

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE E of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Monday 23rd July 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Yabsley (Chair)

Councillors Haywood (substitute for Councillor Biederman) and Tucker.

Officers:

Solicitor (DH), Licensing Officer (PF) and Corporate and Community Support Officer (KJ).

(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 PRIVATE HIRE VEHICLE LICENCE, (REFERENCE 048385)

Also present: Mr Christopher Pert (Applicant)

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

The Licensing Officer outlined his report (circulated previously) regarding an application for a private hire vehicle licence (reference 048385). He explained to the Sub-Committee that the application had been received from Mr Pert of Fremington Taxis in respect of a vehicle which did not meet the specifications of the North Devon District Council's Hackney Carriage and Private Licensing Policy of August 2016. He also advised that the applicant had appeared to a Sub-Committee previously in order to apply for a licence for a vehicle that did not meet the age criteria of the policy. He then referred to the relevant part of the policy stated under section 7.9 Maximum Age of Vehicle.

The Licensing Officer confirmed that the vehicle in question was a Fiat Diablo, which had been converted for wheelchair access. It was in excess of ten years old and had relatively low mileage. The garage checks had been completed and the applicant had provided the original paperwork confirming the details of the original conversion of the vehicle. The

Applicant had two other wheelchair-accessible vehicles in operation. The Licensing Officer confirmed that all other formal conditions had been met.

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

The applicant advised that there was a shortage of wheelchair-accessible vehicles in use for private hire and that there was a high demand for such vehicles. He had chosen the vehicle as it had rear access via a low ramp which meant that it could be used for manual or electric wheelchairs which could be driven or pushed on to the vehicle.

The Sub-Committee asked the applicant why, if he was aware of the Council's policy in respect of the age of the vehicle, he had purchased a vehicle which was in excess of ten years old when he was aware of the policy criteria.

The Applicant confirmed that he had 'taken a gamble' on purchasing the vehicle but felt that he was in an impossible position as new vehicles cost approximately £25,000 and the only option he had was to purchase a used vehicle. He purchased an ex-mobility vehicle which had been well-maintained. He had to buy it when the opportunity arose and had to hope that his application for a licence would be successful. He could not delay on his decision to purchase as this particular vehicle was 'too good to turn down'. He advised that if his application was unsuccessful then he would use the vehicle for personal use.

In response to a question from the Sub-Committee, the applicant confirmed that the vehicle would be driven by himself and one member of staff. Both drivers had received full training from Devon County Council (DCC) in order for them to carry out DCC contracts. The applicant explained that DCC had insisted on wheelchair accessible vehicles used for their contracts to be accessible from the rear. The vehicle recently purchased had rear access. This enabled the taxi firm to work for DCC across the area, including the Torridge District Council (TDC) area. He stated that TDC specified side-access for wheelchair accessible vehicle licences in their area which meant their local firms were unable to carry out works for DCC.

The Chair invited the Applicant to sum up.

The Applicant continued addressing the Sub-Committee and confirmed that in his view a ten year old vehicle was still a good vehicle and that the days of 'old bangers' had passed as advancements in the motor industry had been made. The vehicles were adapted after manufacture. The adaptations were made and approved under the motability vehicle scheme.

The Chair advised that he would request that the Council's policy in relation to the criteria for the age of the vehicles be reconsidered by the Licensing Committee.

RESOLVED, that it being 10.16am the meeting be adjourned to enable the Sub-Committee to inspect the vehicle.

RESOLVED, that it being 10.21am and the conclusion of the inspection the meeting be reconvened.

The Chair confirmed that the vehicle appeared to be in very good condition.

The Chair asked the Applicant to sum up.

The Applicant summed up.

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.

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 a private hire vehicle licence, reference 048385, be granted.

In reaching its decision the Sub-Committee, it had regard to the representations made by the Licensing Officer and Applicant. It assessed the vehicle on its individual merit, and considered it to be a suitable vehicle, having regard to the fact that it was in very good condition, fit for purpose, with a rear-door wheelchair-loading arrangement, which would be a valuable addition to the very small percentage of wheelchair accessible vehicles currently licensed for private hire use in the North Devon area.

**(d) APPLICATION FOR THE GRANT OF A PREMISES LICENCE:
BRUNDLE'S BAR AND RESTAURANT, BYRON, BEACH ROAD,
WOOLACOMBE, DEVON EX34 7FG (REFERENCE 048157)**

Also present: Mr Graham Brundle (Applicant) and Ms Isabelle Leach (General Manager).

