

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 23 August 2023

Attendance list at end of document

The meeting started at 9.45 am and ended at 10.31 am

18 Minutes of the previous meetings held on 12 July 2023 and 19 July 2023

The minutes of the previous meetings held on 12 July 2023 and 19 July 2023 were agreed and signed as a true record.

19 Declarations of interest

There were no declarations of interest.

20 Matters of urgency

There were no matters of urgency.

21 Confidential/exempt items

There were no confidential / exempt items.

22 Determination of an application for the grant of a premises licence to permit the sale of alcohol for consumption ON and OFF the premises at Azura Tapas & Cocktails, 11 – 12 Milton's Yard, West Street, Axminster EX13 5FE

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the Officers present.

The Sub Committee's Legal Advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the grant of a new premises licence to permit the sale of alcohol for consumption on and off the premises at Azura Tapas & Cocktails, 11 – 12 Milton's Yard, West Street, Axminster EX13 5FE.

The applicant, present and entitled to make representations, was Ana Isabel Campos de Carvalho, supported by Benjamin Barbosa.

Also present, and entitled to make representations, were Sarah McClymont and Michael Rocks.

The Legal Advisor advised that a member of the Sub Committee had been delayed, but that the hearing could proceed with two Councillors sitting.

The Licensing Officer summarised the application and drew the following points to the Sub Committee's attention:

- The external seating area, shown on the plan at Appendix B of the report, was included in the application for the licensable area.
- The three entrance points, designated as A, B and C, were shown on the plan at Appendix B and the photographs at Appendix C. The representations focussed on concerns regarding the access points.
- Two of the access points, A and B, were through Milton's Yard via a lockable gate. The other access point, referred to as C, was located on the Belle Vue public right of way.
- It was not known from the application which of the access points was intended to be the main access point for customers.
- Some of the representations referred to the application for off-sales. The applicant had offered to remove off-sales from the application. The outside seating area would, therefore, be for on-sales only.

The Licensing Officer drew the Sub Committee's attention to sections 6.1 and 6.2 of the report regarding public nuisance and representations as set out in the guidance issued under section 182 of the Licensing Act 2003 (revised July 2023).

In response to a question from the Legal Advisor, the Licensing Officer clarified that alcohol must be consumed on the premises if the application is granted for on-sales only. Customers would not be permitted to take alcohol off the premises.

In response to questions from the Sub Committee, the following points were advised:

- The external seating area, shown to the left of the plan, could be covered and heated.
- The gate to Milton's Yard was normally only open between 8am and 5pm when it would then be locked.
- Residents and some local businesses have a key to the gate.

The applicant made the case for the application and highlighted the following points:

- The preferred access for the premises was via the entrance at C on the plan.
- It was likely that the gate to Milton's Yard would be closed as much as possible as the applicant did not want patrons to use this route to access the premises.
- The applicant wanted patrons to use the access via the public right of way.
- The applicant was waiting for the decision of the Sub Committee before installing signage to cover points regarding patrons leaving the premises quietly.
- The intention was for the premises to have the ambience of a wine bar with soft music and all patrons seated at tables.

The Legal Advisor emphasised that it was important that wine be sold by the glass as unfinished bottles of wine would not be allowed to be taken off the premises should off-sales not be included in the licence.

In response to questions, the applicant advised the following:

- The intention was not to open the premises seven days a week. Currently the applicant was working longer hours in order to gauge demand and work out the best offer in terms of opening hours.
- Groups of patrons would be encouraged to sit inside.
- The outside seating area was not currently operational, and CCTV would be installed.

The interested parties put their case and advised that their main concern had been with the access through Milton's Yard and associated safety concerns and noise from patrons using this private area located to the rear of the application premises. As the applicant's intention was to use the access on Belle Vue as the main access point, this alleviated

most of the concerns. The interested parties wanted the area to thrive and to be a pleasant location.

The Legal Advisor advised that it was important for local residents and businesses to communicate clearly as they live and work in the same area.

It was noted that some local residents had noticed an improvement since the premises had opened, as groups of young people were no longer gathering outside the entrance on the Belle Vue walkway.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

Attendance List

Councillors present:

O Davey
J Whibley (Chair)

Officers in attendance:

Lesley Barber, Licensing Officer
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor

Councillor apologies:

P Faithfull (received after the meeting)

Chair

Date: