

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE E of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Tuesday 13th February 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Yabsley (Chair)

Councillors Barker and Chesters (Substitute for Councillor Biederman).

Councillor Gubb attended as a Substitute Member.

Officers:

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

Also present:

Mr David Heath (applicant), Mrs Stephanie Heath (Applicant), Mr Graham Eva (Representative on behalf of applicants).

(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 BARLEY AND VINE, 121 EAST STREET, SOUTH MOLTON, DEVON, EX36 3BU (REFERENCE 047341)

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

The Senior Solicitor outlined the purpose of the hearing and summarised the process to be followed.

RESOLVED that the meeting proceed in the absence of Local Planning Authority (responsible authority), and Miss S Flinn, Ms H Aldridge, Ms Derrica Hodgson, Taylors Solicitors on behalf of the

Masonic Lodge, Mr and Mrs MH Reed (individuals making representation).

The Licensing Officer outlined a report (circulated previously) regarding an application for the grant of a Premises Licence at The Barley and Vine, 121 East Street, South Molton, Devon, EX36 3BU (reference 047341) and confirmed that the application had been properly made. He advised that Devon and Cornwall Constabulary as a Responsible Authority had made a request for additional conditions, which the applicants were happy to incorporate into their application. The Planning Department of North Devon District Council had made a representation, following the grant of planning permission which included a condition that the premises must close to the public at 23:00 hours.

Mr Graham Eva (Representative on behalf of the applicants) addressed the Sub-Committee. He gave the Sub-Committee a summary of his clients' background and what they hoped to achieve at the premises. He said the premises was not to become a pub and to this end there would be no sports TV, slot machines or loud music. The outside area was not part of this application and was not to be used as part of the business it was purely available as an escape route in the event of a fire.

Mr Eva indicated that those who had made representations in relation to this application had placed reliance on the issues raised during the planning application, but most of those issues did not arise on the licensing application, there being no application to licence any outside area, or any regulated entertainment, and there would be no serving of hot food.

Mr Eva stated that, in relation to the planning condition that the premises close to the public at 23:00 hours, the applicants would comply with that condition, but wished to maintain the application for a licence to retail alcohol until midnight, with the premises closing at 00:30 hours. The Licensing Authority was not bound by the planning regime, and if the licensing application was granted as applied for, an application to vary the planning consent would be made.

It was emphasised that the applicants only wanted a framework within which to work. The likelihood was the premises would only be open for business from Wednesday to Saturday.

Members of the Sub-Committee then questioned Mr Eva (Representative on behalf of the applicants).

Mr Eva (Representative on behalf of the applicants) summed up.

Mr Heath (applicant) summed up.

Mrs Heath (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 Chairman requested that the Corporate and Community Services Officer read the proposed decision as follows:

“We consider it is appropriate to grant this application for a premises licence as applied for, except that the hours for the supply of alcohol shall be from 09:00 hours until 23:00 hours, and subject to the conditions as recommended by Devon and Cornwall police.

We have reached the conclusion in relation to the permitted hours for the supply of alcohol because we are reacting to the public concern as to the potential for disturbance and noise from the premises which have not previously been licensed and to condition six applied by the planning authority. We have not therefore, granted the late night refreshment element of the application.”

Mr Eva (Representative on behalf of the applicants) asked the Sub-Committee to specify the opening hours permitted under the licence.

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 re-read the proposed decision, which was voted upon and agreed.

RESOLVED, that the application of a premises licence in respect of The Barley and Vine, 121 East Street, South Molton, Devon, EX36 3BU (reference number 047341) be approved as applied for except that the hours for the supply of alcohol shall be from 09:00 to 23:00 hours and subject to the conditions as recommended by Devon and Cornwall Police. Hours open to the public would be Monday to Sunday 09:00 to 23:00 hours and noted that there was no need to grant the late night refreshment element of the application.

The Sub-Committee had reached its conclusion in relation to the permitted hours for the supply of alcohol as a reaction to the public concern for potential disturbance and noise

from the premises which had not previously been licensed and consideration had been given to condition six applied by the planning authority.

Chairman

The meeting ended at 12:30 p.m.

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