

**NORTH DEVON COUNCIL**

Minutes of a meeting of the LICENSING SUB-COMMITTEE A of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Thursday 3<sup>rd</sup> August 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Chesters (Chairman)

Councillors Campbell and J. Cann.

Councillor Gubb as a Substitute Member.

Also present:

Councillor Patrinos

Officers:

Head of Contentious Law (TB), Lead Officer Licensing (HB), Licensing Officer (PF) and Corporate and Community Services Officer (KJ).

Also present:

Mrs Shirley Loder  
Miss Annabelle Hall

Licensing Case Officer, NDC  
Graduate Environmental Health Officer,  
NDC.

Miss Carly Glover  
Mr Anthony Glover  
Mr Simon Aldridge  
Mr Chris Golby

Applicant.  
Applicant.  
Applicant.  
Person who made relevant  
representations.  
Person who made relevant  
representations.  
Person who made relevant  
representations.

Ms Rachel Culf

Ms Debbie Isaac

**(a) APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**(b) DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**(c) APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, THE BATH HOTEL, LYNMOUTH STREET, LYNMOUTH, DEVON. EX35 6EL - REFERENCE NUMBER: 046337**

The Chair introduced herself and Members of the Sub-Committee. Officers present introduced themselves to the applicants and the parties.

The Licensing Officer advised that Beverly Quanstrom, Gill Davidson Richmond, Pamela Wright, Louise Davies and Daniel Irving were not present.

RESOLVED, that the hearing proceeds in the absence of Beverly Quanstrom, Gill Davidson Richmond, Pamela Wright, Louise Davies and Daniel Irving.

The Licensing Officer outlined a report (circulated previously) regarding an application for the variation of a Premises Licence, The Bath Hotel, Lynmouth Street, Lynmouth, Devon. EX35 6EL (Reference number: 046337). He drew the Sub-Committee's attention to the fact that there had been one representation from the Police in relation to Challenge 25 (as detailed in appendix 4 of the report) but no other representations received from any other responsible authorities. One warning letter had been issued by the Council on 17<sup>th</sup> July 2017 for providing a licensed bar selling alcohol without an authorisation on the 1<sup>st</sup> / 2<sup>nd</sup> July 2017 as detailed in paragraph 4.8 of the report. He advised that the applicant had submitted amendments to the hours applied for. He also confirmed that no dialogue had taken place between the Authority and the Applicants prior to today's hearing. He explained the late representation received from Lynton and Lynmouth Town Council on 13 July 2017 could not be taken into account as it was received outside of the consultation period.

The Head of Contentious Law outlined the procedure for dealing with the Application.

The Chairman invited the applicants to address the Sub-Committee.

Miss Glover, (applicant), addressed the Sub-Committee and gave details of the background of the hotel, and her, and her brother's involvement as directors. She advised that they hoped to develop the business by increasing the hours and holding events to support local causes. She hoped to employ more staff and that the changes could support the ongoing success of the hotel. She confirmed that they (the applicants) were retracting the request for the 'Provision of Live Music Outdoors'. She stated the changes in hours would bring them in line with the other establishments nearby, and that their hotel was currently at a disadvantage. She stated that the hotel had established a forum locally with contact with the police in order to monitor and prevent disturbances. She confirmed that no outdoor events were held at the hotel during school holidays and that some local residents had advised her that they were happy to see

local events being held. Miss Glover stated that the representations from Ms P Wright were vexatious as her son had been sacked from the hotel.

The Licensing Officer advised that Ms Wright's representations had been accepted as they were in relation to the licensing objectives and would be considered.

The applicant provided no witnesses.

There were no further questions from the Sub-Committee.

The Licensing Officer advised the applicants that they had not addressed the issues regarding the noise disturbances in the outside areas. He also asked if the outside areas would be restricted for drinking if the times of licensing changed (after 23:00 hours).

Miss Glover stated that they were already adhering to all the conditions of the licence and that they would restrict outdoor drinking as mentioned. The three applicants (Mr Glover, Miss Glover, and Mr Aldridge) confirmed they agreed to conditions 1 to 15 being imposed, as set out in paragraph 2.4 of the report.

Ms Rachel Culf addressed the Sub-Committee and outlined her representations.

The Lead Officer Licensing confirmed that her further representations which had been emailed to him, could not be added as they were in addition to the original representation.

Ms Culf confirmed that the disturbances had increased since April 2017. She felt that the Bath Hotel had not been operating within its licence and their customers had been drinking in the area outside the hotel, outside her premises, and in the street into the early hours.

The Licensing Officer confirmed that the current licence did not specify when customers need to vacate the premises so there was no restriction at present. A new licence would specify such times.

In response to a question from the Sub-Committee, Ms Culf confirmed that no complaints had been made to the Local Authority. She stated the situation had worsened since the weather had improved and more people were going out in the evenings. It also prevented her from opening windows at night on her property.

The Lead Officer Licensing asked Ms Culf to identify the areas of concern on the map/plan of the hotel.

Ms Culf identified those areas where customers had been congregating.

The Licensing Officer emphasised that any problems and complaints should be made to the Local Authority and any crimes or disorder must be reported to the police.

Ms Debbie Isaac addressed the Sub-Committee and outlined her representations. She explained that she felt people visited the town for the peace and quiet. It was not a party town. Her guests were walkers and often in bed by 09:30pm. She had logged a complaint previously when plants had been pulled up from the planters outside her café. She said it had been done by customers of the hotel.

Mr Glover (applicant), addressed the Sub-Committee and summed up detailing their attachment to the family business and his hopes for the future of the hotel.

The Licensing Officer invited the applicants to make any further amendments to their proposal before the Sub-Committee made their decision.

The applicants left the room to discuss this, and on their return gave details to the Sub-Committee of their amended hours applied for as follows:

Licensing Activity	Day	Start	Finish
Provision of Live Music Indoors	Sun to Thurs	11:00AM	11:00PM
Provision of Live Music Indoors	Fri to Sat	11:00AM	01:00AM
Provision of Recorded Music Indoors	Mon to Sun	11:00AM	12:30AM
Supply of Alcohol On and Off the Premises	Mon to Sun	10:00AM	12:30AM
Hours Open to the Public	Mon to Sun	10:00AM	01:00AM

The Licensing Officer summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members and the Legal representative 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 to allow the Sub-Committee to seek clarification in relation to a couple of questions.

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

RESOLVED that the application for a variation of the license in relation the the Bath Hotel, Lynmouth Street, Lynmouth, EX35 6EL (Reference 046337) be granted as follows:

(a)

Licensing Activity	Day	Start	Finish
Provision of Live Music Indoors	Sun to Thurs	11:00AM	11:00PM
Provision of Live Music Indoors	Fri to Sat	11:00AM	12:00AM
Provision of Recorded Music Indoors	Mon to Sat	11:00AM	12:30AM
Provision of Recorded Music Indoors	Sunday	11:00AM	11:30PM
Supply of Alcohol On and Off the Premises	Mon to Sat	10:00AM	12:30AM
Supply of Alcohol On and Off the Premises	Sunday	10:00AM	12:00AM
Hours Open to the Public	Mon to Sat	10:00AM	01:00AM
Hours Open to the Public	Sunday	10:00AM	12:30AM

(b) Subject to the conditions (1 to 15) as set out in the report and as agreed by the applicants and also the condition agreed between the applicants and the police concerning ‘Challenge 25;

(c) Subject to condition 2 being amended to add “Prior to 23:00 hours any drinks taken to the outside area shall only be in toughened or plastic glasses”.

The applicants agreed to the condition.

In considering the application, the Sub-Committee came to the above conclusions as it accepted that the existing license was somewhat out-dated and other licensed premises across the North Devon District have later licensing hours. However, it noted that there had been concerns as to public nuisance expressed by the near neighbours, especially since April 2017, and have therefore amended the hours submitted in the application to try to strike a balance between the aspirations of the applicants and the worries of the neighbours.

The Chairman addressed the Sub-Committee, those present and expressed her wishes that any future issues regarding the premises be brought to the attention of the Local Authority and she hoped that everyone would now be able to work together.

Chairman

The meeting ended at 12:50 p.m.

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