

WEST DEVON LICENSING SUB- COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Licensing Sub-Committee** held on **Thursday, 27th July, 2017 at 2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman
Vice Chairman

Cllr Baldwin
Cllr Sanders

Cllr Roberts

In attendance:

Cllr Leech
Cllr Yelland

Cllr J Goffey
Mr Barry Sleight – Police Representative
Mr E Baily – DPS and Representative of the Applicant
Mr S McCormack – Representative of the Applicant

Senior Specialist – Environmental Health
Specialist – Licensing
Solicitor

1. **Appointment of Chairman**

*LSC1

RESOLVED

That Cllr Sanders be appointed Chairman for the duration of the meeting.

2. **Application to vary the premises licence of Pretoria Vaults, Okehampton**

*LSC2

The Sub Committee considered a report that sought to determine a variation of the premises licence of Pretoria Vaults, Okehampton. The Chairman read out the order of the process.

The Licensing Officer proceeded to present the application and the contents of her report. She stated that the police had withdrawn their objection due to an alteration in the original application. The licensing hours on a Saturday were proposed to be 10.00am – 3.00am and closing at 3.30am, the applicant was now asking for licensing hours of 10.00am- 2.30am and closing at 3.00am

1. Address by Mr Edward Baily and Mr Stuart McCormack Representatives of the Applicant

The applicants made the following points during their presentation:

No reports of crime or disorder

One pub closed in town & 2 up for sale

There is no rear area which could be used for smoking purposes Would like to use undercover alleyway for smokers but falls outside smoking regulations

See first customer around 11pm with majority arriving around midnight. Extra half hour would see a 20% increase on trade.

3 doormen on duty on Saturdays. One on the door, one in the smoking area and one on the street

At this point Members asked a number of questions relating to the retention of doormen until closing, availability of taxis at 3am and noise level of those leaving the establishment.

2 Address by James Kershaw Environmental Health

James Kershaw made the following points in his presentation:

Similar application in 2007 was rejected as it was in residential location. The premises is located in a narrow residential street, with its nearest taxi rank being 100m away on Fore Street or 200m away on Market Street. Therefore customers leaving the premises would have to pass a number of residential properties potentially causing disturbance

3 Address by Cllr Leech on behalf of residents

Cllr Leech made the following points in his presentation:

He had been made aware of several resident's concerns in regard to antisocial behavior and intimidation by some patrons of the establishment however the residents wouldn't put in writing for fear of retribution

Meeting held with Managers and 8 members of the public about 6 months ago

High number of properties in North Street going on the market

Smoking area needs to be looked at regardless of the outcome

Very recent changes in original application meant he was unable to speak to residents to gain their thoughts before the meeting

however his view was some would not object to the change from 3am to 2.30am

Following the presentation members asked questions including why complaints were not passed on to the managers of the establishment & the difficulty in attributing nuisance to the pub.

4 Address by Cllr Jan Goffey on behalf of Okehampton Town Council

Cllr Goffey made the following points in her presentation:

Concerns over local residents who live in the street, young families and shift workers

Police & Street Pastors shift ends at 3am

Narrow street and inappropriate position for a pub

Following this presentation, Members asked a number of questions and a suggestion was made to pass any complaints received straight to the manager at the time they were made so they could deal with them.

(At 3.20pm, the Sub-Committee adjourned in the presence of Alex Reece to consider the application. The Sub Committee reconvened at 4.47pm)

5 The Decision

The Chairman read out the following statement:

"We have considered the application for the variation of the premises licence. We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from all parties, plus additional statements from persons here today. We have taken these into account with the exception of the comments which have been made regarding the business interests of the applicant as these are not relevant to the licensing objectives.

We have also considered the additional conditions and amendments proposed by the Police and accepted by the Applicant.

It has been a difficult decision to make. We have genuine concerns regarding the proximity of the premises to residential properties and the concerns of residents. However, we have not heard any evidence of formal complaints to Environmental Health, and the Police no longer object to the application as revised. We haven't heard any evidence that the premises are not well run.

It is our decision to grant the application as revised, subject to:-

1. The incorporation of the three additional conditions requested by the Police because we are satisfied they have the potential to reduce Public Nuisance, being one of the licensing objectives.
2. The amendment of the existing condition regarding public or bank holiday openings to add the words as a new sentence 'This one hour does not apply to the Saturday night into the Sunday morning'. In addition to being proportionate and appropriate, the Committee also believes the amendments to be necessary.

Thank you all"

The Meeting concluded at 4.55 pm

Signed by:

Chairman
