

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom App on 24 February 2021**

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

The meeting started at 9.30 am and ended at 11.06 am

#### **32 Minutes of the previous meeting held on 14 October 2020**

The minutes of the meeting held on 14 October 2020 were agreed as a correct record.

#### **33 Declarations of interest**

Minute 36. Determination of an application for the grant of a premises licence to authorise the sale of alcohol for consumption ON the premises and the provision of regulated entertainment at Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

Councillor Ian Hall, Personal, The member knows the interested party and her husband.

#### **34 Matters of urgency**

There were no matters of urgency.

#### **35 Confidential/exempt items**

There were no confidential / exempt items.

#### **36 Determination of an application for the grant of a premises licence to authorise the sale of alcohol for consumption ON the premises and the provision of regulated entertainment at Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.**

The Sub-Committee considered the application for the grant of a new premises licence to authorise the sale of alcohol for consumption ON the premises for Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

The Chair of the meeting introduced the members of the Sub-Committee and the East Devon District Council Officers present. The Chair confirmed that the meeting was a hearing to consider an application for a premises licence under the Licensing Act 2003.

The applicants present and entitled to make representations were Mr Richard Edgell and Mr Ian Keene. The interested party present was Mrs Gillian Mayers. There were no responsible authorities in attendance.

The legal advisor to the Sub-Committee summarised the procedure for the hearing.

The Licensing Officer outlined the application for the sale of alcohol for consumption on the premises, along with regulated entertainment. The premises are in central Axminster and traded as a bistro.

The Police had raised representations relating to the prevention of crime and disorder and also the protection of children from harm. The Police had requested 30 minutes drinking up time to be factored in to the licensed hours and for additional conditions relating to CCTV, tightening up of the Challenge 25 policy and a refusals register, to be placed within the licence should it be granted. The report confirmed that the applicant had agreed to the requests from the Police.

The Licensing Officer's report also outlined the concerns raised by the interested party and the response from the applicant which sought to address those concerns. As the interested party did not consider that their concerns had been alleviated in full, the matter had continued to the Sub-Committee hearing.

The applicants addressed the Sub-Committee and outlined the background to the opening of Ric's Kitchen, the concerns raised by the interested party and the actions proposed to be taken by the applicants to address those concerns, particularly with regard to noise and soundproofing.

In response to a question to the applicant from the interested party regarding soundproofing, the applicant confirmed that he would be happy to consider the guidelines provided by East Devon District Council and how they could be implemented.

The interested party addressed the Sub-Committee and emphasised the need for soundproofing which was key to protecting their private dwelling from noise disturbance from Ric's Kitchen which immediately adjoined their property.

There were no questions for the interested party.

The Chair thanked the applicants and the interested party for their contributions and advised that all participants other than the members of the Sub-Committee would be put into the virtual waiting room until the Sub-Committee had reached a decision.

The recording and livestreaming of the hearing was paused.

The recording and livestreaming of the hearing recommenced and the Council's legal advisor summarised the advice given to the Sub-Committee during its consideration of the application.

The legal advisor confirmed that her involvement had been to assist with formulating the wording for the decision which had already been made by the Sub-Committee in private session. The legal advisor had also assisted with formulating a recommendation which would be added to the decision to the effect that the applicant should liaise with the Council's Environmental Health services in connection with the proposed soundproofing.

## **RESOLVED**

**That, the Sub-Committee having read the report and heard all the representations, the premises license be granted.**

The Sub-Committee had listened carefully and fully understood the interested party's concerns. The Sub-Committee was of the view that, at this stage, the concerns were not backed by enough evidence to convince the Sub-Committee that the licensing objective, which was the subject of the representation, would be sufficiently compromised.

The Sub-Committee requested that the applicant liaise with East Devon District Council's Environmental Health service in connection with the soundproofing which the applicant had offered to install in order to alleviate the concerns of the interested party.

The Chair advised the interested party that they would have recourse to EDDC's Environmental Health service should they have concerns regarding noise disturbance at a future time.

**Attendance List**

**Councillors present:**

K Bloxham (Chair)  
A Dent  
T Wright (Vice-Chair)

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

I Hall  
D Manley

**Officers in attendance:**

Stephen Saunders, Licensing Manager  
Lesley Barber, Licensing Officer  
Rebecca Heal, Solicitor  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Louise Bennett, Licensing Support Officer

**Councillor apologies:**

None

Chair .....

Date: .....