

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of a **LICENSING SUB COMMITTEE B** held on Thursday 6 June at 10.30am in the Mayoralty Room, Town Hall, Tiverton

Present

Councillors: Mrs F J Colthorpe, D J Knowles and P F Williams

Also Present

Officers: M Parish (Licensing Manager), G Pratt (Legal Advisor) and S Gabriel (Member Services Officer)

1 CHAIRMAN – ELECTION

RESOLVED that Cllr P F Williams be elected Chairman of the Sub Committee for the meeting.

Cllr Williams then took the Chair.

2 PUBLIC QUESTION TIME

There were no questions from those Members of the public present.

3 APPLICATION FOR A PREMISES LICENCE, THE KINGS HEAD, CULLOMPTON

Consideration was given to a report * of the Head of Environmental Services relating to an application that had been received under the Licensing Act 2003 for a premises licence by The Kings Head, Cullompton.

The Members and Officers introduced themselves.

The Licensing Sub Committee decided that the meeting should be heard in public session.

The applicants Messrs Slack were present together with Mr Sleight (Police Licensing Officer) and Mr Bradnock (Police Legal Representative).

The Licensing Manager outlined the contents of the report stating that the hearing was based on a disagreement between the Police and the applicants on the conditions attached to the licence application, although there was no disagreement about the granting of the licence. She requested that Members consider the conditions requested by the Police and the response of the applicants in the appendices to the report and consider what would be appropriate for the public house. The premises had CCTV and the applicants had had a copy of the Licensing Authority Guidance on this matter. The hours asked for in normal trading did not appear to vary from most of the other premises in Cullompton, however the Police were objecting to the times requested for special occasions. Members were requested to consider the proposed hire agreement agreed with the Licensing Officer, the issue of open containers outside the front of the premises which would if allowed bring

patrons into conflict with the Designated Public Place Order that applied in Cullompton Town Centre.

The applicant (Mr Derrick Slack) was requested to outline his application. He outlined the issues raised by the Police stating that he was prepared to partition off the proposed takeaway area, the police had requested a half an hour drinking up time which was acceptable; with regard to the CCTV equipment, he did not feel that there was a necessity to have CCTV although the equipment was in situ. He explained that he wanted to encourage a family venue and that there would be no place for trouble makers. He addressed the Police issues with regard to taking bottles onto the street, the premises had a suitable smoking area and he did not feel that he should patrol the entrance to the premises stopping people going outside; he wanted to abide by his licence not just have due diligence with regard to those exiting possibly carrying glasses.

Members highlighted the following issues via a series of questions:

- How the takeaway enterprise would be run;
- What did the applicant mean by a bank holiday weekend;
- The possible separation of the takeaway area from the rest of the building;
- The suitability of the CCTV equipment and whether the images gained would be of use to the Police and Licensing Authority, the Licensing Manager stated that the Licensing Officer visiting the site had been happy with the CCTV system;
- The enclosed smoking area at the rear of the property;
- The late night refreshment period
- The use of plastic glasses in the garden area.

Mr Bradnock (Police Legal Representative) outlined the objections in Annex 3 of the report.

1. He addressed the demarcation issues between the takeaway area and the rest of the bar area, he felt that the applicant was unclear how he wanted to run the takeaway side of the business and that if patrons entered the takeaway area would altercations take place with those already in the bar area? He therefore requested a sensible and proportionate partition.

2. He outlined the Police concerns regarding the removal of drinks to the front of the property, he felt that it was easier for patrons to go out of the front door for a smoke than to walk to the designated smoking area at the back of the premises; there was also concern about the behaviour of patrons so close to a busy road junction; the Police had therefore sought a condition stating that patrons would not be allowed to exit the front of the premises with a drink although they only expected the applicant to have due diligence to this condition.

3. He voiced the police concerns regarding wine glasses and bottles of wine outside in the garden area.

4. He addressed the half an hour drinking up time and questioned the bank holiday issues within the licence application.

5. He asked Members to consider a formal condition for the CCTV equipment.

Discussion took place regarding whether reasonable steps to stop patrons gathering at the front of the premises was sufficient with the Licensing Manager highlighting the wording of conditions within the licences of other premises in the town. She explained the Designated Public Place Order that applied to the town centre and felt that this covered any issues of taking drinks onto the street. Further discussion referred to the take away issues and the fact that those requiring a takeaway could sit in the area and eat their food.

Members of the Sub-Committee withdrew to consider their decision.

Having carefully considered all the evidence it was:

RESOLVED that a Premises Licence be granted as applied for subject to:

a) From Monday to Thursday the sale of alcohol would be 0800 hours to 2330 hours.

Reason – as requested by the Police Licensing Authority to allow a more reasonable period of wind down time.

b) CCTV be operated in compliance with the Licensing Authority's guidance.

Reason – CCTV was already installed and should therefore be used to promote all 4 licensing objectives.

c) A Hire Agreement form as per the sample presented at the hearing shall be completed and complied with for all private functions within the function room.

Reason – to allay fears of crime and disorder and promote public safety.

d) All reasonable steps including signage will be taken to prevent open bottles/containers being taken off and brought onto the premises.

Reason – to promote public safety in the streets around the premises.

e) Alcohol or soft drinks to be taken into or served in the beer garden must be plastic or tempered glass.

Reason – for the protection of children and public safety.

With an informative note stating that the Sub Committee considered imposing a condition regarding litter resulting from the takeaway enterprise, however they had not done so but warned that if this becomes an issue then other interested parties may challenge the licence in the future. Also, that a Bank Holiday refers specifically to the individual day of the Bank Holiday and not the weekend.

(Proposed by the Chairman)

Note: * Report previously circulated; copy attached to signed Minutes.

(The meeting ended at 12.20pm)

CHAIRMAN