

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE C of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Monday 18th September 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Mathews (Chair)

Councillors Meadlarkin and Moore.

Councillor Chesters attended as a Substitute Member.

Officers:

Head of Contentious Law (TJB), Licensing Officer (PF) and Corporate and Community Services Officer (AD).

Also present:

Mr Nick Waters (applicant), Mr Ben Beacham (Person who made relevant representation), Mr Christopher Trivett (Person who made relevant representation).

(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, THE
MUTINEER, 8 ST JAMES PLACE, ILFRACOMBE, DEVON, EX34 9BH
(REFERENCE 046582)**

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

The Head of Contentious Law outlined the purpose of the hearing and summarised the process to be followed.

RESOLVED that the meeting proceed in the absence of Devon and Cornwall Constabulary (responsible authority), and Mr Douglas

Gordon, Mrs Rose Merilees, Mr David Rhodes, Ms J Sullivan, Mrs J Coats, Mr and Mrs E Hartshorn, and Mr and Mrs G Shaw (individuals making representation).

The Licensing Officer outlined a report (circulated previously) regarding an application for the grant of a Premises Licence at The Mutineer, 8 St James Place, Ilfracombe, Devon, EX34 9BH (reference 046582) and confirmed that the application had been properly made. He advised that Devon and Cornwall Constabulary as a Responsible Authority had made a representation in relation to the application. The Licensing Officer advised the Licensing Sub-Committee that the Planning issue raised was not a consideration for today's hearing.

Mr Nick Waters (applicant) addressed the Sub-Committee. He gave the Sub-Committee a summary of his background and what he hoped to achieve at the premises. He said the premises was not to become a pub and to this end there would be no skittles, pool or darts and no fruit machines. He was withdrawing the request for live music performances so that there would be no live music at all. Walls internally were being removed to open up the space inside. He was adjusting the closing time of the garden for all activity to 22.00 hours. The only time the garden would be used after this time was for smoking and no beverages would be allowed in the garden after this time.

Members of the Sub-Committee then questioned the applicant.

Mr C Trivett (person who had made relevant representation) questioned the applicant.

In response, Mr Waters (applicant) advised that air conditioning was to be installed at the premises and there would be set rules on when the windows and doors could be open which would help reduce noise emissions. The use of paper wrappings on which the business logo and address were printed for takeaway food would ensure the premises were identifiable and thus being responsible with any issues of littering that should arise.

Members of the Sub-committee questioned Mr Trivett (person who had made relevant representation).

Mr Ben Beacham (person who had made relevant representation) addressed the Sub-Committee.

Mr Trivett (person who had made relevant representation) summed up.

Mr Waters (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 to allow the Sub-Committee to seek clarification in relation to a whether the applicant intended to establish a designated smoking area.

The applicant confirmed that an area in the garden would be designated for smoking and marked the area on the NDC plan which was handed to the Licensing Officer.

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 premises licence in respect of 8 St. James Place, Ilfracombe, Devon, EX34 9BH (reference number 046582) be approved as applied for subject to a number of conditions:

- a) The premises will adopt a Challenge 21 policy. The only acceptable forms of identification will be passport, photo driving licence or Government approved Proof of Age Standards Scheme (PASS) card;
- b) No person carrying open vessels containing alcohol will be admitted to the premises at any time;
- c) No customers will be permitted to take open vessels of alcohol from the premises;
- d) Except for entry and egress to the premises and except for use of the designated smoking area as marked on NDC plan the garden area to the front of the premises will be closed to the public at 22.00 hours. Adequate notices shall be displayed to inform patrons of this requirement;
- e) There shall be no consumption of beverages outside the premises after 22.00 hours;
- f) Clear and legible signage must be prominently displayed in the outside area specifying that no beverages are to be taken into this area after 22.00 hours.

In reaching its decision, the Sub-Committee had given weight to the representations made of all of the parties and were satisfied that the conditions imposed promoted the licensing objectives.

Chairman

The meeting ended at 11:20 a.m.

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