

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING SUB-COMMITTEE C** held on 4 March 2019 at 10.30 am

### **Present Councillors**

R J Chesterton,            T G Hughes            and  
Mrs E J Slade

### **Also Present Councillor(s)**

D R Coren

### **Also Present Officer(s):**

Simon Newcombe (Group Manager for Public Health and  
Regulatory Services), Maria De Leburne (Solicitor) and  
Carole Oliphant (Member Services Officer)

## **4 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **5 ELECTION OF CHAIRMAN**

Cllr R J Chesterton was duly elected Chairman.

## **6 DETERMINATION OF A NEW PREMISES LICENCE APPLICATION FOR CLEAVE BARTON, BICKLEIGH, DEVON, EX16 8RG**

Consideration was given to a report \* of the Lead Licensing Officer relating to an application that had been received by Cleave Barton, Bickleigh, Devon EX16 8RG. This was a requirement of the Council as the Licensing Authority.

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

There were no interests to declare.

The Group Manager for Public Health and Regulatory Services outlined the contents of the report making reference to the following:

The reason for the hearing was that a new premise license application had received representations from Mrs Brownlow (not in attendance) and Mr & Mrs Ashworth objecting to the application and the Council, as the Licensing Authority, was obliged to hold a hearing to determine the application.

The objections received had alluded to issues with public safety and the prevention of public nuisance.

He explained that the applicants had offered the following conditions as part of their application:

- The Challenge 25 Scheme
- Recognising the signs of drunkenness
- Operating procedures for refusing service to any person who is drunk, under age or appears to be under age or appears to be making a proxy purchase
- Action taken in event of an emergency including reporting an incident to the emergency services
- Necessary training being undertaken and recorded
- Erection of clear and appropriate signs would be displayed at all exits
- Replacement of the 5 Bar Gate with a solid gate

He further explained that the property was in a zone 3 flood risk but no representations had been received from the Environment Agency with concerns regarding the sale of alcohol on the site. He informed the members of the Sub Committee that there was a separate planning application for the conversion of two commercial units to holiday lets on the site which had received a representation from the Environment Agency, but this was a separate issue and not part of this licensing application.

With regard to the objections raised on noise the Group Manager for Public Health and Regulatory Services explained that as this was a new application there was no context or history with regard to historical complaints or issues that could be referred to. He confirmed that there could be grounds to review the licence if issues occurred in the future and this included noise nuisance.

He explained the options available to the Sub Committee:

- Granting the licence as applied for
- Granting the licence subject to appropriate modifications necessary for the promotion of the licensing objectives
- Excluding from the scope of the licence any of the licensable activities to which the application relates
- Refusing to specify a Designated Premises Supervisor
- Rejecting the application

Reasons must be given for the decision and they must set out the matters taken into consideration and why such a decision was arrived at.

The applicants Mr & Mrs Wright were asked to present their case to the Sub Committee.

Mrs Wright provided an update on the planning application for the wedding venue on the site and that they had sought pre application advice from the Licensing Authority before they had submitted the premise license application.

She explained that the glamping business was relatively new, having opened in August 2018, and that they could currently accommodate 18 guests. There had been occasions during the last season when all three tents were occupied and the guests had indicated that it would have been beneficial to consume alcohol in a shared area.

She explained that they had canvassed Bickleigh residents who had indicated that they would like to use the facility.

The applicants explained that they intended to sell locally produced products on the site for guests to consume in the tents and that they would open the bar two or three times a week if the demand was there. They confirmed that the intention was for the bar to also serve soft drinks, tea, coffee and bar snacks. It was also the intention that if the planning application was passed for the wedding venue that the bar would be open in the afternoons from 2.00pm – 6.00pm for wedding afternoon receptions but any later alcohol sales would be from the wedding barn itself.

Members asked the applicants how they would mitigate noise from the venue and the applicants explained that unlike Bickleigh Castle they would not be allowing fireworks at any of the wedding receptions. They also confirmed that they had not added a late night music license to the application and did not intend playing amplified music from the bar area.

With regard to the flood zone the applicants explained that they were signed up to the Environment Agency flood alert scheme and they had submitted an evacuation plan for patrons to evacuate the site if flooding should occur.

Mrs & Mrs Ashworth were asked to present their objections to the Sub Committee.

They stated that they had no objections to the glamping site, the applicants providing alcohol to their guests or to the bar being open a couple of times a week. Their main objection was to the licensing hours of 11.00am to 11.00pm as they felt that the venue did not need to open for that length of time. They explained that their main objection was to the potential wedding venue application and the potential increase in the amount of people and parking on the site, which they felt, would cause a nuisance.

Mr & Mrs Ashworth expressed concerns that any potential wedding venue would significantly impact on them as direct neighbours of the site. They raised concerns that the applicants would not be able to control the behaviour of their patrons if they were intoxicated.

The applicants, Mr & Mrs Wright, explained to the Sub Committee that their glamping business was frequented mostly by families and that there was normally more than one person on site to assist with control if required. They explained that if the wedding venue was approved, a different application, then different levels of staffing would be required.

The Group Manager for Public Health and Regulatory Services explained that the application for change of use for the barn to a wedding venue and for the conversion of commercial units to holiday lets were separate applications and could not be considered as part of the Licensing application as they had yet to be determined. The Licensing application for the bar had to be taken on its own merits. He also explained that the applicants could apply for the premise license at any time and did not have to wait for the planning application for the wedding venue to be determined.

The Sub Committee thanked the applicants and the objectors for their representations and retired to consider their verdict.

Having reflected on the balance of evidence both oral and written presented to the Sub Committee by both the applicant and other parties, the licensing Sub Committee was of the opinion that no evidence was presented at the hearing for imposing additional conditions and there was no licensing justification for refusing the application.

**RESOLVED** to grant the Premise Licence for Cleave Barton, Bickleigh, Devon EX16 8RG.

Reasons for this were:

a) The applicants had agreed to the following conditions as part of the Licensing Application:

- The Challenge 25 Scheme;
- Recognising the signs of drunkenness;
- Operating procedures for refusing service to any person who is drunk, under age or appears to be under age or appears to be making a proxy purchase;
- Action taken in event of an emergency including reporting an incident to the emergency services;
- Necessary training being undertaken and recorded;
- Erection of clear and appropriate signs shall be displayed at all exits;
- Replacement of the 5 Bar Gate with a solid gate.

b) No representations had been made from any Responsible Authority concerning the application

(Proposed by the Chairman)

Note: \*Report previous circulated and attached to the minutes.

(The meeting ended at 12.50 pm)

**CHAIRMAN**