

TORRIDGE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE MEETING

Caddsdow Business Support Centre - Bideford

Friday, 16 December 2022 - 11.00 am

PRESENT	Councillors J McKenzie, R Clarke, P Hackett and P Hames	
ALSO PRESENT	T Ojikutu	- Legal Services Manager
	C Parkhouse	- Lead Licensing Officer
	P Butler	- Alcohol Licensing Officer for Devon & Cornwall Police
	S Cohen	- Neighbourhood Officer
	T Vanstone	- Senior Electoral & Democratic Services Officer
	K Brown	- Democratic Services Officer

The Chair welcomed everyone to the meeting.

11. APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair welcomed everyone to the hearing and introduced himself along with the other Councillors on the committee and officers present.

Councillors confirmed they had no personal or prejudicial interests in the matter.

The Lead Licensing Officer introduced himself as the applicant for the review and, Simon Cohen, Neighbourhood Officer and the Police Alcohol Licensing Officer for Devon & Cornwall Police, Paul Butler.

The Licence Holder was invited to introduce herself and her representative, Mr Jon Dunkley – Wollens Solicitors.

The Chair detailed the procedure for the days hearing.

The Lead Licensing Officer presented the report the purpose of which was to provide the sub-Committee with information relating to an application for a review of the premises licence for The Anchor, 11 Honestone Street, Bideford to enable the sub-Committee to determine the application.

Following the presentation of the report, TDC's Neighbourhood Officer, Simon Cohen played audio recording evidence of noise generated from the Anchor. An explanation was given on the equipment used and the location where the equipment had been situated for the recordings.

12. EXCLUSION OF THE PUBLIC

It was proposed by Councillor J McKenzie, seconded by Councillor P Hackett and –

Resolved:

That under Section 100(a)(4) of the Local Government Act (as amended) the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information by virtue of Paragraph 3 of Part 1 and Paragraph 10 of Part 2 of Schedule 12A of the Local Government Act 1972.

(Vote: For - unanimous)

13. PART II (CLOSED SESSION)

14. POLICE REPORT

The Alcohol Licensing Officer for Devon & Cornwall Police addressed the committee to deliver his report. He informed the sub-Committee of his employment background and experience and the reasons for attending the hearing.

It was advised the report was submitted on 5th December. The Alcohol Licensing Officer for Devon & Cornwall Police detailed his interactions with the Anchor over a period and highlighted certain incidents of the report.

A brief discussion followed where the sub-Committee were invited to ask questions which were answered by the Alcohol Licensing Officer for Devon & Cornwall Police and Lead Licensing Officer for TDC.

The Licence holder and representative were invited to put their case.

The solicitor of Wollens addressed the sub-Committee explaining the Licence holder's history with the premises. He progressed to challenge all the evidence presented, during which the sub-Committee were able to ask further questions which were addressed by either the Alcohol Licensing Officer for Devon & Cornwall Police, Lead Licensing Officer for TDC, Wollens Solicitors and the Licence Holder.

The Licence Holder advised of measures she would take to mitigate complaints.

At 12.33pm the sub-Committee retired to consider the application.

At 1.01pm the sub-Committee returned.

LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

It was proposed by Councillor J McKenzie, seconded by Councillor P Hackett and –

Resolved: That the press and public be readmitted.

(Vote: For – unanimous)

The Chair stated that the sub-Committee had carefully considered the matter and the written and oral evidence of all parties. They had paid regard to the Guidance issued by the Home Office under s.182 of the Act and to the Councils Statement of Licensing Policy

Following deliberation and advice from the Leal Advisor it was deemed there was evidence of anti-social behaviour and noise nuisance.

Therefore, the sub-Committee agreed on the following action:

- Prohibit Karaoke after 11pm permanently;
- Two SIA staff be employed on a Friday and Saturday night and Sunday proceeding a Bank Holiday between 20:00 and close;
- Demonstration of compliance with recordings of noise, incidents, staff training and risk assessments.

The reasons for the decision were that there was clear evidence of the licensing objectives, namely prevention of crime and noise nuisance being breached on numerous occasions, historically and recently. On that basis the sub-Committee considered this to be a proportionate response to address the issues. The sub-Committee invited the Licence Holder to present themselves again in two months' time.

The Chair confirmed that the licence holder had the right to appeal the sub-committee's decision and the appeal must be submitted to the Magistrates Court within 21 days.

The meeting commenced at 11.00 am and closed at 1.06pm

Chair:

Date: