

TORRIDGE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 19 July 2023 - 10.00 am

PRESENT	Councillors C Bright, S Harding and P Pennington	
ALSO PRESENT	S Dorey	- Head of Legal & Governance (Monitoring Officer)
	C Parkhouse	- Lead Licensing Officer
	J Mann	- Environmental & Licensing Team Leader
	T Vanstone	- Senior Electoral & Democratic Services Officer
	K Brown	- Democratic Services Officer
APPLICANTS	Mr H Singh	
	Mr C Mitchener	
	Taxi Licence Applicant	

16. APPLICATION FOR A NEW PREMISES LICENSE - FIREAWAY PIZZA

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torrridge District Council staff present. He advised that the hearing had been convened to consider an application for a premises licence – Fireaway Pizza, Bideford.

The Councillors present declared they had no personal or prejudicial interests in the application.

The Chair asked the applicant to identify himself along with any representatives and witnesses. There were no representatives or witnesses present.

The Lead Licensing Officer confirmed there were no responsible authorities or objectors present.

The Chair explained the procedure and purpose of the hearing.

The Lead Licensing Officer was invited to present the report, the purpose of which was to provide the Sub-Committee with information relating to an application for a premises licence for Fireaway Pizza, Bideford to enable the sub-Committee to determine the application.

It was advised that 4 objections had been received and they related to the prevention of crime & disorder and the prevention of public nuisance licensing objectives.

The Chair thanked the Lead Licensing Officer for his report and asked the panel if they had any questions for the Lead Licensing Officer.

Following a query, it was confirmed that under licensing legislation retailers can apply for a licence for 24/7 with no restrictions at all.

The applicant was invited to put forward his case.

The applicant advised how he had first applied for a personal licence however after receiving some advice had decided to apply for a premises licence and was prepared to take appropriate steps and measures to aid the approval of the licence.

The panel were invited to ask questions.

In response to queries from the Chair and the Lead Licensing Officer, the applicant clarified his intended opening hours.

The Sub-Committee retired at 10.16am.

At 10.28 the Lead Licensing Officer joined the Sub-Committee for advice.

The Sub-Committee returned at 10.37am.

The Chair stated that the Sub-Committee had carefully considered the matter and oral evidence of all parties.

The only concern the Sub-Committee had, was regarding the side access to the premises. The Lead Licensing Officer clarified with the applicant the side access in question and the applicant confirmed that the access belonged to someone else and there would be no public access.

The Sub-Committee had regard to the Guidance issued by the Home Office under s.182 of the Act, to the Councils Statement of Licensing Policy and all evidence presented to the panel and decided to grant the application with additional conditions.

The Sub-Committee acknowledged that whilst the representations submitted did relate to the licensing objectives, there was no evidence the premises would result in an increase in crime and disorder or nuisance. However, to address concerns relating to the use of Hart Street and issues relating to cleanliness it decided to impose the following conditions:

- Public access via Mill Street only.
- Side entrance on Hart Street restricted to staff only.
- Sufficient measures must be in place to remove litter/waste arising from customers and to prevent litter/waste accumulating in the immediate vicinity of the premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacle for the disposing of waste material.

The Sub-Committee also acknowledged that should there be any breaches of the licensing objectives after the issue of the licence, any member of the public can make representations for a review hearing.

17. APPLICATION TO VARY A PREMISES LICENCE - SPAR, CHURCH STREET, DOLTON

The Chair opened the meeting, introducing the Licensing Sub-Committee Members and Torridge District Council staff present. He advised that the hearing had been convened to consider an application to vary a premises licence for The Spar, Church Street, Dolton.

The Councillors present declared they had no personal or prejudicial interests in the application.

The Chair asked the applicant to identify himself along with any representatives and witnesses.

The Lead Licensing Officer confirmed there were no responsible authorities or objectors present.

The Chair explained the procedure and purpose of the hearing.

The Lead Licensing was invited to present the report, the purpose of which was to provide the Sub-Committee with information relating to an application to vary the premises licence for The Spar, Church Street, Dolton to enable the Sub-Committee to determine the application.

The Chair thanked the Lead Licensing Officer for his report and asked the panel for any questions.

In response to a query the Lead Licensing Officer advised that the difference in hours in the report were the times of the existing licence and the proposed new opening hours. It was confirmed that the 2 objections were separate and the email objection had been received via the portal.

The applicant was invited to put forward his case.

Mr C Mitchenor addressed the Sub-Committee expressing his disappointment that no objectors were there so he could address their concerns directly. He explained how Wessex Retail and Appleby Westward Group Limited had amalgamated into one company and detailed there are stores across the country. This variation application was to bring this store in line with guidelines and other store opening times. Acknowledgement was given to one objection regarding Christmas opening times, it was advised staff are consulted. He raised that no objection had been received from parish or district council, responsible authorities nor the Police. Reference was made to possible light disturbance from another property which could be investigated and addressed if necessary.

The Chair asked for questions from the panel.

In response to a query, the applicant advised previously to extend hours demand would have to be proven, however this is no longer the case. Hours would be judged dependent on the need of the store. If not commercially liable, then hours would be altered to meet demand, but it does not need to be proven.

Following concern regarding making staff work at Christmas, the applicant advised staff cannot be forced or coerced to work. The store relies on the residents of the village and the company have a reputation to maintain.

At 11.58am the Sub-Committee retired to consider the application.

At 12.02pm the Sub-Committee returned.

The Chair stated that the Sub-Committee had carefully considered the matter and oral evidence of all parties.

The Sub-Committee had the following concerns:

- Christmas day working
- Light disturbance

The Sub-Committee took the following matters into consideration:

- Hours governed by need therefore might not be open as much as licence states
- Anti-social behaviour would be a Police matter
- The Council's Licensing Policy considers 23:00 as the standard cut-off time before applicants would be expected to introduce higher standards of control and supervision.
- Should there be any breaches of the licensing objectives after the issue of the licence, any member of the public can make representations for a review hearing.

The Sub-Committee had regard to the Guidance issued by the Home Office under s.182 of the Act, to the Councils Statement of Licensing Policy and all evidence presented to the panel and decided to grant the application as submitted.

## 18. EXCLUSION OF THE PUBLIC

It was proposed by Councillor P Pennington, seconded by Councillor S Harding 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)

19. PART II (CLOSED SESSION)

20. CONSIDERATION OF APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torridge District Council staff present. He advised that the hearing had been convened to consider an application for a Hackney Carriage/Private Hire Driver's Licence.

The Councillors present declared they had no personal or prejudicial interests in the application.

The Chair asked the applicant to identify herself along with any representatives and witnesses. There were no representatives or witnesses present.

The Lead Licensing Officer confirmed he was representing Torridge District Council.

The Chair explained the procedure and purpose of the hearing.

The Lead Licensing Officer was invited to present the report, the purpose of which was to consider an application for a Hackney Carriage/Private Hire Driver's Licence.

The Chair thanked the Lead Licensing Officer for his report and asked the panel if they had any questions for the Lead Licensing Officer.

The applicant was invited to put forward her case.

The panel were invited to ask questions which resulted in a discussion taking place where questions were answered and queries addressed. During the discussion legal advice was given by the Head of Legal & Governance (Monitoring Officer).

At 12.35pm the Sub-Committee retired.

The Head of Legal & Governance (Monitoring Officer) joined the panel.

At 12.55pm the Sub-Committee returned.

It was decided that the meeting be adjourned to enable to applicant to provide further information to the Sub-Committee to support the application.

The meeting commenced at 10.00 am and closed at 1.00 pm