

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee B held at Barum Room - Brynsworthy on Tuesday, 14th June, 2022 at 12.30 pm

PRESENT: Members:

Councillor Hunt (Chair)

Councillors Bulled and Gubb.

Officers:

Licensing Officer and Solicitor and Data Protection Officer.

1. APPOINTMENT OF A CHAIR

RESOLVED, that Councillor Hunt be appointed as Chair for the Sub-Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Yabsley and Councillor Bulled was present at the meeting as the substitute.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received.

4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE BS UNIT, UNIT 6, HELE BAY BUSINESS PARK, ILFRACOMBE, EX34 9RA (REFERENCE NUMBER 054323)

Also Present: The applicant, Mr T. Foster.

The Chair introduced herself and everyone present.

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

The Legal Officer outlined the hearing process to the Sub-Committee and the applicant.

The Licensing Officer outlined his report.

He explained that the purpose of the report was to request a variation to a premises licence by Blackingstone Ltd in respect of the BS Unit, Unit 6, Hele Bay Business Park, Ifracombe to permit the supply of alcohol on and off the premises. The proposed variation as applied was to change the licence to include on-sales (licence was currently solely off-sales) to allow persons to sample alcoholic products and “enjoy the environment”. He outlined the proposed licensing activities and hours applied for and advised that any variation of a premises licence may be subject to conditions applied by the Licensing Authority as a result of the hearing.

The Licensing Authority had received one relevant representation from a Responsible Authority in regard to the application from Mrs B. Coles, Planning Officer, North Devon Council in relation to public safety.

He drew the Sub-Committee’s attention to the relevant licensing policy considerations and the relevant statutory guidance considerations, which were outlined in paragraphs 5.1 and 6.1 of the report.

He outlined the options available to the Sub-Committee, which were contained within paragraphs 7.1 to 7.4 of the report.

The Chair invited the applicant Mr T. Foster to address the Sub-Committee.

Mr T. Foster addressed the Sub-Committee and provided the following information:

- He apologised for the absence of his business partner Ms K. Carter who was currently unwell with COVID 19.
- He advised that he had submitted his application based on the maximum number of permissions but that he was open to negotiation on any points.
- He explained that the business had aspirations to grow and develop into providing cocktail parties using natural products and providing unique events out of hours to include cocktail tasting and making.
- Most people would arrive on foot as they would not drink and drive and local business would also be shut during the evening hours proposed in the application.
- The business was not a public house and events would require prior booking at set times.
- The unit would still be utilised for bottling and storage of mixers and alcohol. Part of the marketing brand was to promote the sale of products via the local businesses that currently sell their products.
- In response to a question regarding the types of alcoholic drinks that would be produced on the premises, the applicant advised that creations such as spiced rum, espresso martinis and strawberry daiquiris using fresh fruits and different flavours would be made by customers on the premises and only ingredients needed for booked sessions would be on site, meaning no extra could be ‘sold’ .

- In response to a question regarding opening hours, the applicant reassured the Sub-Committee that the unit was very small and could only accommodate eight to twelve people at any one time and that all events would need to be pre-booked.
- He confirmed that the existing handrail outside of the building would be extended around the building to ensure that customers who were leaving the building remained safe at all times and that there were two allocated parking spaces directly outside the unit with a further four to six spaces located beyond the unit.
- He explained that his client base was mainly businesses that sold their products and guests staying at a nearby holiday park.
- The majority of his business was wholesale to wholesale.

Mrs B. Coles, Planning Officer, North Devon Council who had made a representation, was invited to present her case.

The Sub-Committee heard the following concerns from Mrs B. Coles in relation to public safety:

- The site did not provide safe industrial movement.
- There was no demarcation between pedestrians and the road.
- Visitors to the site were likely to be tourists who were unfamiliar with the site.
- Concerns regarding visitor behaviour on site.

In response to a question the applicant confirmed that the business had only sold two bottles of alcohol from the premises to customers arriving 'on foot' and off the street in the last two years.

In response to a further question, the applicant advised that it would be difficult to take an event to the customer and that part of the whole experience was visiting the site where the products were brewed.

The Licensing Officer summed up adding that the highway authority was not a responsible authority.

The applicant summed up and confirmed that the proposal for an outside seating area as detailed in appendix A had been withdrawn as part of the application.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor 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 thanked the applicant for presenting his proposed conditions as part of the variation of the premises licence and invited the Legal Officer to read the proposed decision, which was voted upon and agreed.

RESOLVED that the variation of a Premises Licence, in respect of The BS Unit, Unit 6, Hele Bay Business Park, Ilfracombe. EX34 9RA (Reference Number: 054323), be granted.

The Sub-Committee had listened to all the evidence supplied today regarding the variation of a Premises licence and agreed to grant the variation of the Premises Licence as applied for subject to the following conditions:

- (a) 9 mandatory off-sale conditions as detailed in the current premises licence detailed in appendix f of the report be amended to include the three mandatory additional on-sale conditions;
- (b) The proposed conditions from the Applicant in Appendix e save the following amended conditions:
 - i. Premises Sales: There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 (currently 21) proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
 - A photo driving licence.
 - A passport.
 - An identification card carrying the PASS hologram.

Unless such identification is produced, the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for, or on behalf of, children under 18;

- ii. That an incident log will be kept and maintained at the premises, which will include a log of any incidents of disorder, violent or antisocial behaviour. All crimes reported to the venue or by the venue to the police. These will be completed within 24 hours of the incident and kept for 12 months;
- iii. That no alcohol shall be consumed more than 30 minutes (currently 60 minutes) after the permitted terminal hour for the supply of alcohol;
- iv. The days and times for supply of alcohol off and on the premises, together with the following opening times as indicated below:

Activity		Day	Start	Finish
Supply of Alcohol off the premises		Monday to Saturday	09:00	23:00

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Supply of Alcohol off the premises		Sunday	10:00	22:00
Supply of Alcohol on the premises		Monday to Saturday	17:00	23:00
Supply of Alcohol on the premises		Sunday	17:00	22:00
Supply of Alcohol off the premises		New Year's Eve	16:00	00:30
Supply of Alcohol on the premises		New Year's Eve	09:00	00:30
Hours open to the public		Monday to Saturday	08:00	23:30
Hours open to the public		Sunday	10:00	22:30
Hours open to the public		New Year's Eve	09:00	01:00

- v. That customers shall not be permitted to remove from the premises alcoholic drinks in open containers;
- vi. That customers shall not be permitted to consume alcohol purchased from the premises outside and that any person leaving the premises for a break during an event shall not be permitted to take a drink outside;
- vii. That a written drugs policy be in place and held on the premises, which details actions to minimise the misuse of drugs on the premises together with a record of any incidents and actions taken and be available for inspection upon request.

Chair

The meeting ended at 3.08 pm

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