

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee C held as a Virtual - Online meeting on Tuesday, 11th January 2022 at 3.00 pm

PRESENT: Members:

Councillor D. Spear (Chair)

Councillors Campbell and L. Spear

Officers:

Legal Advisor and Licensing Officer

18. APPOINTMENT OF THE CHAIR

RESOLVED that Councillor Derrick Spear be appointed as Chair.

19. VIRTUAL MEETING ETIQUETTE AND PROCEDURE

The Corporate and Community Services Officer confirmed that everyone who should be was present and read out the virtual meeting procedures and etiquette.

20. APOLOGIES FOR ABSENCE

There were no apologies for absence.

21. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**22. APPLICATION FOR THE GRANT OF A PREMISES LICENCE;
DOWNEND BEACH CAFÉ, CROYDE ROAD, CROYDE,
BRAUNTON, NORTH DEVON, EX33 1QE, REFERENCE 053653**

Also present:

Mr H Hare, Applicant

Mrs M Beaumont, Mr Maddocks, Mrs J Young and Mr P Hall, Persons who had made a representation.

The Sub-Committee considered the application for a premises licence in respect of Down End Beach Café, Croyde, Branton, Devon, EX33 1QE (circulated previously) reference 053653.

The Chair introduced himself and invited those present to introduce themselves.

The Licensing Officer confirmed that all the formal requirements had been met for the submission of the application.

The Legal Advisor outlined the hearing process.

The Licensing Officer presented his report. He confirmed that one representation made in objection to the application had been withdrawn. Of the remaining five representations made, two were present at the meeting. No responsible authority had made a representation. The Planning Team had made an observation indicating planning permission maybe needed on the structure in the car park. Although Devon and Cornwall Police had not made a representation the Police had visited the applicant and discussed the conditions volunteered which could be imposed on any licence granted (found at appendix O of the agenda). A plan of the area being considered in this application could be found on page 37 of the agenda. Reference was made to the policy guidelines on harm and the Licensing Officer concluded his presentation referring the Sub-Committee to paragraphs 7.1 to 7.4 of the report which gave the options available to them in their decision making.

Mr Hare, applicant was invited to address the Sub-Committee. In his presentation to the Sub-Committee the applicant gave the following information:

- He observed that the whole application process to obtain a licence was lengthy and was not something to be taken lightly
- He had previously owned and run an hotel in Cornwall for 25 years and considered himself to have plenty of experience and knowledge of running a licensed premises
- Visitors to the site had asked on numerous occasions about being able to purchase a drink with their food/takeaway
- He had previously applied for Temporary Event Notice (TEN) to hold an event from a bus on the site. This had been a subdued affair, due in part to the limitation of the TEN and limitations due to staff shortages
- They had been visited by the Police and had offered a number of conditions to help allay fears
- He had now sourced a vessel that was lidded and would be operating a £1 purchase or hire of the multi-use vessels to reduce littering
- There would be no glass, tins or bottles given out
- He had agreed to provide CCTV and the Police were keen for this to be installed
- No music or live music was to be played
- No near neighbours had expressed any concerns or submitted any representations
- He had reassured a Croyde Residents Association member that there were not going to be raves every night or rubbish strewn about
- Unfortunately, he had not had the chance to address the Parish Council meeting as his application had not been placed on an agenda. When he did attend a meeting he was advised that as a decision about the application had been taken it couldn't be revisited for 6 months
- He had emailed every single Parish Councillor but not received a reply from anyone

- In terms of visitors arriving in their vehicles having brought their own alcohol he had no control over this nor could he control gatherings on the beach or people crossing the road
- The car park was busy and the facilities provided there had been improved. Citing his business was unfair competition was not a consideration as competition was healthy in business
- His goal was to assist in helping visitors enjoy their stay. The site would be managed well which would reduce the risk of public nuisances
- Preventing Children from harm was most important and a premises managed correctly would ensure this

In response to a question from the Sub-Committee. The applicant advised that there would be a member of staff with a personal licence available on site during operating hours. He had already trained two members of staff. It was unlikely that he would be open for the whole 11 hours being requested in his application.

