

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee A held at Barum Room - Brynsworthy on Wednesday, 16th June, 2021 at 1.30 pm

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Henderson and Hunt (substitute for Councillor L. Spear)

Officers:

Licensing Officer, Senior Solicitor and Corporate and Community Services Officer

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Liz Spear.

10. DECLARATIONS OF INTEREST

There were no declarations of interest made.

11. APPLICATION FOR THE GRANT OF A PREMISES LICENCE, DHABA (BALDWINS CUSTOM HOUSE), THE STRAND, BARNSTAPLE, EX31 1EU, REFERENCE 052753

Also present:

The applicant, Mr Marwah and his wife Mrs Marwah.

The Chair introduced himself, members of the sub-committee and the officers present.

The Senior Solicitor outlined the nature of the hearing and the process. He went on to explain that although those persons who had made representations were not present the hearing could proceed without them.

The Licensing Officer confirmed that the application in respect of Dhaba, (Baldwins Custom House), The Strand, Barnstaple, EX31 1EU, reference 052753, (report circulated previously), had been properly made. The Licensing officer also confirmed that the persons who had made representations had been informed of the location, date and time of the hearing.

The Licensing officer outlined his report, the application was for a premises licence to be able to supply alcohol on and off the premises Monday to Sunday 08:00 to 23:00 and to be open to customers Monday to Sunday 08:00 to 23:30. A plan of the premises could be found at appendix B and a location plan at appendix C. The relevant responsible authorities had been consulted with and no objections had been received.

Planning had made an observation that approval would be required for the extraction system that would need to be fitted.

The Chair asked the applicant to outline his case.

The applicant advised the sub-committee that he had not yet signed the lease for the property, but if they did they were planning to open 11 am for coffees and breakfast with the evenings being a restaurant for Indian tapas style food. The upstairs part of the building was divided into two separate units with separate leases. He did intend to put extraction units on the rear of the building running up to the roof level.

The Chair invited the applicant's wife to present any further information. Mrs Marwah acknowledged that concerns about cooking smells had been made but that they were not going to be running a curry house style restaurant it would be more of a street food style set up. Although Mrs Marwah had attempted to meet with the concerned parties to discuss this, and to alleviate their concerns, they had not had the opportunity to meet.

The applicant added that they had already applied to planning for a change of use but this was not necessary as the property was already a class E and since the change in law in 2016 a change of use was not required.

Members were invited to ask questions.

Councillor Hunt expressed concern over the opening hours to serve alcohol being 08:00 to 23:00 Monday to Sunday and asked if the applicant would be happy to accept an amendment to the start time for the serving of alcohol to 11:00 Monday to Sunday. The applicant stated he was happy to accept this amendment.

The Licensing officer summed up.

The applicant summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Senior Solicitor 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 Chair 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 relation to Dhaba (Baldwins Custom House) The Strand, Barnstaple, X31 1EU, as applied for be granted subject to the conditions as set out in Appendix F and as amended to supply alcohol from 11:00 to 23.00 hours, Monday – Sunday.

In reaching its decision the Sub-Committee considered the relevant representations which related to public nuisance, particularly that businesses would be affected by

cooking smells, but they gave these little weight, as there was no suggestion that the granting of a licence for the supply of alcohol would cause public nuisance.

Chair

The meeting ended at 2.00 pm

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