



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles,
Chief Executive.

LICENSING AND COMMUNITY SAFETY SUB COMMITTEE C

A meeting of the Licensing and Community Safety Sub Committee C will be held in the Barum Room - Brynsworthy on **WEDNESDAY, 24TH AUGUST, 2022 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

(NB: A pre-meeting for Members will be held in the Barum Room at Brynsworthy Environment Centre, Barnstaple at 9.30 a.m.)

Members of the Sub Committee:

Councillors Biederman, Chesters and Pearson

AGENDA

6. **Application for the grant of a premises licence; Mad Hatter Plant Based Bistro and Lounge bar, 8 and 10 Queens Walk, Bear Street, Barnstaple EX32 7DA. Reference Number 054744 (Pages 5 - 10)**

Page 2 of Appendix D included, Report by Licensing Officer (attached).

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

NOTE: Pursuant to Part 3, Annexe 1, paragraph 4 of the Constitution, Members should note that:

If a Member:

- (a) Arrives at a meeting during the consideration of an item; or
- (b) Leaves a meeting at any time during the consideration of an item;

he/she shall not:

- (i) propose or second any motion or amendment; or

(ii) cast a vote

(For the avoidance of doubt may still participate in the debate)

An amendment which opposes a motion to grant or refuse a licensing application is deemed to be a valid amendment.

16.08.22



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworth Environment Centre (BEC), the full address is: North Devon Council, PO Box 379, Barnstaple, Devon, EX32 2GR.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



NORTH DEVON COUNCIL
 Planning, Housing and Health
 Lynton House
 Commercial Road
 Barnstaple
 EX31 1DG



TOWN AND COUNTY PLANNING ACT 1990

PRE-APPLICATION ENQUIRY RESPONSE

Applicant:	Mrs C Thorne - Licensing Case Officer	Application No:	ENQ/0492/2022
Address:		Application Type:	Pre Application Enquiry
Agent:	Mrs C Thorne - Licensing Case Officer	Date of Registration:	1 July 2022
Address:		Date of Decision:	14 July 2022
Proposal:	Grant of a premises licence		
Location:	The Mad Hatters Plant Based Bistro 8-10 Queens Walk Bear Street Barnstaple Devon EX32 7DA		

Thank you for your enquiry which was received on the 1 July 2022. I understand the applicant operates a small takeaway/eat-in bistro serving sandwiches and salads etc with a hot food offering from a former shop and also has the neighbouring shop for which a premises licence is sought to operate a bar selling alcohol and some food.

The proposed alcohol sales will be from 11.00 to 21.30hrs Tuesdays to Thursdays and 11.00 to 22.00hrs Fridays and Saturdays and 12.00 to 16.00hrs on Sundays

I also note in the supporting text that the applicant is providing recorded music and an "open mic" night each month with live music.

The bistro has both inside and outside seating and is situated with flats above.

The main concern with regard to this application is the impact of the noise from the bistro and bar particularly as recorded and live music will be played. Neighbouring flats are situated above the premises and the noise impact may be significant. Whilst the opening times are restricted the potential for noise disturbance from the premises will extend until after 22.00hrs during the weekends and could lead to public nuisance.

The use of the ground floor areas of Queens Walk falls within Class E – Commercial, Business and Service, namely shops and services. This is the case for units 8 and 10 and no formal change of use from Class E has been approved. Use class E does not include shops that include the sale of hot food, wine bars and drinking establishments which have

a Sui generis use and such a change from Class E to include a wine bar offering requires formal planning consent and the noise nuisance would be a concern.

Mrs B. Coles
Case Officer

License Sub-Committee Report – Planning

Mad Hatter Plant Based Bistro and Lounge Bar, 8 and 10 Queens Walk, Bear Street, Barnstaple,

EX32 7DA

24 August 2022

The application for an Alcohol License for the above premises give cause for concern from the Planning perspective. The use of the ground floor premises at Queens Walk is for shops which operate within normal shop trading hours.

The license application seeks to extend the opening hours and provide alcohol to customers who attend the existing Bistro and proposed Bar.

Situated directly above Queens Walk are 12 flats which are accessed via Queens Walk. It is the opinion of Planning that the use of the site for such an activity could give rise to noise and nuisance to the occupiers above.

Whilst I understand that a similar business operated from the site previously this was without planning approval.

Devon and Cornwall Constabulary's Alcohol Licensing Officer has raised no concern regarding the proposal however this is based upon no police logs being created in relation to the former business which operated from 8 Queens Walk. The lack of any formal police logs does not however, suggest that noise and public nuisance will not occur which will impact upon the residents above.

Whilst I acknowledge that the applicant has removed the "open mic" sessions for the application and reduced the opening hours this will go some way to addressing concerns however, the operation of an evening venue selling alcohol situated directly below a number of residential dwellings is not considered acceptable.

The operation of the business will be subject however, to a formal planning application being received and which will need to satisfy the concerns of Environmental Health in order to achieve officer support.



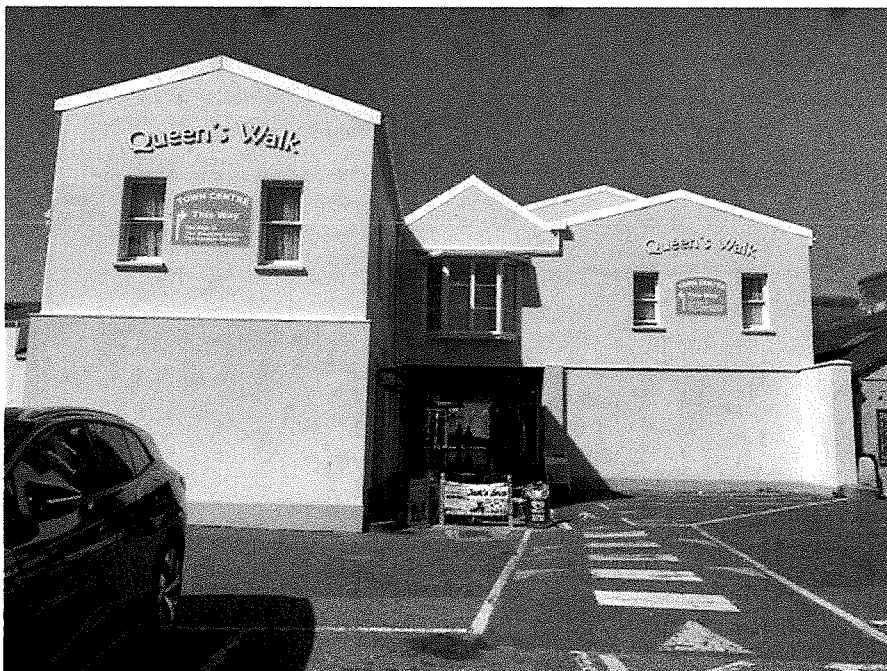
Queens Walk From Bear Street



Queens Walk showing entrance to flats



Unit 8 Queens Walk



Queens Walk viewed from Queen Street Car-Park

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