Post Code, and satellite navigation equipment does not show the correct driveway entrance to the House, which

	<p>is someway further down Courtlands Lane. This causes me great concern, not only for the safety of myself and my children and neighbours whilst walking within the estate, but also from the additional disturbance and noise and inconvenience this will cause. The lack of a commercial waste bin I disposal area may lead to debris, dust, pests and kitchen smells, which will be detrimental to my family, staff, visitors and the surrounding properties. The current communal bin area on the estate is for domestic waste only, and is not of a size or design to accommodate commercial waste. The location of the small commercial kitchen shown on the plans submitted by the applicant is within twenty meters of my home and window of my lounge. The noise from generators, venting units and people and the cooking smells and other emissions that are likely to emanate from this room will have a negative effect on the peaceful enjoyment of my home and may mean I will be unable to open my windows. The second kitchen across the small courtyard opposite my front door and bedroom window, may be used to supplement the activities of the main kitchen, and this will be of an even greater inconvenience and disturbance.</p>
Protection of Children from Harm	The applicant has not shown adequate controls how children attending the event will be protected from harm
19. W H Parry-Jones, Whitecroft, Courtlands Lane, Lymptone, EX8 3NX	
Objective	Representations
Prevention of Crime & Disorder	A Police matter, but being resident in Courtlands Lane I have to express grave concern about the potential for disorder and anti-social behaviour in the neighbourhood of the Lane if this application is approved - and if this in turn leads to planning permission being granted.
Prevention of Public Nuisance	<p>Objection based on: Introduction of an inappropriate business into a quiet, residential area - at variance with regional/local development plans. Unsuitability of a narrow lane to support logistical and client traffic. Increased traffic hazard - residents, walkers and cyclists. Noise/light pollution from the site and vehicular/pedestrian traffic degradation of quality of life for residents.</p>
20. Mr T Wright, The Gables, Courtlands Lane, Exmouth, EX8 3NU	
Objective	Representations
Prevention of Crime & Disorder	The premises are a long way out of the town centre. If the police are kept busy in the town they will be slow to respond to this out of town location if troublemakers are tying up their resources. People leaving the premises on foot can cause vandalism to properties. This has occurred recently with driveway mirrors being smashed. Potential for rubbish, bottles etc. to be discarded in hedgerows and resident's driveways. Rowdy and drunken behaviour in the early hours of the morning.
Public Safety	Courtlands Lane is a minor road and single track. There are only a few small passing places, blind bends and high hedges/fences which make it unsuitable for major events which create large amounts of traffic. Access into and out of resident's driveways is currently difficult with restricted visibility. Currently some young motorists tend to disregard the 30 MPH speed limit and there have been many near misses for residents attempting to exit their driveways. The Lane is regularly used by residents, walking groups, dog walkers and cyclists and there are NO FOOTPATHS. Delivery vehicles, staff transport and the potential for 200+ cars regularly attending functions will inevitably lead to a high potential for accidents to occur. It is likely that the majority of the traffic will arrive and leave the venue from the A376 - Courtlands Cross end of the Lane. The A376 is a very busy road and carries a vast amount of traffic to and from Exmouth town centre. The junction at Courtlands Cross is difficult to exit most of the time, especially with Summer Lane being opposite, and visibility can be restricted by vehicles exiting the nearby garage.
Prevention of Public Nuisance	Courtlands Lane is a quiet residential area and this proposal will dramatically alter the enjoyment of residents who probably bought their properties partially

