

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE A of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Wednesday 18th April 2018 at 12.00 p.m.

PRESENT: Members:

Councillor Chesters (Chair).

Councillors Campbell and J. Cann.

Officers:

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

(a) APOLOGIES FOR ABSENCE

There were no apologies for absence received.

(b) DECLARATIONS OF INTEREST

There following declaration of interest was announced:

Councillor Campbell Item 7 – Prejudicial Interest as the witness of the applicant was known to him.

(c) APPLICATION FOR THE GRANT OF A PREMISES LICENCE; SKY BAR, DOWN END FIELD, CROYDE ROAD, CROYDE, DEVON. (REFERENCE NUMBER 047586)

Also present:

Mr Timothy Bawden (Applicant), Mr Peter Cooper (Witness of the Applicant), Mrs Jill Dallimore, Mr J Dennis (On behalf of Mr R Dallimore), Mr Richard Windsor, Mr Robert Cornell, Mr Malcolm Deswert and Ms Jasmine Bennett (Persons who had made relevant representations).

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

RESOLVED, that the meeting proceed in the absence of Mr Aldo, Mrs A Baretta, Mr F Cannock, Ms J Windsor, Ms A Bennett, Mrs G Osbourne, Mrs J Cornell, Mr P Diamond, Trudi Hill, Mr & Mrs D Rayner, Ms C Bailey,

Mr M Harrison, Ms L Strahan, Mr & Mrs J K Giles and Ms J Marshall
(Persons who made relevant representations).

The Lead Officer Licensing outlined a report (circulated previously) regarding an Application for the grant of a premises Licence for Sky Bar, Down End Field, Croyde, (Reference Number 047586). He confirmed with the Applicant that the amendment to the times of all activity ceasing was now midnight.

The Applicant was invited to present his case. In his presentation to the Sub-Committee the Applicant explained that this would be the fifth year of running the event. The event was predominantly attended by women and the average age of attendees was around 25 to 40 years old with 90 percent of the customer base living within a 12 mile radius of the event. He explained that the forecast number of ticket sales was expected to be around 750 and that the majority of sales were made online. The Applicant advised that engagement with the local community was key to understanding issues and concerns so that they could work with everyone.

The Chair asked the Persons who had made relevant representations if they had questions for the Applicant.

Members of the Sub-Committee questioned the Applicant.

Persons who had made relevant representations were asked to present their cases. The following made their representations:

- Mr R Windsor
- Mr R Cornell
- Mrs J Dallimore
- Mr M Deswert
- Ms J Bennett

Members of the Sub-Committee questioned those persons who had made representations.

The Lead Officer Licensing summed up.

The Applicant summed up.

Persons who had made relevant representations summed up. The following summed up:

- Mr J Dennis (on behalf of Mr R Dallimore)
- Mrs J Dallimore
- Mr R Windsor

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 Applicant was asked if he would accept a condition to cease the sale of alcohol from 23:30 hours. The Applicant was happy to accept this condition.

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 Corporate and Community Services Officer was asked to read out the proposed decision which was voted upon and agreed.

RESOLVED, that the application for the grant of a premises licence in respect of Sky Bar (reference 047586) be granted as applied for subject to the conditions contained in paragraph 2.4 of the Licensing Lead Officer's report (circulated previously) and the conditions in paragraph 2.4.3 being amended as follows:

- f) Minimum of 1:75 ratio Licensed SIA door supervisors will patrol premises and be stationed at specific points within premises.
- g) Minimum of 1:75 ratio Licensed SIA door supervisors will patrol premises and boundary throughout, specifically on closing.
- i) Compulsory bag searches at the secure entrance to the site.
- s) The supply of alcohol on the premises will cease at 23:30 hours and the event will finish at exactly 00:00 hours with security and staff guiding customers towards the exit. The premises is expected to be clear of all customers by 00:15 hours.

In considering the application the Sub-Committee had regard to the representations made by the Applicant and Persons who had made relevant representations. They were also mindful that no concerns regarding the Licensing Objectives had been raised by the Responsible Authorities.

The Chair thanked those present for attending and advised the Persons who had made relevant representations that if there were any issues as a result of the event then they may apply for a review of the Licence.

(d) EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (i) That, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as they involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (ii) That all documents and reports relating to the items be confirmed as "Not for Publication".

(e) APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE – (REFERENCE PFND0003)

The Chair introduced herself, Members of the Sub-Committee, Officers present, and Applicant present, before outlining the nature of the hearing.

The Applicant confirmed she was happy to continue with the hearing in the absence of a third Sub-Committee Member.

The Licensing Officer outlined a report (circulated previously) regarding an application for the grant of a Hackney Carriage and Private Hire Driver Licence (Reference PFND0003) and confirmed that the application had been properly made.

The Applicant addressed the Sub-Committee, outlining the circumstances relating to her previous convictions and a brief history of her previous employment.

Members of the Sub-Committee questioned the Applicant and in response to their questions the Applicant explained that she now wanted to be able to work full time around her children. She apologised for completing the Application form incorrectly by stating 'None' in section requiring details of Previous Convictions. She explained that she had been rushing to complete the form and that she was a changed person since the convictions. She said that she did not know the reason why she had received electronic tagging as a result of not declaring earned income for a period of two months whilst claiming Housing and Council Tax Support.

The Applicants' witness addressed the Sub-Committee, explaining that if the licence was granted he was prepared to employ her as a driver.

The Licensing Officer summed up.

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

RESOLVED, that the Application for the Grant of a Hackney Carriage and Private Hire Driver Licence (reference PFND0003) be refused.

In reaching its decision the Sub-Committee having regard to the statutory framework and the Council's own Licensing Policy regarding previous convictions and dishonesty was not satisfied that the applicant was a fit and proper person to hold these licences. The Applicants failure to provide a satisfactory explanation regarding the circumstances which led to the previous convictions and why she had failed to include reference to them on the application form were relevant and serious enough to justify the refusal to grant the licences.

Chairman

The meeting ended at 3.25 p.m.

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