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

The Licensing Officer confirmed that Mr Joe Jackson (interested party) had been unable to attend as was currently out of the country.

RESOLVED, that the meeting continue in the absence of Mr Joe Jackson (Person who had made relevant representations).

The Licensing Officer outlined his report (circulated previously) regarding an application for a premises license for Brundle's Bar and Restaurant, Byron, Beach Road, Woolacombe, Devon, EX34 7FG (Reference 048157). He explained to the Sub-Committee that the license application was to permit recorded music indoors, and to permit the supply of alcohol on and off the premises. The proposed licensing activities and hours applied for were as detailed in paragraph 4.3 of the report.

He drew the Sub-Committee's attention to appendix 2 of the report and confirmed that the application had been correctly submitted by the Applicant and that no representations had been made by the Responsible Authorities.

The only representation received had been made by Mr Joe Jackson in respect of Prevention of Public Nuisance.

The Licensing Officer noted the additional information received from Mr Jackson which had been circulated previously to the Sub-Committee.

The Sub-Committee examined the information provided.

The Chair invited the applicant to address the Sub-Committee.

The applicant showed the Sub-Committee a 3D presentation of the planned layout of the restaurant following completion of the proposed renovation works. He also referred them to photographs of the on-going works. He advised the Sub-Committee that the Freeholder was "Blast Properties Limited". They were the developers of the flats above the restaurant. Mr Brundle held the lease for the ground floor. This was due to be run as a 180-cover restaurant. This would be a family-friendly establishment which would also provide a form of 'room service' for the flats above. He advised that he lived in Woolacombe and was a trained chef. He had many years of experience in hospitality and was keen that the new restaurant be more of an 'eatery' rather than a bar. He advised that the terraced areas to the front of the property would be divided into an area for food service and a bar area. There would be a designated smoking area leading off the bar area. He advised that the terraces would be surrounded by a 32mm glass balustrade which would be over 1m high. The entrance would also be covered by a fibreglass awning. These measures would help reduce noise as was soundproofed to a level which would prevent anyone from the kerbside hearing anyone speaking on the terrace. No music would be played outside. The last food orders would be taken at 10pm, allowing a further hour and a half 'eating' time. Drinking would be restricted to the bar location. The Applicant noted that the interested party had suggested the imposition of a condition requiring the employment of Security Industry Authority (S.I.A) doorstaff on Fridays and Saturdays, however, he hoped that such a condition would not be imposed as he did not wish to encourage late night drinking and wanted to develop a family-friendly

environment. He was not expecting to see large parties of late-night drinkers at the restaurant.

In response to questions from the Sub-Committee, the applicant confirmed that there would be no additional problems with noise anticipated from wedding parties, as, if the venue was booked for such an event, it would be reserved completely for that private hire event. He added that the building had been sound proofed to 98 decibels and an air system had been installed which would work more effectively when the doors of the building were closed. Therefore he would be actively encouraging the closure of the doors at all times. Although there would be a fire escape from the terrace on the lower level there would be no access to the terrace from the street.

The Licensing Officer confirmed that photos of the locations had also been provided by the Interested party. The location of Mr Jackson's apartment was identified on the applicant's photographs.

The Chair asked if the Applicant had any further comments he wished to add.

The applicant advised the Sub-Committee that he had approached the Interested Party (Mr Jackson) and tried to talk to him about the application, and had invited him to visit the site. Mr Jackson had declined the invitation. Mr Brundle re-emphasised that "Brundle's Restaurant and Bar" was, in the main, a restaurant and not a bar, and that he hoped they were a low-risk establishment.

The Chair thanked the applicant, and his Manager, for their representation.

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.

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 a premises license in respect of Brundle's Bar and Restaurant, Byron, Beach Road, Woolacombe, Devon, EX34 7FG (reference 048157) be granted, subject to the conditions set out in appendix 5, pages 39 and 41 to 43 only of the licensing officer's report.

In reaching this decision, the Sub-Committee considered the licensing objectives, licensing policy, Department of Culture, Media and Sports (DCMS) guidance and representations made by the parties. It had regard to the representations made by the Applicant and the Interested Party, and the fact that no representations had been made by the responsible authorities.

The Sub-Committee also considered that it was unnecessary to defer the application, or carry out a site visit, having regard to the detailed representations made by the Applicant and Interested Party and the Sub-Committee's knowledge of the Woolacombe area.

Chairman

The meeting ended at 11.16 a.m.

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