Mr Hall, person who had made a representation presented his case. He stated that the village was in an Area of Outstanding Natural Beauty and was very much a family destination. He was concerned that the customer base would be driving to the car park able to purchase alcohol and then drive away. He raised the question of provision of toilet facilities, indicating that these were Local Authority owned and, therefore, the Council would in effect be providing that facility.

The applicant was allowed to address the Sub-Committee to comment on the observations raised by Mr Hall. Mr Hare confirmed he had purchased the toilet block a few years ago, had improved them and maintained the toilet facilities. In relation to customers driving to the car park, this was no different to being able to drive to a regular pub. He also confirmed that the purchase of cold drinks and ice creams would be from a separate outlet and that the 'Summer bar' would be dealt with by obtaining the relevant planning permission in the future.

Mrs Beaumont, person who had made a representation presented her case on behalf of Georgeham Parish Council. The Parish Council had found it fundamentally wrong to licence a car park. The kiosk that had been insitu since the 1930's was not where the alcohol would be purchased from and it was felt there was a lack of transparency around the operation as the unit intended for the sale of alcohol had not received planning permission yet. The neighbourhood plan stated that any ancillary facilities should be seen to blend in with its surroundings. The Parish Council also had concerns over the distortion of the economy if pop ups were allowed to set up in other places throughout the village. It was the opinion of the Parish Council that the provision of these pop up venues would provide an abundance of facilities, for the visitors to the area, at the detriment to the locals. The use of lidded vessels to purchase alcohol would make it easier for alcohol to be taken to the beach.

Mr Maddocks, person who had made a representation presented his case. He had visited the café and had enjoyed the food there. His main concerns were the issue of groups of people drinking especially when the schools had broken up for the

summer holidays. He agreed having licensed premises was a good thing to help control the consumption of alcohol as this seemed to be the main cause of public nuisance.

The Licensing Officer addressed the Sub-Committee. He advised that every new application was considered on its own merits. If a public nuisance was a concern then a review of a licence could be carried out.

The applicant summed up.

The Licensing Officer summed up.

The Persons who had made a representation summed up.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal Advisor and Corporate and Community Services Officers 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 Legal Advisor read the proposed decision, which was voted upon and agreed.

RESOLVED that the premises licence in respect of Down End Beach Café, Croyde, Braunton, Devon EX33 1QE be granted with the following conditions:

The Prevention of Crime and Disorder

- (a) All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
- i. The *Challenge 21* scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by *the premise's licence* issued under the Licensing Act 2003 and conditions attached to the *licence*.
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Recognising the signs of drunkenness.
 - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- (b) Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- (c) Training shall be recorded in documentary form and shall be regularly refreshed at no greater than *12 Month* intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

- (d) Training records will be retained for at least 2 years.
- (e) An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
 - i. Any incidents of disorder or of a violent or anti-social nature.
 - ii. All crimes reported to the venue, or by the venue to the police.
 - iii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.
- (f) Records must be completed within 24 hours of any incident, and will contain the time, date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
- (g) The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.
- (h) Crime prevention notices will be displayed warning customers of the possibility of crime, e.g. do not leave your bag unattended, etc.
- (i) A Customer Code of Conduct poster will be conspicuously displayed warning customers that if they act in an inappropriate manner, they could be barred from all licensed premises in the local area.
- (j) A personal licence holder will be at the premises at all times when alcohol is being sold and that there will be two members of staff available during the hours of the sale of alcohol to manage the licenced premises.
- (k) The premises provides food at all times when the premises are open.
- (l) If the premises has an under 18's night event, no alcohol is available to any customer.
- (m) The premises shall install operate and maintain a comprehensive CCTV system to the satisfaction of the Police and Local Authority.
- (n) All equipment must have a constant and accurate time and date generation.
- (o) All recordings will be stored for a minimum period of 31 days with date and time stamping.
- (p) The premises would look to join the local Pubwatch scheme.
- (q) Alcohol will be sold in multi-use, lidded, plastic containers only.
- (r) All bottles sold will be made of plastic. Mainly water bottles.