	<p>because of its semi-rural location. There is likely to be noise pollution from the events proposed to be held at Courtlands House as windows and doors will be opened during the summer and sound travels clearly. This is apparent now when Powderham put on an event and the noise can be heard plainly in the Lane. There will be a large amount of noise late at night and the early hours from traffic travelling along Courtlands Lane when leaving the premises. If people chose to walk to and from the event, this will lead to rowdiness and noise with the potential for rubbish to be thrown in the Lane and driveways, possible urination on resident's property and damage to property.</p>
<p>Protection of Children from Harm</p>	<p>Many local people, cyclists and residents use the lane to gain access to the cycle path along the estuary. Children are usually accompanied by adults but not at all times. Delivery vehicles, staff transport and visitors to Courtlands House will pose a danger to children because there are NO FOOTPATHS. The Lane is very narrow and it is very difficult to stand out of harm's way when large vehicles pass by, especially when you are passed the houses. Children on cycles are particularly vulnerable as there is nowhere for them to get out of the way to safety. Adults with children in pushchairs will be unable to get to safety and will hold up vehicles whilst they try to get to a place where they will be out of the way.</p>
<p>21. Mr J J P Robshaw, East Lodge, Courtlands Lane, Exmouth, Devon, EX8 3NZ</p>	
<p>Objective</p>	<p>Representations</p>
<p>Public Safety</p>	<p>Following doesn't appear to have been addressed in displayed notices, or published applications received' by EDDC.</p> <ol style="list-style-type: none"> 1. On site traffic management: single track drive leading to Courtlands House. No passing place for cars, mini buses, taxis etc, (unless driving on the grass). No provision to prevent traffic / pedestrians entering / leaving via private residential road. On site parking likely to exceed requirements for attending patrons. So implies multi drop off /collection of patrons, thereby increasing traffic load onto narrow single track Courtlands Lane, via a blind U bend. 2. Removal of glass/bottles to prevent use as weapon 3. Customer profile: previous use in the past for part of the premises (2002 - 2006) was for weddings, which would have been for family / friend groups. With events now for potentially 18th and 21st parties, discos etc the customer profile has greatly changed. This type of group has a far higher history of trouble/disruptment/anti-social behaviour. 4. Lighting: No lighting to any immediate approaches to the premises - some street lighting (but not regular / continuous) in Courtlands Lane. But none at all in long main drive to Courtlands House. No lighting in private road containing residential properties. Inadequate for arrival/dispersal of patrons. 5. Safe capacities: maximum numbers attending not addressed, and could exceed current welfare facilities.
<p>Prevention of Public Nuisance</p>	<p>Following doesn't appear to have been addressed in displayed notices, or published 'applications received' by EDDC.</p> <ol style="list-style-type: none"> 1. On Site Traffic Management: as per above points 2. Lighting: Any extra lighting not wanted due to extra light pollution. 3. Arrival/Dispersal of patrons - appears to be no consideration of immediate neighbours and residents of Courtlands Lane. 4. Noise & Traffic: A disproportionate impact on neighbouring residential properties and the idyllic environment. 4. Not in general interest of the local community, to have such potentially large events in a rural country lane. 6. Reduction of the living / working amenity and environment of interested parties. 7. Long hours for music / dancing 365 days a year. 8. Ventilation and temperature control: no air conditioning. Therefore, in Spring / Summer, likely hood that ground floor French windows and other openings will be used for ventilation, increasing noise to surrounding area.

	<p>9. Noise from deliveries / collections / plant.</p> <p>10. Disposable of glass / waste: There is a communal bin area, sited in and directly opposite domestic properties. Any disposable and collection of commercial waste from or via the residential area will be a disruption.</p> <p>11. Latest admission times - not addressed or stated.</p> <p>12. Winding down periods not adequately stated.</p> <p>13. Specific measures for the limitation of amplified noise emissions from the premises - not adequately stated. With many French windows, a veranda and extensive gardens. Patrons, are likely to want to use them, and leave the doors open.</p> <p>14. The location of premises and character of the surrounding area in relation to the proximity to residential properties - not suitable for this type of licence.</p>
22.	Mr N Fereday, West Lodge, Courtlands Estate, Courtlands Lane, Exmouth
Objective	Representations
Prevention of Crime & Disorder	Large numbers of adults (consuming alcohol) will feel they are in a relatively isolated place where their behaviour may not impact on others. They will not be aware of our small cottage on the estate.
Public Safety	Access to our house is along Courtlands Drive – a narrow drive. It is not suitable for additional traffic. Also prior to this, the very sharp turn into the drive is dangerous.
Prevention of Public Nuisance	Numbers of people using the estate will increased and they will have access to walk past our house. Noise will also be an issue.
Protection of Children from Harm	We have two young children who have always played around the house. Strangers would have access to this area.
23.	A R & F L Hurrell, Spinnaker, Courtlands Lane, Lymptone, Exmouth, EX8 5AB
Objective	Representations
Prevention of Crime & Disorder	I wish to make the following comments regarding this application:-
Public Safety	1) Judging by the number of Licences requested it would appear that this property could be turned into anything the owner wished if the License was granted in full, i.e. Disco, Lap Dancing, Casino, Shows, Pop Concerts etc. some of which could even turn into rather dubious events.
Prevention of Public Nuisance	2) There are already sufficient of these premises in the Exmouth area
Protection of Children from Harm	3) Lymptone already has 3 Public Houses with a fourth due to be re-opened this summer.
	4) This house borders onto what is known as the "Green Wedge" which is mean's to separate Lymptone from Exmouth and it would therefore be inappropriate to allow this kind of entertainment premises so close to local housing which sit in a very quiet area.
	5) Powderham Castle is across the river and approximately 2 years ago they held a pop concert, with special licence, which kept the whole of Lymptone awake for the weekend due to the fact that sound travels when performed close to water and Powderham Castle later apologised agreeing no further events of this nature would be held in future. They still hold summer concerts, which we hear very clearly. If you grant this Licence then events such as this could be held having the same effect on Star Cross Lymptone and the eastern side of Exmouth.
	Perhaps you will take the above into consideration.
24.	Edinmore Properties Ltd. C/o Strutt & Parker, 24 Southernhay West, Exeter EX1 1PR
Objective	Representations
Prevention of Crime & Disorder	We act on behalf of Edinmore Properties Ltd who are a business who own six residential properties at the Courtlands Estate and which are rented out.
Public Safety	The purpose of their business therefore is to own properties on the Courtlands Estate and rent them out, and therefore we believe are a Qualifying Objector as they have a business in the vicinity of the application premises.
Prevention of Public Nuisance	
Protection of Children from Harm	I enclose a completed Representations Form and confirm that Edinmore Properties Ltd wish to Object to those elements of the Licence Application which would give the effect of permitting noise, music or disturbance after

