

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE B** held on 1 April 2019 at 10.30 am

Present Councillors

Mrs F J Colthorpe, D R Coren and
L D Taylor

Also Present

Officer(s): Philip Langdon (Solicitor), Thomas Keating (Specialist Lead (Licensing) Officer) and Carole Oliphant (Member Services Officer)

7 CHAIRMAN - ELECTION

Cllr D R Coren was duly elected Chairman

8 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies

9 DETERMINATION OF A NEW PREMISES LICENCE APPLICATION FOR SPELT, 42 BROOK STREET, BAMPTON, DEVON, EX16 9LY

Members, officers and the applicants introduced themselves.

There were no declarations of interests.

Prior to consideration of a *report from the Group Manager for Public Health and Regulatory Services regarding an application for a New Premises Licence for Spelt, 42 Brook Street, Bampton, Devon, EX16 9LY the Sub Committee discussed whether or not the hearing should be held in public or private. Members considered that the circumstances of the case and agreed to hold the hearing in open session.

As representations had been received, Mid Devon District Council, as the Licensing Authority, was obliged to hold a hearing to determine the application.

The Lead Licensing Officer outlined the contents of the report and explained the key aims and objectives within the policy, those being public safety, prevention of public nuisance, protection of children from harm and the prevention of crime and disorder. The options before the Sub Committee in relation to the licence were also outlined.

He explained that two of the three representations had been withdrawn and that the remaining representation detailed concerns with regard to noise from people leaving the premises late at night and parking issues.

He explained that the applicants had put forward two conditions with regard to the application. There were:

1. No drinking vessels would be allowed to leave the premise apart from Bampton Fair week when only plastic drinking vessels would be permitted to be taken off the premises
2. The Challenge 25 Policy

The applicants were asked to address the Sub Committee and they explained that they successfully ran another establishment, The Swan public house, in the Town and that they had only received one complaint about noise in the previous 11 years. They stated that the nature of the new business was very different to a public house, that it was a small restaurant which would only serve wine and bottled beers for people to consume whilst they were having a meal.

They stated that it was not their intention to hold music nights at the venue and that the last orders for food would be at 9.00pm. They stated that any music would be background music as they felt that the venue would encourage people to make their own atmosphere.

Addressing the concerns of the neighbour who had submitted the representation the applicants stated that they intended to put up signs to inform patrons to keep noise levels low when exiting the establishment and that they would be on hand to deal with any patrons who made excessive noise.

They explained that there were two establishments very close to the location which also served alcohol and that they had not caused any issues with excessive noise when patrons left them in the evenings. They stated that the Bistro would be predominately serving elderly residents during the day and dining couples during the evening.

The Chairman thanked the applicants for their submission and the Sub Committee then withdrew to consider its decision.

Having reflected on the evidence presented to the Sub Committee: It was

RESOLVED that the New Licence Application for Spelt, 42 Brook Street, Bampton, Devon EX16 9LY be granted.

In making its decision the Sub Committee acknowledged the licensing objectives and the concerns raised by submitted representations. The reasons for granting the licence were;

- a) The Sub Committee concentrated on the issue of noise, primarily the noise of customers leaving the premises late at night: this was because this was remaining objection to the application. Issues of parking were raised but the Sub Committee did not feel that this was a licensing consideration.
- b) The Sub Committee were impressed by the experience of the applicants and their record of compliance with regard to noise control at their existing establishment in the Town.

c) That the applicants indicated that they would provide notices to inform patrons to keep noise levels down when they left the establishment.

d) The intended nature of the establishment being a small local restaurant it was not envisaged that noise would be an issue.

e) The Sub Committee noted the deregulated provisions for live and recorded music.

Note: *Report previously circulated and attached to the minutes

(The meeting ended at 11.46 am)

CHAIRMAN