- (s) Customers carrying open or sealed bottles or glasses will not be admitted to the premises at any time.
- (t) All plastic bottles or multi-use vessels will be cleared from the public area as soon as the contents have been drunk or are empty.
- (u) All off sales will be in lidded containers.

Public Safety

- (a) We will conduct a suitable Fire Risk Assessment and Risk Assessment at the premises and implement the necessary control measures.
- (b) Adequate and appropriate First Aid equipment and materials will be available on the premises.
- (c) At least one suitable First Aider will be on duty when the public are present. Should there be more than one First Aider present, then clearly defined roles will be defined for each. The First Aiders will be suitably trained to deal with drug and alcohol related problems.
- (d) Adequate arrangements will exist to enable the safe movement within the premises of disabled people and their safe evacuation in the event of an emergency.
- (e) In the absence of adequate daylight, suitable and sufficient artificial lighting will be provided and maintained in any area accessible to the public.
- (f) The premises has a current electrical certificate from an approved contractor NICEIC. This is maintained and inspected every three years and a new report obtained each time.
- (g) The premises has a current Gas Safe Certificate for the LPG installation and use of LPG equipment. This certificate only lasts a year and so an annual inspection is required and a new report and certificate issued annually.
- (h) The premises has a current and suitable Public Liability Insurance Policy for the sum of £10 million. A certificate will be obtained each year and displayed at the premises.
- (i) The premises has current certificates of inspection for all portable firefighting equipment. An inspection is carried out annually and new certificates obtained.
- (j) All health and safety signs warning customers about the risks to their health and safety, comply with BS5378 1980: Safety Signs and Colours.
- (k) Free drinking tap water will be available at all times when the premises is open to the public.

- (l) A local taxi service number is available on the premises.
- (m) A No Smoking at The Bar policy and generally discourage any smoking on the premises.
- (n) Bench and permanent seating are available for customers at the Premises.
- (o) Personal safety messages will be displayed. Zero alcohol drinks available and campaign posters on show.

The Prevention of Public Nuisance

- (a) A noise management plan has been devised and is in operation at the premises.
- (b) Noise from the premises will be maintained at a level that will not be audible at the façade of any neighbouring noise-sensitive premises after 10 pm.
- (c) Clear and legible notices shall be prominently displayed at requesting patrons to respect the needs of residents and to leave the vicinity as quickly and quietly as possible.
- (d) The playing of live or recorded music outside, will not be permitted.
- (e) Refuse bins are to be cleaned with disinfectant weekly.
- (f) All external lighting to be directed away from adjacent neighbours.
- (g) All bins to be emptied at least daily, but usually as they are full. The premises has a contract with Coastal Recycling, who empty the bins twice a week in the summer. Staff carry out litter picking daily to the whole premises.

The Protection of Children from Harm

- (a) There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a *Challenge 21* proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 21 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
 - i. A photo driving licence
 - ii. A passport
 - iii. An identification card carrying the PASS hologram
 - iv. MOD Form 90 (ID Card)
- (b) Unless such identification is produced the sale of alcohol must be refused.
- (c) An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
 - ii. the reason for refusal
 - iii. details of the person refusing the sale
 - iv. description of the customer
 - v. any other relevant observations.
- (d) The refusals register will be made available for inspection and copying, on request from an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.
- (e) The premises operates a facility that sells non-alcoholic drinks and snacks from another outlet, away from the bar area.
- (f) The premises would have a sufficient number of staff to secure the protection of children from harm.
- (g) All staff to be trained in supervision of children in a licensed premises. This would include protection of children from special hazards, e.g. environmental pollution and falling from height, to name a few.

Chair

The meeting ended at 5.25 pm

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