	<p>11.00pm. This would breach a mutual Covenant that all of the owners of properties on the Courtlands Estate entered into (including the Applicant) which binds them to not cause, permit or suffer anything to be done on the estate that may become a nuisance or annoyance to owners or occupiers of adjoining premises; nor to do, cause or permit any noise, music or disturbance which can be heard by other tenants and occupiers of properties on the Estate between the hours of 11.00pm and 8.00am.</p> <p>With this in mind, we wish to object to any element of the Licence Application which would allow the supply of alcohol; the performance of indoor plays and exhibition of indoor films; the performance of indoor live music; the playing of indoor recorded music and the indoor performance of dance; the provision of facilities for making indoor music and indoor dancing; the provision of late night refreshments; the provision of indoor facilities for entertainers; and other similar entertainment; after the hours of 11.00pm at night, any night of the week.</p> <p>As set out on the form, our belief is, if a licence were granted beyond 11.00pm, not only would it breach the Covenant, but also would affect the use and enjoyment of the neighbouring properties on the estate which our tenants occupy.</p> <p>I suspect our tenants will also make their own representations as they see fit, and I know one of them has certainly asked us to make a representation for and on behalf of them, via the Landlord, Edinmore Properties Ltd.</p>
25.	Mr & Mrs B Devlin, The Carriage House, Courtlands Lane, Exmouth, EX8 3NZ
Objective	Representations
Prevention of Crime & Disorder	We are concerned that an application of this sort will lead to high volumes of people leaving the premises late into the night/early morning which could lead to high tensions amongst local residents, many of whom, including ourselves, who have young families. This may involve local police being contacted on a regular basis to deal with disputes at closing time.
Public Safety	We are concerned that the high volumes of attendees will lead to vastly increased vehicular traffic on an already restricted lane leading to neighbouring dwellings and the premises itself. This will manifest itself in the form of congestion which could prevent the access of emergency services should they be required by neighbouring dwellings or the premises itself
Prevention of Public Nuisance	The premises is situated approximately 20 meters from our property and noise from people and vehicles arriving, parking and leaving will be inevitable from car doors slamming, horns beeping, engines starting up, tyre noise on gravel (especially late at night) will have a seriously detrimental effect on the quiet enjoyment of our home and young family. Late night revellers will undoubtedly arrive and exit in front of our property as means of a short cut onto Courtlands Lane, instead of arriving and exiting via the driveway to the premises. This access is private for residents of Courtlands Estate and not for visitors/tradesmen's access to Courtlands House. As the proposed hours are long into the night this will represent public nuisances for our young family.
26.	Mr J E Perry, Chatterpark, Courtlands Lane, Lypstone, EX8 5AB
Objective	Representations
Prevention of Crime & Disorder	It is possible that there will be a significant increase in alcohol consumption. This, I understand, is often associated with noise and unpleasant behaviour.
Public Safety	The above type of behaviour could well result in public safety. Many local residents are elderly.
Prevention of Public Nuisance	The granting of this application could change the present quiet ethos of the area. It may be of interest to note that music noise from Powderham is quite clear at times. Noise must be a problem, also the general character of the area changing.
Protection of Children from Harm	There are children living in the vicinity and additional drink could well cause difficulty.
27.	Mr H Leathlean, Cross Park House, Courtlands Lane, Lypstone, EX8 5AB

Objective	Representations
Prevention of Public Nuisance	I am concerned about noise from loud music and revellers, and alcohol-fuelled anti-social behaviour in what is a quiet rural residential area. The lane is also narrow and is dangerous from concentrated traffic.

APPENDIX C

Courtlands House – Responses to Notice of Hearing

Applicant

G Carelton, Courtlands House, Courtlands Lane, Exmouth, EX8 3NZ	
Hearing Unnecessary	-
Attending	Yes
Represented by	
Supporting documents	
Summary of key points	No

Responsible Authorities & Interested Parties

1.	Inspector J Capey, Devon & Cornwall Constabulary, Exmouth Police Station, North Street, Exmouth, EX8 1JZ
Hearing Unnecessary	No
Attending	Yes
Represented by	-
Permission requested for attendance of	Philip John Townsend – Highways Department
Supporting documents	Attached
Summary of key points	Yes
Prevention of Crime and Disorder	The hours requested for licensable activities may result in drunkenness and anti-social behaviour. C.C.T.V. helps to reduce incidents of crime and disorder and assists the Police in the prevention and detection of crime.
Public Safety	We have concerns in relation to the application due to road safety risks. It is our view that there is poor visibility at the junctions leading to and from the premises and that the narrow lane is unsuitable for large amounts of traffic.
2.	Mrs J Wheller, Environmental Health Officer, East Devon District Council, Knowle, Sidmouth, EX10 8HL
Hearing Unnecessary	Yes
Attending	Yes
Represented by	-
Supporting documents	None
Summary of key points	No
3.	Mr J G Munro, Blue Hayes, Courtlands Lane, Lympstone, Exmouth, EX8 5AB
	No response received
4.	Mrs Caroline McAusland, Earham House, Courtlands Lane, Exmouth, EX8 3NU
Hearing Unnecessary	No
Attending	Yes
Represented by	
Supporting documents	No
Summary of key points	Yes - Refers to original letter of representation
5.	H Richards, The Gatehouse, Courtlands Lane, Lympstone, EX8 3NZ
Hearing Unnecessary	No
Attending	No
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	No
Summary of key points	Yes

APPENDIX C

Prevention of Public Nuisance	Noise disturbance for local residents, road access and safety, inability to keep noise and disturbance confined to indoors, large variety of uses requested some benign and some intrusive.
6.	L Dadd, Gaffers, Courtlands Lane, Exmouth, EX8 3NU
Hearing Unnecessary	No response to Notice received.
Attending	
Represented by	
Supporting documents	
Summary of key points	Yes
Prevention of Crime and Disorder	Drunken behaviour late at night . Drunk drivers down the lane
Public Safety	Pedestrians walking the lane late at night could be knocked down by drunk drivers.
Prevention of Public Nuisance	Loud music every night preventing sleep, particularly affecting the many elderly living in the lane.
Protection of Children from Harm	
7.	Mr K L Groves, Orchard Cottage, Courtlands, Courtlands Lane, Exmouth, EX8 3NZ
Hearing Unnecessary	No
Attending	Yes
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	None
Summary of key points	Yes
Prevention of Public Nuisance	Situation of property and impact on locality, noise nuisance, problems of noise and nuisance of vehicles needed to transport attendees at functions, change to nature of property.
8.	Mr M Robinson, The Coach House, Courtlands Lane, Exmouth, EX8 3NZ
Hearing Unnecessary	No
Attending	Yes
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	No
Summary of key points	Yes - Refers to original letter of representation
Prevention of Crime and Disorder	Anti-social hours. Lack of CCTV. Overstretching police resources. Crime to properties.
Public Safety	Dangerous highways problems.
Prevention of Public Nuisance	Noise and trespassing. No clear boundary distinctions. Trespassing on private property.
Protection of Children from Harm	Young children living on the estate. No thought to their safety and privacy.
9	K W Robinson & J Robinson, Runaway, Courtlands Lane, Exmouth, EX8 5AB
Hearing Unnecessary	No
Attending	No
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	None
Summary of key points	Yes - Refers to original letter of representation
10.	C J Thompson, Carrick, Courtlands Lane, Exmouth, EX8 3NU
Hearing Unnecessary	No
Attending	No
Represented by	-
Supporting documents	None
Summary of key points	Yes.

APPENDIX C

Prevention of Crime and Disorder	The long licensing hours and late night provision of alcohol may lead to drunken rowdy behaviour
Prevention of Public Nuisance	a) change to the peaceful undisturbed character of Courtlands Lane, b)unsuitability of the lane for large vehicle movements, leading to difficulty of access for residents and c) leaking live recorded music may lead to noise nuisance plus noise nuisance from smokers and drinkers outside the premises.
11.	Mr K & Mrs M J Moudry, Sowden Orchard, Sowden Lane, Lypstone, EX8 5AD
	No response received
12.	Tony Stokoe, Hidden House, Courtlands Lane, Lypstone, EX8 5AB
Hearing Unnecessary	No
Attending	No
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	No
Summary of key points	Yes
Prevention of Crime and Disorder	Operating licensed premises in this semi-rural situation will lead to disorder problems and police control.
Public Safety	The access road is a narrow single track with poor sightlines. The Courtlands Cross junction is difficult, this will cause unsuitably increased traffic and compromise safety.
Prevention of Public Nuisance	Inevitably noise pollution will occur in a quiet residential/semi-rural area.
Protection of Children from Harm	Traffic issues as per public safety will increase risk.
13.	Sue Acred, Gardeners Cottage, Courtlands, Courtlands Lane, EX8 3NZ
	No response received
14.	Mr S & Mrs S Doble, North Lodge, Courtlands Lane, Lypstone, Exmouth EX8 5AB
Hearing Unnecessary	No
Attending	Yes
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	No
Summary of key points	Yes - Refers to original letter of representation
15.	J Kitson & K Kitson, South Lodge, Courtlands Lane, Exmouth, EX8 3NZ
Hearing Unnecessary	No
Attending	Yes
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	No
Summary of key points	Yes - Refers to original letter of representation
16.	Ms J R Parker, Homeleigh, Courtlands Lane, Lypstone, EX8 3NZ
	No response received
17.	Mr A & Mrs J Stokes, Eastergate, Courtlands Lane, Lypstone, EX8 3NX
	No response received
18.	Ms J Adams, The Cottage, Courtlands Lane, Lypstone, EX8 3NZ
Hearing Unnecessary	No
Attending	Yes
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	Yes – Courtlands Estate plan of residences
Summary of key points	Yes
Prevention of Crime and Disorder	The hours requested may result in anti-social behaviour in this quiet location

APPENDIX C

	<p>The police resources will be stretched at closing time as the premise is some way from the town centre where other similar venues are located</p> <p>Lack of lighting outside of the premises or along the lane may result in crimes to visitors to the premises, their cars or to pedestrians walking or to neighbouring family homes.</p> <p>Lack of CCTV outside of the premises, driveway or lane outside.</p>
Public Safety	<p>Road safety risks to pedestrians and vehicles emerging from the premises. Courtlands Lane is part of the popular East Devon Cycle way. No detail has been given by the applicant on maximum numbers of people attending.</p> <p>Overcrowding could occur, with no evidence of sufficient fire exits or air-conditioning</p>
Prevention of Public Nuisance	<p>Noise issues (i) emanating from the entertainment in the premises will be detrimental to the quiet nature of the location and to the peaceful enjoyment of neighbouring properties (ii) from associated arrivals and departures of people, taxis, coaches and commercial vehicles attending will be continual and outside of the control of the applicant (iii) the applicant has not indicated any controls to limit smoking areas to one away from the neighbouring properties (iv) the applicant has not indicated any controls on the use of the outside areas for drinking</p> <p>The applicant has not indicated any area for commercial waste or control of noise and fumes likely to emanate from the small commercial kitchen and associated commercial activities.</p> <p>Visitors to the premises may attempt to access the house via the private driveway in to the adjacent estate which is for residents only.</p>
Protection of Children from Harm	<p>The applicant has not shown adequate controls how children visiting the premises will be protected from harm.</p>
19.	W H Parry-Jones, Whitcroft, Courtlands Lane, Lympstone, EX8 3NX
Hearing Unnecessary	No
Attending	Yes
Represented by	
Supporting documents	No
Summary of key points	Yes - Refers to original letter of representation
20.	Mr T Wright, The Gables, Courtlands Lane, Exmouth, EX8 3NU
Hearing Unnecessary	No
Attending	Yes
Represented by	
Supporting documents	No
Summary of key points	Yes - Refers to original letter of representation
Prevention of Crime and Disorder	<p>Potential for greater number of pedestrians attending the venue could lead to damage to property on the route, especially at the end of the evening after consuming alcohol. Groups of intoxicated people causing disorder when going to/leaving the venue.</p>
Public Safety	<p>Single track road, poor visibility, no footpaths. Well used by pedestrians and cyclist to access the cycleway from Lympstone into Exmouth. Blind exit from driveways in the lane. Road unsuitable for large delivery vehicles</p>
Prevention of Public Nuisance	<p>Large amount of vehicle noise in early hours. Quiet residential area. Noise from events at the venue will affect residents along the lane (Powderham can be clearly heard when events are held there).</p> <p>Damage/rubbish to resident's property.</p>

APPENDIX C

Protection of Children from Harm	Children live in the lane and walk/cycle. There are no footpaths and the lane is very narrow so nowhere to get out of the way of vehicles. Vehicles travel too fast at times and lack of visibility due to high hedges inevitably poses danger
21.	Mr J J P Robshaw, East Lodge, Courtlands Lane, Exmouth, Devon, EX8 3NZ
Hearing Unnecessary	No
Attending	No
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	Original letter of representation
Summary of key points	Refers to original letter of representation
22.	Mr N Fereday, West Lodge, Courtlands Estate, Courtlands Lane, Exmouth
	No response received
23.	A R & F L Hurrell, Spinnaker, Courtlands Lane, Lympstone, Exmouth, EX8 5AB
	No response received
24.	Edinmore Properties Ltd. C/o Strutt & Parker, 24 Southernhay West, Exeter EX1 1PR
	No response received
25.	Mr & Mrs B Devlin, The Carriage House, Courtlands Lane, Exmouth, EX8 3NZ
	No response received
26.	Mr J E Perry, Chatterpark, Courtlands Lane, Lympstone, EX8 5AB
	No response received
27.	Mr H Leathlean, Cross Park House, Courtlands Lane, Lympstone, EX8 5AB
Hearing Unnecessary	No
Attending	No
Represented by	Mr G Gover, 10 Southernhay West, Exeter, EX1 1JG
Supporting documents	No
Summary of key points	Yes
Prevention of Crime and Disorder	Concern about alcohol fuelled anti-social behaviour..
Public Safety	Concern about speed and congestion in Courtlands Lane, especially at closing time.
Prevention of Public Nuisance	Concern about noise from music and people drinking until late at night. Noise from traffic, especially at closing time.

**LICENCE APPLICATION, COURTLANDS, COURTLANDS LANE,
EXMOUTH DEVON, EX8 3NZ**

This is the report of Philip John Townsend in respect of an objection to a premises licence for the above-mentioned address. The Licence Application is to be considered at a Hearing conducted by the Licensing Authority on 11 May 2009 at The Knowle, Sidmouth.

I am employed by Devon County Council as a Highways Development Management Officer for the East Devon District. I am generally responsible for the responses given to the planning authority in respect of the highway aspects of planning applications. I have been employed by various local authorities for more than 30 years and my experience in development management issues extends to more than 25 years. I have a Higher Technical Certificate in Civil Engineering (Highways) and I am a Member of the Association of Industrial Road Safety Officers (MAIRSO).

I am appearing as a witness on behalf of Devon and Cornwall Constabulary in respect of their objection to the licence, specifically on Public Safety grounds.

My views on this application are as follows.

1. The suitability of the access from the site to Courtlands Lane.

The site access is inadequate in respect of visibility, particularly to the right when leaving the access, it is narrow and it meets Courtlands Lane at an acute angle making the manoeuvre into and out of the access hazardous. The potential significant increase in vehicular traffic using the access will increase the potential for conflict with other vehicles and prejudice the existing condition of highway safety, should the licence be granted. The access is also not conspicuous to vehicles using Courtlands Lane, particularly during the hours of darkness

2. The suitability of Courtlands Lane from the site access to A376

Courtlands Lane, throughout its length, is only of sufficient width to allow one vehicle at a time and there are very few opportunities to pass oncoming vehicles at passing bays. The potential increase in vehicles using Courtlands Lane, particularly at the end of events late at night or in the early hours of the morning would increase the potential for conflict and consequently prejudice the existing condition of highway safety.

3. The suitability of the junction of Courtlands Lane with A376.

The junction of Courtlands Lane with A376 is a crossroads with inadequate visibility in both directions. Visibility is restricted by the horizontal and vertical alignment of the A376 on the approaches to the junction. The likely increase in vehicles from the premises will increase the potential for conflict at this location, further prejudicing the existing condition of highway safety.

It is therefore recommended that the application is refused on Public Safety grounds.

Philip John Townsend

Highways Development Management Officer, Devon County Council 27 April 2009



Key:

Red drive – private road for use of the residents of the estate only
Blue drive – driveway to Courtlands House

1. Courtlands House (the premises)
2. The Cottage
3. The Coach House
4. The Carriage House
5. Olive Tree Barn
6. The Mill House
7. The Granary
8. East Lodge
9. The Gatehouse
10. Keepers Cottage
11. Orchard Cottage
12. Gardeners Cottage
13. South Lodge
14. North Lodge

Applicants Proposed Operating Schedule

1. A trained manager will always be on duty during hours of opening.
2. The company will become a member of the Local Licensees Association and attend meetings and all relevant initiatives where practicable.
3. If there is a crime & disorder incident connected with the licensed property reported to the police within 6 months of the granting of the Premises Licence the company will install CCTV..
4. The licence holder will insure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
5. The licence holder will ensure all staff are aware of the social & legal obligations and their responsibilities regarding the sale of alcohol.
6. Ensure that the local taxi companies telephone numbers are on display.
7. The licence holder will ensure that both inside and outside the premises are regularly patrolled to supervise the orderly conduct of patrons.
8. An authorised person of the licence holder will control the volume of regulated entertainment taking place at the premises.
9. A proof of age policy will be enforced.

Additional Conditions Following Mediation Meeting

10. A designated smoking area will be provided for patrons.
11. Drinks must not be taken outside after 10.00 pm.
12. A noise limiting device must be installed and maintained to the satisfaction of the District Council's Environmental Health Service. The level must be set by an Environmental Health Officer of East Devon District Council.
13. All external windows to doors to any room where regulated entertainment is taking place must be kept closed except for access and egress.
14. Amplified music must only be played in the room marked as Music Room on the plan submitted to and approved by the licensing Authority.
15. Commercial waste must not be kept at the premises for any period over 48 hours without the written permission of the Council's Environmental Health Service.
16. CCTV to be installed and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
17. CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.

APPENDIX D

18. If the CCTV equipment is inoperative the Licensing Authority must be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order
19. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.

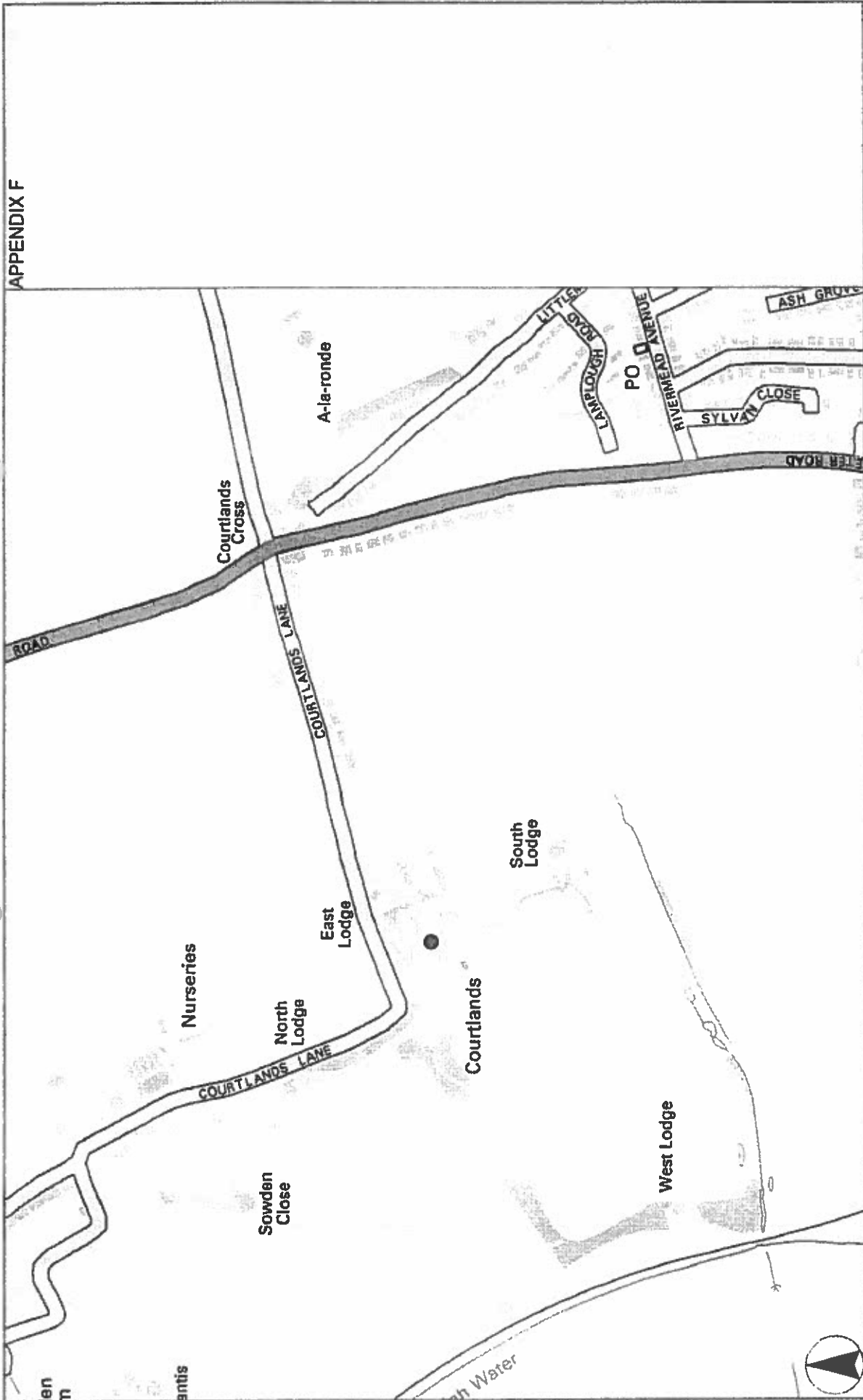
Items for consideration

Replace conditions 2 – 9 of Annexe D with

1. Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.
2. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
3. The licence holder must ensure that all staff are aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.
4. The telephone numbers of local taxi operators must be prominently displayed at the premises for the benefit of customers.
5. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
6. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.
7. The premises must have a Health and Safety Policy which must be reviewed at least once a year and be available for inspection by the relevant authorities.
8. A proof of age policy agreed in writing by the Licensing Authority must be enforced.

Further Items for Consideration

9. Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exists.
10. Prominent, legible notices stating that smoking is only permitted within the designated smoking area must be displayed.
11. All bottles and glasses and rubbish must be removed from public areas on a regular and frequent basis.
12. Suitable signage must be displayed in the garden areas requesting patrons to respect the amenities of local residents.
13. Where outside areas are provided for the use of patrons facilities for the depositing and the collection of litter will be maintained.



Map Tile: SX9983SE Full Reference: SX9994 8325

Agenda Item

Licensing Sub Committee

11 May 2009

IC

Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Summary

The report details these applications.

Recommendation

That this application be granted as applied for subject to the agreed positions set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1. Legislation Background

- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2 Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	Honiton Rugby Football Club, Allhallows Playing Fields, Honiton	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The proposed operating schedule be amended to include the following conditions.</p> <ol style="list-style-type: none"> 1. The premises will retain its status as a Rugby Club and will continue to operate with membership and club rules. 2. Suitably qualified door supervisors must be employed when the premises are open past midnight and both the provision of regulated entertainment and the supply of alcohol are taking place. When required, door supervisors must be employed 30 minutes prior to the commencement of the entertainment until 30 minutes after the end of the entertainment. To be employed at a ratio of 1:75. 3. Drinks for consumption in outside areas must be served in plastic or toughened glass. 4. Should there be any significant incidents of crime and disorder during the period of six months following the issue of the licence, c.c.t.v. will be installed.
Recommendation	Recommend approval of application subject to the amended operating schedule	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing application
- Representations received from Interested Parties & Responsible Authorities
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Ian Carter Ext.2080

Licensing Sub Committee

Senior Licensing Officer

11 May 2009

1

