

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee C held at Barum Room - Brynsworthy on Wednesday, 24th August, 2022 at 10.00 am

PRESENT: Members:

Councillor Chesters (Chair)

Councillors Biederman and Pearson

Officers:

Solicitor and Licensing Officer

23. APPOINTMENT OF CHAIR

RESOLVED, that Councillor Chesters be appointed Chair for the Sub-Committee C.

24. APOLOGIES FOR ABSENCE

There were no apologies for absence.

25. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**26. 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**

Also present: Casey Reed, the Applicant.
Beth Coles, Planning Officer.

The Chair introduced herself and those present.

The Legal Officer summarised the hearing process.

The Licensing Officer outlined the application made in respect of Mad Hatter Plant Based Bistro and Lounge Bar, 8 and 10 Queen's Walk, Bear Street, Barnstaple, EX32 7DA, reference number 054744 and confirmed that all the formal requirements had been met for the submission of the application.

The proposed Premises Licence application applied for was to enable the sale of alcohol both on and off the premises. The Licensing Officer made a correction to a typing error on page 8 of the agenda to correct the Hours Open to the Public Friday to Saturday as being from 11.00 am not 23.00 as typed.

Appendix C of the agenda showed a premises plan and a location plan was provided at Appendix B. Appendix D was the Planning authority's representation which included photographs. The Licensing Officer had visited the premises himself and taken photographs which were tabled for the Sub-Committee members.

The Licensing Officer read paragraphs 4.6 to 4.8 of his report in relation to the Live Music Act 2012 and highlighted that although deregulated the Licensing authority could still set out conditions in relation to live music on the Licence.

All responsible authorities had been notified of the application. The Police had made an observation and the Planning authority had made a representation in relation to the Prevention of Public Nuisance licensing objective.

The Licensing Officer referenced the guidance issued under Section 182 of the Licensing Act 2003 (April 2018), and in particular drew the Sub-Committee's attention to paragraphs 14.64 and 14.65, Planning and Building Control.

The Applicant presented her case. Two premises had been merged as one business and was recognised as such by the Valuation Office Agency (VOA). Although referred to as a bar the bistro and lounge bar would not be run like a 'traditional' pub. The idea was to offer a relaxing atmosphere in which to enjoy a glass of wine with a meal. It was not intended under any circumstances to serve customers enough to become intoxicated, that was not the ethos of the business. She would not undertake any activity that would hurt/damage her business and/or the ability to run the business. The Applicant explained to the Sub-Committee that she was fully aware of the regulations she must abide by. Asking for this licence would help enhance the running of her business and she only wanted to do what would help her business and do things correctly. A local school whose pupils suffered from autism had approached her with a view to allowing year 10/11 pupils to undertake work experience at the premises, as her ethos was one of calm and muted sounds not blaring pop music. The premises was on the route to patrons attending the theatre and provided a venue for pre-theatre drinks in a relaxing and calming environment. In terms of the open mic night, this would be mostly her father singing along to an acoustic guitar, with no amplification or microphone and would only be a couple of hours once a month. There were other shops in the Arcade that remained open until 9 pm as well as a nearby pub, which could be very noisy especially on a Sunday when the applicant was at the premises cleaning.

The applicant offered to amend the opening hours and sale of alcohol hours as follows:

- On a Thursday, Friday and Saturday closed to the public at 21.30 with sale of alcohol ceasing at 21.00.
- Tuesday and Wednesdays closed to the public by 18.30 with sale of alcohol ceasing at 18.00.
- Sunday's were by booking only.

The Applicant explained that she had not been aware of the need to apply to planning for change of use of the premises but was now ready to resubmit an application to planning.

In response to questions, the Applicant gave the following information:

- The wall between the two premises would be staying intact.
- The menu on both sides of the wall were the same.
- The tables outside would be folded and taken inside by 8 pm.
- The number of seats would equal the number of patrons present.
- Alcohol to be sold in closed containers to take away from the premises.

The Planning Officer presented her case. The open mic night being retained would still be an issue of concern for the Planning Authority, as it was not known whether sufficient soundproofing had been installed during the last renovation of the building. There were 12 residential flats above the business units in the precinct. More people attracted to the area would create more noise.

In response to a question from the Chair. The Planning Officer advised that the Applicant was aware that is the Licensing application was approved then Planning approval would also be required. In order to change the use of the premises to allow the sale and consumption of alcohol a full Planning application needed to be submitted.

In her summing up the Applicant thanked the Sub-Committee for their time. She had put everything she had into this venture and it just would not work without a premises licence. She wanted to be able to create a relaxed, safe environment. This was a good opportunity for her to be able to provide for her family.

The Planning Officer summed up by saying that this application should still be considered in regards to planning.

In his summing up the Licensing Officer reminded the Sub-Committee of paragraphs 7.1 – 7.5 of his report in the agenda and the options available to members.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal Officer and the Corporate and Community Services Officer 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 readmitted to the meeting.

The Chair asked the Corporate and Community Services Officer to read the proposed decision with suggested amendments, which the Applicant confirmed she was happy with the agreed amendments, which were voted on and unanimously agreed.

RESOLVED that the grant of a premises licence, in respect of Mad Hatter Plant Based Bistro and Lounge Bar, 8 and 10 Queen's Walk, Bear Street, Barnstaple

EX32 7DA, reference number 054744 be granted with the following amendments to the submitted conditions:

- (a) The supply of alcohol on and off the premises on Tuesday and Wednesday would start at 11.00 and finish at 18.00
- (b) The supply of alcohol on and off the premises on Thursday, Friday and Saturday would start at 11.00 and finish at 21.00
- (c) Hours open to the public on Tuesday and Wednesday would start at 11.00 and finish at 18.30
- (d) Hours open to the public on Thursday, Friday and Saturday would start at 11.00 and finish at 21.30
- (e) The proposed amendment of conditions from the Applicant in Appendix E, page 48
 - (i) Section D: The Prevention of Public Nuisance, amendment was made to the third line to read "Once a month **only** there will be an open mic night with no amplifiers"
 - (ii) The fourth line was removed altogether
 - (iii) Outside seating will be removed at 9pm daily
 - (iv) Section E: Protection of Children from Harm, the removal of the fourth line

Chair

The meeting ended at 11.25 am

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