

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom app on 16 June 2021

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.01 am

1 Minutes of the previous meeting held on 19 May 2021

The minutes of the previous meeting held on 19 May 2021 were agreed as a correct record.

2 Declarations of interest

Minute 5. Determination of an application for the grant of a variation of an existing premises licence PLWA0740 at Brook Kitchen, 60 High Street, Budleigh Salterton, EX9 6LW.

Councillor Tom Wright, Personal, The Member had known the applicant for a number of years and confirmed that this would not prevent the Member from considering the application fairly and without bias or pre-determination.

3 Matters of urgency

There were no matters of urgency.

4 Confidential/exempt items

There were no confidential / exempt items.

5 Determination of an application for the grant of a variation of an existing premises licence PLWA0740 at Brook Kitchen, 60 High Street, Budleigh Salterton, EX9 6LW

The Sub-Committee considered the application for the variation of an existing premises licence (PLWA0740) at Brook Kitchen, 60 High Street, Budleigh Salterton EX9 6LW. The meeting was a hearing to consider the application for a premises licence under the Licensing Act 2003.

The applicant, Mrs Angela Yarwood, present and entitled to make representations, was represented by Ms Gill Sherratt of Licensing Matters.

The interested party, who had raised an objection, was not present.

Regarding representations from responsible bodies, the Chair advised that the Police had reached an agreed position with the applicant and the conditions for that were set out in Appendix H of the report. East Devon District Council's Environmental Health Service had not submitted a representation and had advised that they had no concerns.

The Licensing Officer, Mr Steve Saunders, outlined the application to vary the existing premises license. Mr Saunders advised that EDDC Licensing Officers and the

applicant's representative had attempted mediation with the interested party who was not present at the meeting. As the representation had not been withdrawn in writing, the Sub-Committee hearing had proceeded. Four positive responses in support of the application had been received.

Ms Rebecca Heal, legal advisor to the Sub-Committee, outlined the procedure for the meeting.

In response to a question from Cllr Wright, the Licensing Manager advised that regulated entertainment was now exempt under the Licensing Act, so that a licensed premises, with a license for alcohol, had the exemption for recorded and live music during certain hours. Those hours are within the boundaries of the application under consideration.

The applicant's representative, Ms Sherratt, addressed the Sub-Committee and made the following points:

- The applicants are a major asset to Budleigh Salterton and support the town's arts and culture offering
- Significant investment had already been made in improving the premises which was already operating as a hospitality venue
- The application had been made to enable the applicants to manage the business flexibly according to demand and to enable participation in local events including the literary festival and arts festival, without having to apply for a temporary event notice on each separate occasion
- The hours applied for are not late and are in line with national closing hours. Closing time one hour after the end of the sale of alcohol is widely accepted good practice and would likely result in patrons leaving the premises in small groups, which would reduce any potential disturbance for local residents
- The business will attract responsibly minded clients and the Sub-Committee was requested to give considerable weight to the fact that the Environmental Health Service had no concerns

In response to a question from Cllr Wright, Ms Sherratt advised that the reason for inclusion in the application of off-sales was to enable patrons to take any alcohol which had not been consumed off the premises.

The Chair thanked those present for taking part and advised that all parties would be notified in writing of the Sub-Committee's decision within five working days.

Attendance List

Councillors present:

B Taylor
J Whibley (Chair)
T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Rebecca Heal, Solicitor
Sarah Jenkins, Democratic Services Officer

Stephen Saunders, Licensing Manager
Alethea Thompson, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

None

Chair

Date: