

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE B of the LICENSING COMMITTEE held in the Barum Room, Brynsworthy Environment Centre, Barnstaple on Monday 8th May 2017 at 2.00 p.m.

PRESENT: Members:

Councillor Barker (Chair)

Councillors Jones and Yabsley (Substitute for Councillor Gubb).

Councillor Mathews as a Substitute Member.

Officers:

Assistant Solicitor (DH), Lead Officer Licensing (HB), Licensing Officer (PF) and Corporate and Community Support Officer (KS).

Also present:

Mr J. Bellieni	Applicant.
Ms M. Bedford	Applicant.
Mr R. Pilkington	Objector.

(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 GRANT OF A PREMISES LICENCE, WATERSIDE CAFÉ, CHIVENOR BUSINESS PARK, BARNSTAPLE, DEVON. EX31 4AY - REFERENCE NUMBER: 045825

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

The Licensing Officer outlined a report (circulated previously) regarding an application for the grant of a Premises Licence, Waterside Café, Chivenor Business Park, Barnstaple, Devon. EX31 4AY – Reference number: 045825.

He drew the Sub-Committee's attention to an error under 1.6 of the report in relation to the start time for the sale of alcohol, which should state 12.00pm not 12.00am.

He advised that a letter of representation had been received from Mr Rupert Pilkington, Managing Director, Power Farmers and Gardeners Ltd. The main issues raised related to concerns of increased risk of Crime and Disorder, Public Nuisance and safety of public property if the public were encouraged to use the access road to/from the Waterside Café outside normal business hours. He added that there had been no representations from responsible authorities save for North Devon Council Planning Authority who advised that the proposed additional operating hours would not accord with relevant planning permission. He explained the relevant Licensing Policy considerations were paragraphs 3.2 to 3.2.1 (Crime and Disorder) together with paragraphs 3.4 to 3.4.3 (Prevention of Public Nuisance). He also explained the relevant Statutory Guidance Considerations were paragraphs 2.1 to 2.6 (Crime and Disorder) together with paragraphs 2.15 to 2.19 (Public Nuisance).

He explained the various options available to the Committee, which were listed under paragraph 5.4 of the agenda.

The Assistant Solicitor outlined the procedure for dealing with the Application.

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

Mr J. Bellieni (applicant) addressed the Sub-Committee and advised that they had applied for premises licence to serve alcoholic beverages to give their customers the option to purchase a drink with their meal should they wish. He added that the business had been in operation for a year and that average age of their clientele was over 40 years old. He explained that the police had been on site to discuss the procedure for implementing the 'Challenge 21' scheme and that there were 15 CCTV cameras in operation around the site. He circulated a plan for the Sub-Committee to view, which detailed the various locations of each camera.

Ms M. Bedford (applicant) also addressed the Sub-Committee and advised that the trading hours for the café were currently between the hours of 10.00am until 5.00pm. She emphasised that the business operated as a family friendly café and there was no intention to remain open until 11.00pm. She explained that the original application sought permission to serve alcohol up until 9.00pm. However, following advice from a Council officer it had been extended until 11.00pm to ensure there was no over run of the licence. She added that there intention was to open 3 nights per week until 9 pm and that there were no plans to trade beyond those times unless the venue was booked for a private function.

Mr R. Pilkington (objector) addressed the Sub-Committee and outlined his objections, which related to the dangerous access onto the main road and the use of that private access road outside of normal business hours for the industrial estate.

Members of the Sub-Committee questioned the applicant(s) and the following answers were given:

- The applicant(s) acknowledged that they would be required to liaise with the Planning Department should the licence be granted.
- The applicant(s) confirmed that they would be happy to reduce the hours for the sale of alcohol to 9.00pm.

The applicant read out a consultation response form Devon County Council Highways, which advised that any related highways issues could not be used as a reason to prevent the grant of a licence. He added that he was happy to improve the signage to direct people to the café.

The Licensing Officer read out the Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2017) contained at section 14:57 and 14:58 (Planning and Building Control) explaining the relationship between Licensing and Planning. He added that the Highways Authority was not a responsible authority.

The Applicant provided the Licensing Sub-Committee with a copy of the letter.

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 be granted as applied for.

In considering the application, the Sub-Committee had regard to the information presented by the applicant and objector and the fact that there had been no representations made by the statutory consultees, save for North Devon Council Planning Authority who had advised that the proposed additional operating hours would require planning permission.

Chairman

The meeting ended at 2.41 p.m.

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