

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE D of the LICENSING COMMITTEE held at the Civic Centre, Barnstaple on Friday 18th July 2014 at 10.00 a.m.

PRESENT: Members:

Councillor Lucas (Chairman – for minutes (a) – (e) only).

Councillors Biederman (substitute for Councillor J. Yabsley) and Moore.

Councillor Tucker attended the meeting as a Substitute Member.

Officers:

Head of Contentious Law (TB), Regulatory Services Officer (PF) and Member Services Officer (JG).

Also Present:

Tom O'Brien (Work experience student, South Molton School)

(a) APOLOGIES FOR ABSENCE

No apologies for absence were received.

(b) DECLARATIONS OF INTEREST

There were no declarations of interest announced.

(c) 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 item as it 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- (ii) That all documents and reports relating to the item be confirmed as "Not for Publication".

(d) APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE

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

The Regulatory Services Officer outlined a report (circulated previously) regarding an application for the grant of a Private Hire Vehicle Licence and advised that the application had been properly made.

He informed the Sub-Committee that the applicant had brought the vehicle into the car park should Members wish to inspect it.

The applicant addressed the Sub-Committee providing a brief history of the types of vehicle used during the operations of his business. He advised that whilst the vehicle subject of the application was over five years in age and therefore contrary to the Councils adopted Licensing Policy, it was in very good order and in his opinion, too good to simply replace. His business undertook all the necessary maintenance requirements on vehicles in-house using their own workshops and took pride in the high standard of those vehicles. In response to questions he confirmed that he had owned the vehicle for three years and that Devon County Council, the authority which he'd had a contract with for over 20 years, now advised that he could no longer run their vehicles under a PCV operators Licence and now required all eight seater vehicles to be plated, therefore to hold a Private Hire Vehicle Licence.

The Sub-Committee spent some time inspecting the eight seater minibus before resuming their deliberations.

The Licensing Officer summed up and confirmed that should approval be granted, the vehicle would be subject to twice yearly vehicle inspections in accordance with the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy 2014.

The applicant summed up by re-iterating the good condition and life expectancy of the vehicle provided it continued to be well maintained.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk in order 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 Member Services Officer read the decision of the Sub-Committee, which was voted upon and agreed.

RESOLVED that the application for the grant of a Private Hire Vehicle Licence be approved.

In reaching its decision, the Sub-Committee considered the application on its individual merits. Owing to the vehicle being in good order for its age, the Sub-Committee felt able to go beyond the usual confines of its adopted Licensing Policy. It also had regard to Devon County Council's requirement for the operators to hold such a licence and the knowledge that the operator, for the previous three years, had been operating without the necessity of the Licence.

(e) READMITTANCE OF PUBLIC AND PRESS

RESOLVED, that the public and press be re-admitted to the meeting in order for the remaining business to be transacted.

(f) APPOINTMENT OF CHAIRMAN

RESOLVED, that Councillor Tucker (substitute Member) be appointed Chairman in the absence of Councillor Lucas.

(g) APPLICATION FOR THE GRANT OF A PREMISES LICENCE, BILL & BENS BAR AND BISTRO, 5 BARTON ROAD, WOOLACOMBE, DEVON EX34 7BA

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

The Regulatory Services Officer outlined a report (circulated previously) regarding an application for the grant of a Premises Licence at 5 Barton Road, Woolacombe.

He referred to appendix four of the report and confirmed that the decision to refuse the Planning application had been taken by officers under delegated powers and had not been a consideration of the Planning Committee.

A letter of representation from Mr. Oakes received since publication of the agenda was read out and tabled for information.

The Legal representative confirmed that planning elements were not matters upon which the Licensing Sub-Committee could take into account when determining the application before it. The Planning and Licensing processes were two separate entities.

The Regulatory Services Officer displayed images to identify the location of the application site in the context of its surrounding area.

Mr. Ascot, on behalf of the applicant addressed the Sub-Committee.

He advised that residents of Barton Court had their own lockable private car parking facility. There had been no representations from the Fire Authority which was located a short distance from the relevant premises subject of the application and he could not therefore support the argument made by representations in respect of additional vehicles causing obstruction to pedestrians and traffic. The proposed Bar and Bistro was opposite an establishment that operated beyond the hours set out in the application submitted for consideration. In his opinion, he could not understand how a view could be taken that the operation of the application before the Sub-Committee could significantly add to the noise already emitted whereby a maximum of 80-100 people could be seated outside the premises. Signs would be erected within the premises if approval were granted, stating that no food or drink was to be taken outside and that the only time he envisaged people being outside would be when they were smoking. He and the applicant between them had over 40 years experience in the trade and were well versed in the avoidance and prevention of anti-social behaviour. There was no application to authorise the playing of music and the desire was to provide a small bistro with the provision to sell or supply alcohol between the hours of 11:00am and 10:00pm.

In response to questions, Mr. Ascot advised that the owners of the flat above the premises were not local to the area however, the tenants had made no objection to the application and to his knowledge, the only other establishments supplying or selling alcohol in Barton Road, were Captain Jacks and the local newsagent.

The Licensing Officer summed up and made reference to the options available to the Sub-Committee as set out in paragraph 5.4 of his report.

The applicant summed up by re-iterating the experience of both himself and the applicant within the trade, advising he had not previously encountered any trouble. The aim of the application was to provide a small seating area whereby the public could telephone to reserve a table within the restaurant/bistro bar.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk in order 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 Member Services Officer read the decision of the Sub-Committee, which was voted upon and agreed.

RESOLVED that the application for the grant of a Premises Licence at Bill and Ben's Bar and Bistro, 5 Barton Road, Woolacombe, Devon EX34 7BA be approved.

In reaching its decision, the Sub-Committee had considerable regard to the operating schedule as set out in appendix I of the report which sought to minimize any impact on the local community. Furthermore, there had been no evidence from the responsible authorities or persuasive evidence from other interested persons who had made representations to suggest that approval of the licence would have an adverse effect on the area.

Chairman

The meeting ended at 11.05 a.m.

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