

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE A of the LICENSING COMMITTEE held at the Civic Centre, Barnstaple on Tuesday 13th May 2014 at 2.00 p.m.

PRESENT: Members:

Councillor Mathews (Chairman – Substitute for Councillor Tucker)

Councillors Biederman and Webb.

Officers:

Head of Contentious Law, Lead Officer – Licensing, Regulatory Services Officer and Senior Member Services Officer (BT).

(a) APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Tucker.

(b) APPOINTMENT OF CHAIRMAN

RESOLVED that in the absence of Councillor Tucker, Councillor Mathews be appointed as the Chairman of the Sub-Committee.

(c) DECLARATIONS OF INTEREST

There were no declarations of interest announced.

(d) APPLICATION FOR THE GRANT OF A PREMISES LICENCE, MOORISH, WAYTOWN FARM, KENTISBURY – REFERENCE 039258

The Chairman introduced himself, Members of the Sub-Committee, Officers present and the applicant before outlining the nature of the hearing.

RESOLVED that the meeting proceed in the absence of R.A Cartwright (Interested Party).

The Regulatory Services Officer outlined a report (circulated previously) regarding an application for the grant of a Premises Licence at Moorish, Waytown Farm, Kentisbury (reference 039258). In pursuance to minute (d) of the meeting held on 15th April 2014, he provided an update to the Sub-Committee on the outcomes of the investigation which had resulted in the applicant being summonsed to court. However, there was no reason why the Sub-Committee could not proceed with the consideration of the application for the grant of a premises licence.

Mr Hutton (applicant) addressed the Sub-Committee. He advised the Sub-Committee that the premises was previously a farm shop and that he had recently taken on the lease of the premises to re-open as a farm shop. He stated that the premises would be a "destination farm shop" with a café, play area and other facilities which would act as an attraction to the site. The farm shop previously had a good reputation for the supply of beef and it was now intended to expand the sale of goods and become a show case for local ales and cider as he also owned Wizard brewery. It was intended that the premises would be family orientated; therefore he had not applied for a late licence and would open until 6.30 pm unless it was good weather whereby he would open slightly later. If an event or wedding was held on the premises which required a later licence, he would apply for a temporary events notice. A mobile bar would be provided on the site to enable patrons to sample the alcohol produce.

Members of the Sub-Committee questioned the applicant.

In response to the questions, Mr Hutton (applicant) advised that the business would be based on a similar model as Darts Farm, selling high end food produce. He advised that the Highways Authority had confirmed that the existing access to the site was considered acceptable. Mr Hutton explained that it was an established business which had operated for several years. The car park on the site could accommodate 40 vehicles and the entrance to the site had been widened to accommodate two buses on the site.

The Regulatory Services Officer showed the Sub-Committee photographs of the premises and entrance/exit to the site.

Mr Hutton (applicant) advised the Sub-Committee that if an event was held on the site, vehicles would be able to park in a field opposite and marshals would be used to direct vehicles.

The Lead Officer – Licensing confirmed that the box on the application which asked the question 'If 5,000 or more people are expected to attend the premises at any one time-state the number expected to attend' was left blank, and thus the indication was that a maximum of 4,999 would be in attendance at any one time.

The Regulatory Service Officer confirmed that if a specific event was held on the site which would attract a large number of people, the event would likely be considered by the Safety Advisory Group.

The Lead Officer – Licensing suggested that the Sub-Committee if minded to approve the application, could consider imposing a condition restricting the number of persons attending the premises. However, if a fire risk assessment (required by virtue of the Fire Reform Order) indicated a lower number then that number would prevail.

Mr Hutton (applicant) confirmed that he would agree to a condition being imposed on the licence if it was approved imposing a maximum number of persons attending the premises and a condition to prevent people parking on the highway.

The Head of Contentious Law advised that a condition should not be imposed to prevent people parking on the highway, as the applicant would have no means of enforcing such a condition.

Mr Hutton (applicant) advised that if an event was held on the site, he would consider a Jazz or Blues event during the day, but not a late night music event. He may also consider a request for a wedding, but it would be on a case by case basis. There were no nearby neighbours to the site.

The Lead Officer – Licensing advised that if a wedding was held on the site, a temporary events notice would be required for the supply of alcohol after 9.30 pm.

Mr Hutton (applicant) summed up.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

The Chairman requested that the Senior Member Services Officer read the proposed decision, which was voted upon and agreed.

In considering the application, the Sub-Committee took into account the representations made and gave little weight as it considered that there were no highway concerns.

RESOLVED that the application for the grant of a premises licence in respect of Moorish, Waytown Farm, Kentisbury (reference 039258) be approved as applied for subject to the number of persons attending the premises being limited to 500.

Chairman

The meeting ended at 2.32 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Licensing Committee.