

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held on line via the Zoom app on 29 July 2020**

#### **Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.00 am

#### **22 Minutes of the previous meeting**

The minutes of the meeting held on 12 February 2020 were agreed as a true record.

#### **23 Declarations of interest**

Cllr Joe Whibley declared a personal interest in minute 26 as a member of Exmouth Town Council Planning Committee.

#### **24 Matters of urgency**

There were no matters of urgency.

#### **25 Confidential/exempt items**

There were no confidential/exempt items.

#### **26 To consider an application for the grant of a premises licence to allow the sale of alcohol for consumption OFF the premises at Natural Growth Wines, Office 8, Exmouth Business Centre, Hartley Road, Exmouth, EX8 2SG**

The Sub Committee gave consideration to an application for the grant of a new premises licence to allow the sale of alcohol for consumption off the premises at Natural Growth Wines, Office 8, Exmouth Business Centre, 14 Hartley Road, Exmouth, EX8 2SG.

The Sub Committee carefully considered the application for the operation of a new Premises Licence with a view to deciding whether this application promotes the licensing objectives, as required by the Licensing Act 2003. We have also taken into account Government Guidance and the Council's own licensing policy, and the Human Rights Act 1998 in making this decision

The Sub Committee considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They also considered the particular locality of the premises in a town centre and its physical relationship with residential and commercial properties in the vicinity.

The Sub Committee considered it relevant that on representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations at the meeting. Which were – public safety, public nuisance, crime and disorder. From this we have concluded that the police do not

consider that there is any significant problem associated with the proposed operation of the premises, or that there is likely to be.

The applicant engaged with Police Licensing during the application process and agreed to conditions which would be included within the Premises Licence (Appendix G in the hearing papers).

The applicant's case was that this was a small operation contained within an office in the Exmouth Business Centre. A Premises Licence would allow retail sales to members of the public via the internet or telephone. There was a parking space for deliveries from the supplier and this was usually on a monthly basis. The applicant would be the only person loading and unloading wine from the car park space provided at the premises. The premises, situated on the first floor, were located and secured by padlock. The applicant visited the office regularly to ensure the security and temperature of the storage.

The interested parties' case, Exmouth Town Council, was represented by Cllr Brian Bailey. On paper that it was concerned with the safe storage of wine in a residential area and additional traffic in a congested residential area. At the hearing they added that they weren't reassured by the applicant's representations and remained concerned about the congestion caused by deliveries and security arrangements.

The Sub Committee had carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence members heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled and supply will be on a tightly controlled and limited basis to internet and telephone customers. WE are reassured that no members of the public will be attending the premises to purchase.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder and risk to public safety arising from the proposed operation of the premises. At the present time there is no evidence that the operation the applicant proposes to run will cause the unacceptable impact the town council suggests. The applicant is already carrying out his business as a wholesaler for which he does not require a Premises Licence.

All parties were reminded of the closure and review powers which the government brought into force once the new licences were operational from 24<sup>th</sup> November 2005. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

Whilst acknowledging the concerns expressed by the interested parties before the Sub Committee, they believed that the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, which were believed to be necessary and proportionate.

**RESOLVED 1.**that the premises licence be granted as follows:

- a) The extent of the areas within which the various licensable activity will be permitted is as indicated on the applicants Plan.
- b) Permitted hours for the various licensable activity – supply of alcohol - will be 11:.0 – 17:00 7 days per week – Off the premises
- c) The conditions of the operating schedule as set out in the Appendices F and G apply.
- d) The mandatory conditions of Section 19 of the Licensing Act 2004 will be imposed.

2. The Designated Premises Supervisor would be Gennaro Effuso of 2 Clarence court, Exmouth, EX8 1BW.

**Attendance List**

**Councillors present:**

K Bloxham (Vice-Chairman)  
J Whibley (Chairman)  
T Wright

**Councillors also present (for some or all the meeting)**

A Dent  
S Gazzard  
G Jung

**Officers in attendance:**

Rebecca Heal, Solicitor  
Susan Howl, Democratic Services Manager  
Christopher Lane, Democratic Services Officer  
Giles Salter, Solicitor  
Lesley Barber, Licensing Offiver

Chairman .....

Date: .....