

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Online via the Zoom app on 27 April 2022

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.02 am

1 Minutes of the previous meeting held on 9 February 2022

The minutes of the previous meeting held on 9 February 2022 were agreed as a correct record.

2 Declarations of interest

There were no declarations of interest.

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 premises licence to allow the sale of alcohol for consumption ON and OFF the premises at The Salt Cellars (formerly Greenway Lane Post Office & Stores), 30 Greenway Lane, Budleigh Salterton EX9 6SG

The Sub Committee considered the application for the grant of a new premises licence to allow the sale of alcohol for consumption ON and OFF the premises at The Salt Cellars (formerly Greenway Lane Post Office & Stores), 30 Greenway Lane, Budleigh Salterton EX9 6SG.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, present and entitled to make representations was Mr Richard Charlton.

The interested party, present and entitled to make representations was Mr Nick Johnson.

The Licensing Authority had not received representations from any responsible authorities.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Lesley Barber, highlighted that the application seeks to license the sale of alcohol within the premises only, for consumption on and off the premises. She added that the sub-committee might wish to consider the applicant's comments in his

response to the Notice of Hearing, set out in Appendix E of the report, detailing amendments that he might be willing to make to the application.

No updates or amendments had been made since the publication of the report.

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

- A full written statement responding to the concerns raised had been provided in advance of the meeting.
- The intention is to provide alcohol with a focus on quality rather than quantity.
- The premises is a deli and café; alcohol is an extension of the offering, introducing people to a range of new and local products that they will not find elsewhere in the town.
- The applicant has applied for hours which he believes will not cause late disturbance or nuisance, taking account of the setting.
- The premises is a small venue, intended to be an asset for the local community.
- Local residents are welcome to speak directly with the applicant at any time and he will actively try to accommodate any concerns, and adapt if possible.

In response to questions from Members, the applicant made the following points:

- There is no intention to open on Sundays; however, the application seeks to license the sale and consumption of alcohol on Sundays to give flexibility for one-off events without the need to apply for temporary event notices.
- By way of compromise, the applicant is willing to amend the application to allow consumption of alcohol outside until 8.00pm, after which time customers will be asked to move inside.
- The outside area is small, seating approximately six people.
- It is not intended to stop people from smoking or vaping outside, but there is no designated area for these activities. The premises was formerly a shop and there were no restrictions at that time.
- The interior of the deli will comprise 5 tables, displays of stock and produce, and a counter. The alcohol will be within an open display near the counter; this will not be set out as a bar.
- Drinks will be sourced locally from within Devon, Cornwall and Somerset.

In response to a question from the legal advisor, the applicant stated that initially, drinks will be sold in a sealed container for people to buy to take away or open and consume on site. There might be some drinks served on draft in the future, but it is not intended at any point to have a full optic display of alcoholic drinks.

In response to questions from the objector, the legal advisor, stated that it is appropriate for the applicant to apply for everything they might need to give them the capacity to use the business as they so choose, without having to subsequently apply for an extension of the licence, or use temporary event notices, at additional cost, for single events. Should concerns arise with how the premises are developed, there is the potential for responsible authorities and interested parties to seek a review of the licence and how it is being operated.

The interested party objecting to the application made the following points:

- There are concerns that the establishment needs to be based on an appropriate business model for the community area in which it is located.
- As well as the representations received, other people were voicing concerns locally.
- Examples were given of similar establishments which had more considerate closing times for their local residents.
- When the premises was operating as a shop, the closing times were early evening.
- Amending the licence hours between Monday and Thursday (as set out at point 4.3 of the report) would go some way to alleviating residents' concerns but the closing time of

10.00pm on Fridays and Saturdays was a significant concern, in the middle of a built up residential area. There was also concern that Sunday is not included in point 4.3.

- Decision makers were asked to consider making a site visit before taking their formal decision.
- The applicant was asked to consider very carefully the effect of his licensed premises on the local residents.

In response to the interested party's points, one member commented that he knows Greenway Lane and visited the area yesterday for a specific look. He recognised there are a number of houses nearby and he sees the café/deli as an asset for that community; a space for people to interact, which will be good for mental health.

In response to the interested party's points, the applicant commented that whilst he is the owner of a brewery, the café/deli is separate from that and will sell the brewery product only as part of the full range.

The Chair thanked all participants for attending the meeting and advised that the decision of the Sub Committee would be notified to all parties in writing within five working days.

Attendance List

Councillors present:

B Taylor
J Whibley (Chair)
T Woodward

Councillors also present (for some or all the meeting)

M Chapman

Officers in attendance:

Rebecca Heal, Solicitor
Susan Howl, Democratic Services Manager
Sarah James, Democratic Services Officer
Giles Salter, Solicitor
Lesley Barber, Licensing Officer
Phillippa Norsworthy, Licensing Officer

Chair:

Date: