

LICENSING AND REGULATORY SUB-COMMITTEE

MONDAY, 19 JULY 2021

Present:

Councillors Bradford, Kerswell and Nutley (Chair)

Officers in Attendance:

Licensing Manager

Trainee Democratic Services Officer

Solicitor & Deputy Monitoring Officer

Legal Assistant

30. APOLOGIES FOR ABSENCE

No apologies for absence.

31. MINUTES

The Minutes of the Licensing and Regulatory Sub-Committee held on 23 June 2021 were approved as a correct record and signed by the Chair.

32. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

33. APPLICATION FOR A NEW PREMISES LICENCE - UNIT 37 BERRYS WOOD, NEWTON ABBOT, TQ12 1UP

The Sub-Committee gave consideration to a report presented by the Licensing Manager (previously circulated) in which determination was sought in respect of an application for a new Premises Licence for Unit 37, Berry's Wood, Newton Abbot, TQ12 1UP.

The Designated Premises Supervisor attended the meeting and was permitted to speak on behalf of the Applicant. He answered questions put to him by the Sub-Committee relating to:

- Security of the garage
- How much alcohol would be stored
- How often the garage would be used
- Why a designated storage facility was not used
- How alcohol would be delivered to the premises and what vehicles would be used

An Objector attended the meeting and was permitted to speak on behalf of himself and two other people who had made representations.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Kerswell and seconded by Councillor Nutley, and

RESOLVED that the Application for a new Premises Licence in respect of Unit 37, Berry's Wood, Newton Abbot, TQ12 1UP be granted as applied for subject to the conditions as set out in the report with a further condition preventing the delivery of stock to the premises by third parties.

Reasons for the decision:

The Sub-Committee was satisfied from the information presented that the Applicant and Designated Premises Supervisor had a lot of experience in the food and wine industry and that he would be able to uphold the Licensing Objectives effectively.

Members of the Sub-Committee noted the concerns of the residents which were focused on the fact that the premises was subject to a restrictive covenant affecting the use of the premises, the possibility of increased traffic, anti-social behaviour and harm to children.

The Sub-Committee was of the opinion that the restrictive covenant was not a material licensing consideration regarding this application but understood the purpose of it and the potential link to the Licensing Objective of public nuisance. Members did comment that the premises being known as Unit 37 was slightly misleading as it is the garage of the residential property number 25 and is in a residential area.

With reference to resident's concerns about crime and disorder, the Designated Premises Supervisor confirmed that although there is no CCTV installed the premises is surrounded by other garages and is in a quiet cul-de-sac. He has installed four strong locks on the door and he will not have any signage or advertising which could indicate what is kept within the garage. He has lived there for many years and is not aware of any break-ins or trouble in the area. The Sub-Committee accepted this and did not feel that in this instance the storing of alcohol would be likely to increase the risk of crime and disorder.

With regard to the protection of children from harm and the prevention of public nuisance, the Designated Premises Supervisor confirmed that as this was a side business he would only be using the garage and delivering stock once home from his main job or on the weekends. He would only be using a normal car insured for business use to collect and deliver the products to the garage. The Sub-Committee noted that other delivery vehicles such as those used by supermarkets and furniture suppliers regularly used the cul-de-sac. As such the Sub-Committee felt that there was unlikely to be an increased risk of harm to children that may be playing near the garages from deliveries of alcohol to the garage and that there

would be no increase in public nuisance as the Designated Premises Supervisor would be the only one to take alcohol to and from the premises.

However, the Sub-Committee did feel that to further promote the Licensing Objectives of the prevention of public nuisance and protection of children from harm, it would be reasonable to condition the granting of any licence to ensure that no third parties could deliver to the garage thereby again reducing the risk of excessive use of the premises at all hours of the day by vehicles which could potentially be oversized, noisy and dangerous in a residential area.

The Sub-Committee was satisfied that the Applicant had shown how they proposed to address the concerns raised within the representations by personally collecting alcohol from suppliers, having 4 strong locks on the garage and alcohol being stored at the back of the garage so that it is not visible to passers-by when the doors were open. The Sub-Committee also noted the representation that at least one other resident of the cul-de-sac used their garage in relation to business use.

The Sub-Committee was satisfied that the four Licensing Objectives would be upheld and therefore deemed it appropriate to issue the premises licence with the additional condition preventing the delivery of stock to the premises by third parties.

34. APPLICATION FOR A NEW PREMISES LICENCE - HALDON FOREST HOLIDAY PARK, CLAPHAM, EXETER, EX6 7YG

The Sub-Committee gave consideration to a report presented by the Licensing Manager (previously circulated) in which determination was sought in respect of an application for a new Premises Licence for Haldon Forest Holiday Park, Clapham, Exeter, EX6 7YG.

The Designated Premises Supervisor attended the meeting and was permitted to speak on behalf of the Applicant. The Designated Premises Supervisor answered questions put to her by the Sub-Committee relating to:

- Litter
- Where the takeaway cabin would be placed on the site
- The security of the shop and takeaway cabin
- Who was expected to use the facilities

No persons having made representations were present at the meeting.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Kerswell and seconded by Councillor Nutley, and

RESOLVED that the Application for a new Premises Licence in respect of Haldon Forest Holiday Park, Clapham, Exeter, EX6 7YG be granted as set out in the report.

Reasons for the decision:

The Sub-Committee noted that the Applicant was already running a shop and food outlet at the holiday park and was not aware of any issues arising from that business or that may have impacted on the four licensing objectives.

Members of the Sub-Committee noted the concerns of the local residents such as increased litter from the takeaway shop. The Designated Premises Supervisor confirmed that regular litter patrols were completed by employees of the holiday park and plenty of bins were provided. Most of the litter in the area came from the new takeaway establishment nearby and not the holiday park. It was therefore felt by the Sub-Committee that this was not a reason for refusal of the licence.

With regards to the prevention of crime and disorder and prevention of public nuisance the Designated Premises Supervisor informed the committee that there was CCTV on both the shop and takeaway premises and that the holiday park catered for smaller groups and family groups, it did not accept bookings from groups such as hen and stag parties. Residents of the holiday park are already able to bring their own alcohol onto the site. The Sub-Committee were not convinced that the sale of alcohol would have any impact on the local community and felt that there was no increased risk of public nuisance or crime and disorder and that this concern was based more on speculation than fact.

The Sub-Committee noted the concern that there would be an increase in traffic using the narrow lanes around the site to visit the shop and obtain alcohol or takeaways. The Designated Premises Supervisor told the Sub-Committee that the shop was not being advertised to the public, it was set back from the road and it was to stop residents of the holiday park from having to leave the site and drive to obtain shopping for everyday items such as bread and milk. The Designated Premises Supervisor did not feel that the presence of the shop would encourage extra traffic to visit the site. The Sub-Committee agreed and again felt that there was no increased risk of public nuisance as people who have made bookings would be travelling to the holiday park whether or not there was alcohol on sale.

The Sub-Committee was satisfied from the information presented that Applicant had put in place sufficient measures to ensure that the four Licensing Objectives would be upheld effectively and therefore deemed it appropriate to issue the premises licence as set out in the report.

CLLR J NUTLEY
Chair