

TORRIDGE DISTRICT COUNCIL
LICENSING SUB-COMMITTEE MEETING

Tuesday, 9 July 2019 - 10.00 am

PRESENT Councillor K James (Chair)

 Councillors T Inch and J McKenzie

ALSO PRESENT

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| M Millichope | - Environment Protection Officer |
| C Norman | - Solicitor |
| C Parkhouse | - Lead Licensing Officer |
| M Richards | - Democratic Services Officer |
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| H Bright | - Applicant |
| A Bright | - Witness |

The Chair welcomed everyone to the meeting.

1. LICENSING ACT 2003 (S.34) - APPLICATION TO VARY PREMISES LICENCE
 CRANFORD CROSS FARM, TORRINGTON

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torriddle District Council staff present.

The Councillors present declared that they had no personal or pecuniary interest in the application.

The Chair asked the Applicant and Witness to identify themselves.

The Chair asked the representatives of the Responsible Authorities to identify themselves.

The procedure for the hearing was explained and the Lead Licensing Officer was invited to present his report.

The Lead Licensing Officer explained that the hearing had been convened to consider an application for a premises licence for The Bar, 32 Nelson Road, Westward Ho! Representations had been received and therefore, in accordance with legislation, the application must now be determined by a sub-Committee of the Council's Licensing Committee.

Background information was provided together with details of the licensable activities and licensed hours applied for. The Lead Licensing told the Sub-Committee that the key concern in the representations, received from Environmental Health and Planning, related to the "Prevention of Noise Nuisance" objective. He also outlined the policy issues relevant to the application and informed the Sub-Committee that when considering the application they must have regard to guidance published under s.182 of the Act, the Council's Statement of Licensing Policy and the evidence presented during the hearing.

The Chair thanked the Lead Licensing Officer for his report and asked Members if they had any questions. The Chair sought an update on the planning application and was advised that planning was ongoing.

The Chair invited the Applicant to make her submission.

Mrs Bright addressed the Sub-Committee, making the following points:

- There was a licensed premises next door to The Bar, licensed to 23.30/00.00 hours. There was also a take-away and a restaurant. It was felt the traffic attending these premises may well bring the same people as would attend The Bar.
- Smoking - The Bar could only accommodate approximately 30 people. Statistics suggested that 1 in 6 people smoke. Therefore, it was anticipated there would be no more than 5 smokers outside the premises at any one time.
- Signs would be displayed in the premises that drinks should not be taken outside.
- The menus would carry information about taxis and the staff would call for taxis for their customers. This would ensure people were not congregating outside. Furthermore, there would be a proportion of customers who would walk to and from the premises.

The Environment Protection Officer was invited to present the representations of the Responsible Authority. He told the Sub-Committee that the Environmental Protection Team had made representation on 7 June on receipt of the application. The concerns related to noise, both internally, as the premises was in a mixed commercial and residential area, with dwellings above The Bar, and externally with the congregation of smokers and the arrival and departure of customers.

Since the initial objection, the Applicant had commissioned an Acoustic Consultant to carry out sound tests and to ascertain whether there was sufficient sound insulation. Environmental Health had been satisfied with the assessment methods and findings. They were confident there was sufficient sound insulation to prevent noise nuisance to the dwellings above, with reference to noise nuisance outside it was questionable whether noise mitigation measures would be sufficient or indeed enforceable.

The Lead Licensing Officer informed the Sub-Committee of the licensed hours for the take away:

Monday - Saturday 10.00 – 00.00
 Sunday 12.00 – 23.30

The restaurant was licensed to supply alcohol until 23.30 on Sundays and closed at midnight.

The Applicant advised that there had been a mistake when completing the application in relation to the period allowed for drinking up. An hour had been allowed but with hindsight, 30 minutes would be more appropriate.

The Sub-Committee retired to consider its decision at 10.21am.

On return, the Chair stated that the Sub -Committee had agreed to grant the licence with the condition that the opening hours be amended as follows:

Supply of alcohol for consumption On and Off the premises:

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|------------------|---------------|
| Sunday to Friday | 11.00 – 23.30 |
| Saturday | 11.00 – 00.00 |

Opening Hours

| | |
|------------------|---------------|
| Sunday to Friday | 11.00 – 00.00 |
| Saturday | 11.00 – 00.30 |

The Lead Licensing Officer advised the Applicant that she had the right to appeal the sub-Committee's decision. Any appeal must be made to the Magistrates' Court within 21 days.

In his closing remarks, the Chair wished the Applicant well in her business venture.

The Applicant and Witness left the meeting.

The Lead Licensing Officer presented the report, detailing the background to the application to vary the premises licence. He explained that representations relating to noise nuisance had been received from Environmental Health, following which a mediation meeting had taken place on site with Environmental Protection Officer and the Police Licensing Officer. The Officers had been satisfied with the event management plan and it had been agreed that the following condition is added to the Licence:

The event dates (including number of days and timings) will be agreed with the Licensing Authority prior to the promotion of the event.

In accordance with licensing legislation, a hearing was not now necessary.

In response to a question about traffic signage, the Lead Licensing Officer advised that the applicant had liaised with the Highways Department. He confirmed that the site had adequate parking facilities.

The Licensing sub-Committee approved the application to vary the premises licence with the agreed amendment to the licence conditions.

2. LICENSING ACT 2003 (S.17) - APPLICATION FOR PREMISES LICENCE THE BAR, 32 NELSON ROAD, WESTWARD HO!

The meeting commenced at 10.00 am and closed at 1.35 pm

Chair:

Date: