

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 22 May 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 1.32 pm

38 Election of Chair for this meeting

Cllr Kim Bloxham was elected Chair for this meeting.

39 Minutes of the previous meeting

The minutes of the previous meeting held on 24 April 2023 were agreed and signed as a true record.

40 Declarations of interest

Cllr Maddy Chapman – Minute 6 – Member of Exmouth Town Council.

Cllr Olly Davey – Minute 6 - Member of Exmouth Town Council. The application is in the Member's ward and the applicant is known to the Member on Council business. The Member has played music in a pub owned by the applicant. One of the objectors, Nicky Nicholls, responding on behalf of Transition Exmouth, is known to the Member. The Member is also a member of Transition Exmouth.

Cllr Olly Davey – Minute 7 – the Member lives close enough to the application location to hear events occasionally.

41 Matters of urgency

There were no matters of urgency.

42 Confidential/exempt items

There were no confidential / exempt items.

43 Determination of an application for the grant of a premises licence to allow the supply of alcohol for consumption OFF the premises only on 3rd June & 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

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 premises licence to allow the supply of alcohol for consumption OFF the premises only on 3rd June and 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

The applicant, present and entitled to make representations, was Oliver Bainbridge of The Can Do Pub Company Ltd.

Also present, and entitled to make representations, was Debra Quine of Bumble and Sea Café, Orcombe Point, Exmouth.

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

The Licensing Officer, Lesley Barber, advised that the objections were relevant to all four licensing objectives. Comments from the Police, Exmouth Town Council and the East Devon Beach Safety officer were contained in the report.

In response to questions from Members, the Licensing Officer advised the following:

- The current application is for two days in order to test out the proposal's suitability. A new application would be required for any additional dates.
- The dates of 3rd and 4th June had no specific significance.
- Monitoring of the situation would be by way of any Police report and visits by the Licensing Officer if the pop-up bar is in situ.
- Regarding the Public Space Protection Order, the only response from the Police to date was set out within the report.

In response to a question from the applicant, the Legal Advisor advised that it was the Sub Committee's prerogative to decide what weight to give to representations where the objector was not present at the hearing.

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

- The idea for the application had come from Lyme Regis Brewery which operates a similar event in Lyme Regis. Many local craft breweries operate in this way along the coast.
- The applicant cited a similar offering on the seafront at Hangtime by way of an example of a well run event.
- The applicant was aware of concerns regarding alcohol consumption on the beach and noted that the Police would not have agreed to the application last year. However, now that the covid pandemic and resulting problems had passed, the Police were happy for the applicant to apply and had no objections.
- The applicant noted the experience of the Strand in Exmouth where the presence of licencees had, in his view, improved the area, due to having responsible people on hand to act should any issue arise. The applicant was of the view that, should the application be granted, this could also have the same beneficial effect at Orcombe Point.
- The applicant had held a licence for 25 years with an exemplary record.
- The type of client buying the applicant's craft beer was not the same type of person who typically caused anti-social alcohol related problems on Exmouth beach.
- The applicant advised that beer would be sold in reusable cups which were more sustainable and resulted in significantly less waste.
- Should the application be granted, the two days would be used to gather evidence. The Police would not allow another application should issues arise as a result of this application being granted.

The Licensing Officer advised that Hangtime, referred to by the applicant, has, on occasion, been granted Temporary Event Notices for the consumption of alcohol in a

defined area on the premises. The sale of alcohol by Budgens seafront store is only one part of the business.

The interested party, Debra Quine, put questions to the applicant and the responses included the following:

- The applicant was of the view that the application could result in an improvement to the area at Orcombe Point, rather than a risk. Having responsible people on site would be positive rather than negative.
- The applicant regarded 7pm as the most appropriate time to finish the sale of alcohol as, in his view, the risk of anti-social behaviour increased after 9pm.
- Other locations on the seafront had been considered, but were not appropriate due to local sensitivities and potential conflicts. Queen's Drive had also been considered, however, there was already a bar selling the applicant's craft beer at the site.
- If the application is successful, the applicant was intending to apply for further pop-up events over the summer period.
- The reusable cups would be branded and clearly identifiable should they be left at the site. The applicant would be happy to conduct a beach clean at the end of each day.
- The applicant confirmed that the trailer would be moved off site each day.
- The applicant wished to record that his intention was to provide a pop-up offering only.
- The applicant was not aware of Exe Watersports which has a licence to be on the Orcombe Point part of the beach over the summer.
- Provision of a portaloos had not been considered as the intention was to provide a pop-up only.
- The applicant confirmed that 'Challenge 25' would be in operation.
- There would be a small silenced generator on site should the application be granted.

The interested party, Debra Quine, made her case and highlighted the following points:

- The interested party's business, Bumble & Sea, has never applied for a licence due to having spoken to the Police regarding anti-social behaviour in the area.
- Bumble & Sea staff have dealt with significant levels of anti-social and threatening behaviour which resulted in the café being closed while staff had to wait for the Police to arrive.
- The interested party was of the view that the applicant runs a very good business with a great product but that the proposed pop-up bar is in the wrong location.
- Should the application be granted, the applicant would leave the site at 7pm, however, Bumble & Sea staff would not leave until 9pm and would therefore have to deal with any resulting anti-social behaviour.
- It was noted that there is no street lighting at Orcombe Point and that the nearest toilets are some 600-700 metres away, by the lifeboat station, and too far for Bumble & Sea staff to walk.
- There was concern that the pop-up bar would create the impression that Orcombe Point was a good place for alcohol consumption.
- Exe Watersports worked with vulnerable children and this should be borne in mind when considering the application.

Members and the applicant had no questions for the interested party.

In his closing statement, the applicant re-iterated that, should the application be granted, this would help to improve the situation with anti-social behaviour at Orcombe Point for the reasons already outlined. Granting the application would enable evidence to be gathered and this approach had the support of the Police. None of the responsible bodies had any concerns regarding the application.

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

This item finished at 10.34am and the meeting was then adjourned until 1pm.

44 **Determination of an application for the grant of a time limited premises licence to allow the exhibition of films, indoors and outdoors, the provision of live music, outdoors, the provision of recorded music, indoors and outdoors and the supply of alcohol ON the premises only at Lypstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.**

The Sub Committee considered an application for the grant of a time limited premises licence to allow the exhibition of films, indoors and outdoors, the provision of live music outdoors, the provision of recorded music, indoors and outdoors and the supply of alcohol ON the premises only at Lypstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.

The applicant, present and entitled to make representations was Lypstone Manor Ltd, represented by Mr Steve Edwards, Operations Director and Mr Alexander McEwen, General Manager and DPS.

The applicant had no witnesses to call.

The Licensing Authority had received two representations from local residents who had given notice that they did not wish to attend the hearing.

The Licensing Authority had received representations from East Devon District Council's Environmental Health Service and Exmouth Town Council's Planning Committee, who were not present.

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

The Licensing Officer, Phillippa Norsworthy, summarised the application. Since the publication of the report, a response to the Notice of Hearing had been received from a local resident and had been circulated to all parties. The Police had reached an agreed position with the applicant.

Since the publication of the report, the applicant had come to an agreed position with the Environmental Health Service, details of which had been published with the report at Appendix D. The applicant had produced a Noise Management Plan (NMP) to the satisfaction of the Environmental Health Officer which had been circulated to the Sub Committee members in advance of the meeting. It had been agreed that music would stop at 11.00pm.

The Sub Committee had no questions for the Licensing Officer.

The applicant had no questions for the Licensing Officer but wished to clarify that the agreed position with the Environmental Health Service, as set out in the NMP, was to stop live music only at 11.00pm, but not recorded music.

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

- Up to 2,000 tickets were available for the event but to date only 400 had sold and the applicant considered it unlikely that actual numbers would reach anywhere near 2,000.

- Event parking was restricted to 230 cars, and spaces had to be booked in advance; ticket buyers were made aware of this via the website, social media, and at the point of ticket purchase. Those not arriving by car would be pedestrian, with access routes from Exmouth and Exeter on the cycle path and from the Rivermead Avenue bus stops. There might also be a Dartline coach but this was yet to be confirmed.
- The applicant recognised the importance of correct traffic management with minimal disruption to local residents. Event stewards would be positioned appropriately in order to syphon off event traffic via a one way system. There would be no road closures.
- WT Consultancy would be delivering an event Risk Management Plan.
- One representation referred to a 12-hour period of live or recorded music; this would not be the case, since the music stage would not start until 5.00pm.
- The music stage would be built in the bottom paddock, positioned in such a way that the sound would travel towards Exmouth rather than up the hill to the path of local residents.
- The applicant had given careful consideration to all areas and the owner felt there was enough interest to host an event of this nature again in the future.

Members of the Sub Committee put questions to the applicant who made the following points in reply:

- On exit, event traffic would be directed down Courtlands Lane, right at Longbrook Lane and out at the traffic lights by Saddlers Arms, meaning that traffic would miss out the village, for the most part.
- The music between 5.00pm to 11.00pm would be a combination of live bands and recorded music with a DJ.
- In the event that people arrive in cars having not pre-booked parking, stewards would be briefed to direct them around the one way system and advise them to park in Exmouth, from where they could catch a bus to Lympstone.
- At the meeting of Safety Advisory Group, the applicant would agree with the Police Licensing Officer the date by which the number of SIA stewards would be agreed, based on expected numbers attending the event.
- The event had run previously in 2017 and 2018, albeit on a smaller scale; the applicant's representatives were not aware of any complaints or concerns arising from these events, or from other events that had taken place at the venue with outside music.

The legal representative stated that he was not aware of any complaints for Lympstone Manor, since it was licensed.

In a closing statement, the applicant's representative reiterated that they were very aware of the need to respect local residents and the licensing objectives, and they would ensure the event was staffed accordingly.

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)

M Chapman (left the meeting at 10.34am)

O Davey

Officers in attendance:

Lesley Barber, Licensing Officer (left the meeting at 10.34am)

Sarah James, Democratic Services Officer (joined the meeting at 1pm)

Sarah Jenkins, Democratic Services Officer (left the meeting at 10.34am)

Phillippa Norsworthy, Licensing Officer (joined the meeting at 1pm)

Giles Salter, Solicitor

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer) (left the meeting at 10.34am)

Chair

Date: