

## **LICENSING SUB-COMMITTEE**

Monday 26 September 2022

### Present:

Councillors Asvachin, Holland and Snow

### Also Present:

Legal Advisor, Licensing Officer, Principal Environmental Health Officer, Legal Apprentice and Democratic Services Officer (HB)

41

### **APPOINTMENT OF CHAIR**

Councillor Holland was appointed as Chair for this meeting.

42

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

## **LICENSING ACT 2003**

43

### **APPLICATION TO REVIEW A CLUB PREMISES LICENCE**

The Chair introduced the Members of the Sub-Committee together with the Legal Advisor, the Principal Licensing Officer and the Democratic Services Officer. The Legal Advisor set out the hearing procedure and all parties in attendance, agreed that the procedure was understood.

The Principal Licensing Officer presented the applications received from residents of Wonford Street, who had sought a review of the Club Premises licence in respect of the Heavitree and Wonford United Services Club, Victory Hall, 104 Wonford Street, Exeter, EX2 5DE. The applications for review had been advertised and circulated as required by the legislation. Representations had been received from a local resident, Devon and Somerset Fire and Rescue Service, the Devon and Cornwall Constabulary and from Environmental Health.

One of the two Applicants was in attendance and spoke in support of their application and responded to questions from Members. Representations from a local resident, Devon and Somerset Fire and Rescue Service, the Devon and Cornwall Constabulary and from Environmental Health were then considered and those in attendance answered questions from Members and the Legal Advisor.

The Club Secretary and Club Treasurer of the premises spoke in support of the premises and responded to questions from all parties.

The meeting was closed so that the Members could determine the application.

**RESOLVED** that the Club Premises Licence be modified with the conditions and reasons set out in the formal decision notice attached.

(The meeting commenced at 10.00 am and closed at 1.35 pm)

Chair

This page is intentionally left blank



## Exeter City Council

### LICENSING ACT 2003

#### NOTICE OF DETERMINATION

<b>Date of Hearing:</b>	26 September 2022
<b>Application:</b>	Review of a Premises Licence
<b>Name of Premises:</b>	Heavitree & Wonford United Services Club
<b>Address:</b>	Victory Hall, 104 Wonford Street, Exeter, Devon, EX2 5DE.
<b>Licensing Sub-Committee:</b>	Cllr P Holland (PH-Chair) Cllr M Asvachin (MA) Cllr M Snow (MS)
<b>Committee Legal Advisor:</b>	Matt Hall (MH) Max Murphy (MM)
<b>Principal Licensing Officer:</b>	Nigel Marston (NM)
<b>Democratic Services Officer:</b>	Howard Bassett (HB)
<b>The Applicants:</b>	Patricia Gill (PG); and Leonard Knott (not in attendance)
<b>License Holder Representatives:</b>	Mr Mike Collins (MC) – Club Secretary, Heavitree & Wonford United Services Club;  Mr Ray Davies (RD) - Heavitree & Wonford United Services Club Treasurer
<b>Representations:</b>	Vivien Massin (VM), Member of the public.
	Police Sergeant 16415 – David Curtis (DC) Devon & Cornwall Police
	Simon Ruddy (SR), Principal Environmental Health Officer, Exeter City Council
<b>Hearing Duration:</b>	10:00 hrs to 12:33 hrs

#### TAKE NOTICE:

That the Licensing Sub-Committee convened on 26<sup>th</sup> September 2022 to determine the application for review of a club premises licence has resolved to modify the conditions in accordance with section 52 of the Licensing Act 2003 and as set out in this notice.

#### THE SUB-COMMITTEE'S DECISION:

In determining this application, the Licensing Sub-Committee took into account all the relevant evidence and information presented to it both written and oral, and took account of all the matters it is bound to take account of, in particular the following:

- Licensing Act 2003
- Statutory Guidance
- Exeter City Council Statement of Licensing Policy
- Human Rights Act 1998
- Any equality and diversity considerations

### Conditions applied to the Licence

#### **Management**

A telephone number shall be made available, circulated to local residents and displayed in a prominent location where it can be conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise nuisance or antisocial behaviour by persons or activities associated with the premises. The telephone number shall be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time date and information of the caller including action taken following the call. Records will be made available for inspection by an authorised officer of a Responsible Authority throughout the opening hours of the premises.

The handling of kegs, bottles, cleaning equipment, bottle disposal and similar items shall not take place in outside areas between 2100hrs and 0900hrs on the following day.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The Challenge 25 scheme in operation at the premises including the forms of identification that are acceptable.
- The hours and activities permitted by the club premises certificate issued under the Licensing Act 2003 and conditions attached to the certificate.
- How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- Recognising the signs of drunkenness.
- The operating procedures for refusing service to any person who is drunk, under age or appears to be under-age or appears to be making a proxy purchase.
- Action to be taken in the event of an emergency including reporting an incident to the emergency services.

Training shall be recorded in a documentary form and shall be regularly refreshed at no greater than annual intervals. Training records shall be made available for inspection and copying at reasonable times upon request by an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

#### **Dispersal**

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

Patrons will be monitored to ensure they leave the premises with minimal disturbance to local residents. When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity as quickly and quietly as possible.

#### **Live Music & Recorded Music**

All external doors and windows shall be kept shut at all times when the premises are open/during performances of live or the playing of recorded music. Doors may be opened for normal entrance and egress of people but must be shut immediately after.

Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all external windows and doors are shut.

Observations in the vicinity of the properties surrounding the premises at the beginning and periodically thereafter whilst live music, karaoke or DJ's playing recorded music is taking place will be undertaken to establish whether there is a noise breakout from the premises.

- If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
- A record of such observations shall be kept in a log for that purpose, the log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
- Such records must be made available for inspection and copying at all times upon request to an authorised officer of a responsible authority.

### **Smoking Area**

A designated and de-lineated smoking area will be allocated outside the premises in a location approved by the Licensing Authority.

Except in the case of an emergency or as required for disabled access, access and egress from the designated smoking area shall only be from the front entrance of the premises.

Suitable receptacles will be provided for cigarette litter within the designated smoking area.

The smoking area shall be regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.

There shall be no consumption of beverages purchased from the premises in the designated smoking area.

Steps shall be taken to ensure that any patrons smoking outside of the premises do so in an orderly manner and are monitored by staff so as to minimise any potential impact on local residents.

A clear and legible notice shall be prominently placed in the designated smoking area requesting patrons to respect the needs of local residents.

### **Reasons**

The Licensing Sub-Committee was satisfied on the evidence before them that noise nuisance and anti-social behaviour generated by the club premises was undermining the licensing objective of the prevention of public nuisance. This was supported by the evidence submitted by the applicants and the responsible authorities.

It was acknowledged by the respondents that the club premises was at times not being operated responsibly and had caused disturbances to the local residents. It was noted by the Licensing Sub-Committee that the Club Treasurer new Club Secretary were taking steps to resolve these issues by bringing in a new bar manager and removing staff that had organised and operated events that had resulted in incidents of public nuisance and anti-social behaviour.

There was a consensus between all the parties that the premises should not be closed and no revocation of the club premises certificate was requested.

In order to strike a balance between the operation of the club premises and peaceful co-existence with the local residents the Licensing Sub-Committee considered it appropriate to add the conditions as set out in this notice. In particular a contact number to enable residents to report disturbances to the club premises so that appropriate steps could be taken by the club premises to promote the Licensing Objectives.

The Licensing Committee did consider limiting events at the club premises but noted as a community premises events were used to raise money for charities. The club premises was an asset to the local community and if operated properly would not undermine the Licensing Objectives It also noted by the Licensing Sub-Committee that the representatives of the club premises were agreeable to the imposition of conditions in order to ensure the promotion of the Licensing Objectives.

**Advisory Note:** The Licensing Sub-Committee wishes the Club Premises Certificate holder to note the following points:

- a) Section 62 of the Licensing Act 2003 sets out the conditions that the premises must meet in order to be a qualifying club. In the event the premises is not being operated as a qualifying club the Licensing Authority may exercise its powers to withdraw the club premises licence by giving notice in accordance with section 90 of the Licensing Act 2003.
- b) The club premises must comply with the recommendations submitted to the Licensing Sub-Committee made by Devon and Somerset Fire and Rescue Service.
- c) The club premises may require an Acoustic Survey in order to establish how to control noise escaping from the building during the performance of live music and playing of recorded music.

**RIGHT OF APPEAL:**

All parties are reminded of their right to appeal against this decision to the Magistrates Court by virtue of Section 181 and Schedule 5 Part 1 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision appealed against.

**Any Appeal is commenced by a notice addressed to:**

The Clerk to the Justices, North and East Devon Magistrates Court Office, Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300.

Parties were advised to contact the court office to check the form of notice required and the fee payable.



.....

**The Chair of Licensing Sub Committee**

**Date: 28 September 2022**