

**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 22<sup>nd</sup> March 2018 at 1.00 p.m.

PRESENT: Members:

Councillor Chesters (Chairman)

Councillors Campbell and J Moore (as substitute for J. Cann).

Councillor Mathews as a Substitute Member.

Also present:

Officers:

Solicitor (DH), Licensing Officer (PF), and Corporate and Community Services Officer (AD).

Also present:

Mr Chris Mitchener, Licensing Agent (Representative for the Applicant).

**(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; CONVENIENCE STORE, PILTON BRIDGE SERVICES, PILTON CAUSEWAY, BARNSTAPLE, DEVON. EX32 7AA. (REFERENCE NUMBER 047498).**

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

The Licensing Officer advised that apologies had been received from Mr R Barnard and Beryl Foster and that Mr T Joslin was not present.

RESOLVED, that the hearing proceed in the absence of Mr R Barnard, Beryl Foster and Mr T Joslin.

The Licensing Officer outlined his report (circulated previously) regarding the application for the variation of a Premises Licence, Convenience Store, Pilton Bridge Services, Pilton Causeway, Barnstaple, Devon. EX32 7AA (047498).

Mr Chris Mitchener, (Licensing Agent), addressed the Sub-Committee. He advised that the Pilton Bridge Services had been trading as a 24 hour convenience store since February 2018 and that the application was to vary the existing Licence to allow for the sale of alcohol 24 hours a day and late night refreshments from 23:00 to 05:30.

He said that he had been instructed to respond to the concerns raised in respect to the Application: -

He firstly responded to the letter submitted by Mr Barnard. He said that his understanding was that Pilton Park had not been designated as an alcohol free area. This was clarified by the Chairman who confirmed that people were permitted to consume alcohol in the park unless asked to stop by a Police officer. He confirmed that there was a 'care in the community' (CIC) facility nearby to Pilton Bridge Services with whom the Applicant had always had a good working relationship. He said that the Applicant would continue to liaise with the CIC facility staff to address any issues with regard to the sale of alcohol and ensure that anyone causing any trouble would be banned from entering the Premises. He also explained that the Applicant worked closely with local taxi firms to help prevent the proxy sale of alcohol to inebriated passengers by refusing to serve alcohol to working taxi drivers and reported any attempted purchase to the driver's employer. In general, he confirmed that if a member of staff on duty was not happy to serve a customer then they would not do so.

He then responded to the concerns raised by Mrs Foster. He stated that they mainly related to planning issues and that the Planning Department had not objected to the Application.

He then addressed the four points raised in the petition submitted by Mr Joslin (circulated previously) 1) He pointed out that neither the Yeo Dale Hotel nor the Police or any other responsible authority had raised any concerns with regard to there being an issue with drugs and alcohol abuse on Pilton Park. 2) He confirmed that there is a CIC facility in the same road as the premises. 3) He confirmed that Pilton Park is just across the road from the Premises. 4) He pointed out that the owners of the Hotel had not made any representations or signed the petition. He finally commented that whilst the petition had mostly been signed by local residents there were several signatories who did not live nearby to the Premises.

In response to a question from the Sub-Committee regarding the training of staff employed by the Applicant, the Licensing Agent confirmed that staff members had to pass a test to be allowed to work selling alcohol and that this test was retaken every six months.

The Designated Premises Supervisor audited the results of those tests and reported them to an Area Manager.

In answer to a question regarding whether the nearby CIC facility had led to an increase in the number of entries in the refusals book, the Licensing Agent replied that there was no increase in refusals. He also confirmed that refusals to taxi drivers were entered into the refusals book.

The Sub-Committee was satisfied that the staff would not sell alcohol to an already intoxicated customer.

In response to a question on how the locked door system worked, the Licensing Agent explained that it was at the discretion of the member of staff working at the time whether or not they released the lock on the door to allow entry.

In answer to a question about the age of staff employed by the Applicant, the Licensing Agent confirmed that no staff under the age of 18 were employed on the Premises.

The Licensing Agent did not call any witnesses.

There were no further questions from the Sub-Committee.

The Licensing Officer summed up his recommendations and referred the Sub-Committee to the conditions recommended by the Police and submitted by the Applicant.

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.

The Sub-Committee asked the Solicitor to seek clarification from the Licensing Agent with regard to combining the conditions recommended by the Police and submitted by the Applicant.

RESOLVED that everyone be re-admitted to the meeting.

The Chairman requested that the proposed decision be read out, which was voted upon and agreed.

RESOLVED that the application for the variation of a premises license in relation to the Convenience Store, Pilton Bridge Services, Pilton Causeway, Barnstaple, Devon EX32 7AA (Reference 047498) be granted subject to the following conditions:

- (a) CCTV and alarm system be installed and operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.

Images to be retained for a minimum of 21 days copies of which will be supplied to the Licensing Authority or Police upon request.

- (b) The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and the Licensing Authority must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
- (c) The Licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures (including Fire safety procedures, use of Fire Safety Equipment and Fire Fighting Equipment). The Licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. Staff will also be trained to deal with difficult workplace situations. Training records will be retained for at least 12 months and made available for inspection by officers of both the Licensing Authority and the Police.
- (d) The premises will adopt a Challenge 25 Policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
- (e) An incident book and refusals book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book and the refusals book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the Police.
- (f) The Provision of usable waste bins on the premises forecourt.
- (g) The provision of Signage requesting customers respect the needs of local residents and leave quietly.
- (h) Access to the shop be at the discretion of the cashier from 23:00 to 05:30.

The Licensing Agent agreed to the conditions.

In determining this application for the granting of the variation of a premises licence, the Sub-Committee confirmed that it had taken into account the information presented in the Licensing Officer's report together with the additional representations included in appendices 1-10. The Sub-Committee had also given weight to the oral submissions made by the applicant's representative and the fact that no further parties were present at the hearing.

The Chairman addressed the Sub-Committee, thanking those present for attending.

Chairman

The meeting ended at 2:00 p.m.

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