

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 29 January 2025**

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

The meeting started at 9.30 am and ended at 10.41 am

#### **26 Minutes of the previous meeting held on 11 December 2024**

The minutes of the previous meeting held on 11 December 2024 were agreed and signed as a true record.

#### **27 Declarations of interest**

There were no declarations of interest.

#### **28 Matters of urgency**

There were no matters of urgency.

#### **29 Confidential/exempt items**

There were no confidential / exempt items.

#### **30 To consider an application for the variation of a premises licence for the premises known as Heydays at Unit 1 Sideshore, Queens Drive, Exmouth EX82GD**

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 variation of a premises licence to also permit the sale of alcohol for consumption OFF the premises at Heydays, Unit 1 Sideshore, Queen's Drive, Exmouth EX8 2GD.

The applicant, present and entitled to make representations, was Sam Beaton, accompanied by Andrew Biggs, on behalf of Exe Exe Exe Limited.

Also present, and entitled to make representations, were Cllr Graham Deasy, on behalf of Exmouth Town Council, Martin Heslop and Jenny Heslop.

The Licensing Officer summarised the application and stated that there had been no update since the report was written.

In response to a question from Members, the Licensing Officer stated that licensing conditions which the committee could consider were set out in Appendix J to the report. She added that as part of the Licensing Policy, applicants were provided with a Pool of

Conditions to guide them on suitable conditions which they could consider, to mitigate any risk that might occur as a result of their licensable activities.

There were no questions for the Licensing Officer from the applicant or the interested parties.

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

- Heydeys was a high-end bakery and lifestyle shop where it was intended that patrons could purchase a bottle of local wine or craft beer as a gift or to take home with them.
- In addition to Heydeys, the applicant operated two businesses in Dorset and there had been no issues as a result of their off sales.
- There was no intention to sell alcohol in open containers.
- Concerns were acknowledged around overconsumption of alcohol on the beach but it was noted that alcohol was on sale already at a small supermarket on the seafront, at a price which was more attractive to younger people. The applicant was not marketing themselves for this clientele, but to middle-class consumers.

In response to questions from Members, the applicant confirmed that they had been in business for 3-4 years, initially opening a restaurant in Lyme Regis, and growing organically into their current lifestyle and bakery business. They stated that it had been important to have car parking available so that locals could drop in for food and a bottle of something, to take home. The applicant reiterated that there were no plans to sell alcohol in open containers.

In response to a question from the interested party, Cllr Graham Deasy, on behalf of Exmouth Town Council, the Legal Advisor explained that the Public Spaces Protection Order (PSPO) in the area did not establish a blanket ban on the sale or consumption of alcohol, but gave the police and authorised officers of the Council the powers to remove alcohol in open containers and issue fixed penalty notices in the event of antisocial behaviour associated with the consumption of intoxicating substances.

In response to questions from the interested party, Martin Heslop, the applicant advised the following:

- If the variation was granted, they did not believe there would be a significant increase in the consumption of alcohol in the public area outside of their premises or on the beach, or that their intended clientele was likely to cause problems.
- Projections for alcohol sales were around £200-250 per week.
- The applicant knew their business model and their market and would not downgrade their business by changing their objectives in the future to sell alcohol cheaply to a mass market.
- Bins were provided by the business and the Council for the disposal of rubbish, and the applicant was confident that most people were responsible with their rubbish.
- It was not considered appropriate to offer any conditions at the point of application, without first knowing what the reaction to the application would be.

The interested party, Cllr Graham Deasy, on behalf of Exmouth Town Council, put their case and advised that their concerns were as follows:

- To protect the seafront area from antisocial or rowdy behaviour which people could find intimidating. There was a history of alcohol-related disturbances which were few and far between, perhaps due to the scarcity of alcohol sales points on the seafront.
- In the interests of public safety, to protect people from the risks associated with entering the water after consumption of alcohol.
- Rubbish which became buried in the sand could create a hazard to beach users and it was suggested to add labelling to the products around responsible disposal.

In response, the applicant stated that there had been restaurants selling alcohol from the premises historically with clients potentially then going onto the beach, before Heydeys were there. Heydeys biggest draw was families, particularly mums and children, and the sale of alcohol would be during the daytime only and not into the evening. The applicant added that they routinely integrated themselves into local communities, signing up to beach cleans and offering free coffee to beach cleaners.

Speaking also for Jenny Heslop, the interested party, Martin Heslop, put their case and advised that their main concerns were as follows:

- The variation, if granted, would raise the risks of greater alcohol consumption in the area and associated problems in relation to the licensing objectives.
- The variation would create a greater risk of glass containers being taken onto the public areas and the beach. Mr Heslop stated that conditions set out in the existing premises licence demonstrated that the sub-committee that granted that licence had in mind the dangers of glass.

In response to Mr Heslop's statement, the Licensing Officer clarified that the condition in the premises licence which referred to no glass bottles except for wine and champagne, was added by the applicant or the responsible authorities, and not by the sub-committee.

In response to questions from Members, Mr Heslop stated that he had no evidence of increased antisocial behaviour or issues from glass on the beach since Mickeys or other restaurants had been open at Sideshore, but Exmouth Town Council had outlined incidents on the beach which had required police attendance. Most incidents had occurred in the early evening or at nighttime.

Responding to Mr Heslop's statement, the applicant stated that having spoken with Mickeys and Michael Caines, he understood that the licensing condition concerning glass was added due to the risks from the winds on the seafront shattering the glass containers.

In response to a question from Mr Deasy, the Licensing Officer outlined the procedure for the monitoring of licensed premises.

The applicant declined to make a closing statement.

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

### **Attendance List**

#### **Councillors present:**

K Bloxham (Chair)

J Heath

R Jefferies (Vice-Chair)

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

S Westerman (Reserve)

#### **Officers in attendance:**

Lesley Barber, Licensing Officer

Giles Salter, Solicitor

Sarah James, Democratic Services Officer

Zoe Jones, Licensing Officer

Chair: .....

Date: .....