

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY 18 SEPTEMBER 2013

Present: Councillors Baverstock, Hannaford and Squire
S Nightingale, Solicitor
K Trant, Member Services Manager, SHDC
G Munson, Business Support Manager SHDC
N Wopling, Licensing Officer, SHDC

Also in attendance:

Cllrs A D Barber, P K Cuthbert and M F Saltern (local Ward Members); representatives from the Police Authority, Environmental Health and Ivybridge Town Council; Mr Bali (the Applicant).

LSC.04/13 APPOINTMENT OF CHAIRMAN

RESOLVED

That Cllr Baverstock be appointed Chairman for the duration of the meeting.

LSC.05/13 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

LSC.06/13 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT VINOS PIZZERIA AND GRILL, 7 FORE STREET, IVYBRIDGE, PL21 9AB, IN ACCORDANCE WITH SECTION 18 OF THE LICENSING ACT 2003

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and advised that the application was for a new premises licence as set out in the agenda papers. A number of representations had been received and further information had been submitted by the Applicant.

2. Address by the Applicant

The Applicant began by advising the Sub Committee that no objections had been received from residents. He explained that he was here to politely ask for the opening hours of his establishment to be extended as set out in his application. He also advised that the opening hours in his application were in line with the opening hours set out in licences granted to surrounding premises.

Whilst the opening hours were later than he intended to be open, he thought they were suitable hours because they were in line with others in the vicinity.

The Applicant raised concerns in relation to the requirements of the Police Authority as set out in their representation, as they were requesting that he employ door staff from 10.00pm. He felt that this was unfair and that perhaps door staff from 11.00pm would be more appropriate. In terms of the request for CCTV he already had that fitted and would ensure the required technology was in place. He noted the comments about litter, and would ensure there would not be litter outside his premises but he could not be held responsible for litter dropped further down the street. He also noted their comments that the risk of assault increases if there is a language barrier. He intended to employ excellent staff to reduce the need for queuing which could often be the trigger for bad behaviour. He understood the issues raised, but wanted the same conditions which had been applied to other businesses surrounding him, and he was disappointed that nobody had sat down with him to discuss the issues. He also felt it was unfair to raise issues of public safety as an objection to his licence, when that did not apply to others.

3. Address by the Police Authority representatives

Mr Olver advised the committee that any request for door staff would commence from 11.00pm. The comments relating to language barriers were based on experience at other premises. The Police Authority's view was that granting this licence would lead to problems, i.e. there was a danger of people leaving local clubs or coming back from Plymouth attending the premises in a drunken state; there was the issue of getting people to disperse from the location and there was the issue of assaults on others/staff.

PC Perry advised that he was the Beat Manager for Ivybridge Town. He was able to advise the Committee that although neighbouring premises held licences that enabled them to be open until 1.30am, they did in fact close at 11.00pm or midnight during the week. There was then no reason for people leaving the public houses to loiter in the main street. The Ivybridge Fish Bar opened until 1.30am but this led to people congregating in the middle of town and sporadic instances of criminal damage.

Mr Olver advised the committee that he appreciated that others had a late licence, but they did not use it. If the Committee was minded to grant the licence then door staff would be requested after 11.00pm and it must be made clear that closing time should be when the doors closed, and not when the last food order was taken. The CCTV system should include an audible element as evidence of verbal exchanges would be useful evidence if a case should go to Court. Finally, clarification would be needed in relation to the Bank Holidays.

4. Address by the District Council Ward Members

Cllr Saltern began by advising the Committee that councillors were entitled to take into account the views of their community and in this case whilst individuals had not responded they had allowed their local councillors to do this on their behalf. He stated that the Applicant was right to raise the issue of inequality however it was likely that the other licences had been granted prior to the changes to the Licensing Act. There was a history to Fore Street in Ivybridge that went back many years and there were numerous problems in relation to public disorder and litter. There were nearly 100 residents in and around Fore Street who were impacted by late night noise disturbance and litter. The Ivybridge Fish Bar did not open as late as it could, as an agreement had been reached with the Police Authority. This agreement would be undermined if this licence were to be granted. In relation to the requirement for CCTV, this covered the inside of the premises but not the wider area. Measures put in place such as street pastors would be thwarted. Tremendous efforts had been made working in partnership with the Police to try and solve the issues in Fore Street with the cooperation of owners who have not opened to the full extent of their hours. We would hope to continue in that way.

Cllr Barber continued by advising the Committee that he wanted to support businesses but was concerned about the impact of businesses being open late at night. Already there were issues of litter being dropped along Exeter Street. Whilst he was not so concerned about the need for a doorman his concern was the extended times that would lead to people hanging around the premises and causing a disturbance. His concerns were raised both as a resident and a councillor.

5. Address by the Ivybridge Town Council Representative

Cllr Dredge of Ivybridge Town Council stated that he was speaking both as a councillor and as a member of the Policing Matters Committee. He accepted that some of the experiences previously mentioned related to Plymouth however he was well aware that when people congregate in fast food premises after drinking, incidents arose that often triggered violent exchanges.

Many comments had been made about CCTV, however for CCTV to be effective it had to be of suitable quality. As a resident of Ivybridge he was most concerned to see litter strewn around.

In summary, his objections centred around litter and the safety of the general public.

6. Sub-Committee's Deliberations

The Sub-Committee discussed the application during which clarification was sought in respect of the agreement that had been mentioned whereby neighbouring premises did not open to the full extent of their hours. The Business Support Manager advised that providing licensing objectives were met there would be no need to seek changes to existing licences. The agreement stated that premises would open until 11.00pm during the week and until 12 midnight on Friday and Saturday nights. Work was also ongoing with the street pastors to prevent anti-social behaviour.

The Chairman asked the Applicant if he had any further points to make and the Applicant stated that the public safety concerns related to alcohol but that he was selling food. All the objections raised applied equally to the Ivybridge Fish Bar and to Ali Babas who were able to be open late, and he wanted to be treated equally. He was happy not to open past 1.00am. If drunk people caused trouble then the Police were not doing their job to monitor licensed premises.

(At this point, the meeting was adjourned to enable the Sub-Committee, in the presence of the Council Solicitor, to determine this application).

The Chairman reconvened the Sub-Committee and advised that the Members wanted to ensure fairness. He asked for clarity from the Police in relation to the closing times by agreement of Ali Babas and Ivybridge Fish Bar. PC Perry responded that the premises were generally closed by 11.00pm but he did not have specific information with him and he did not have a copy of the agreement to hand. The Business Support Manager added that the Ivybridge Fish Bar did not want to open late and was generally closed by 11.00pm. The Applicant was of the view that Ali Babas opened until 12 midnight on Fridays and Saturdays but that the Ivybridge Fish Bar did not open beyond 11.00pm.

(At this point, the meeting was again adjourned to enable the Sub-Committee, in the presence of the Council Solicitor, to determine this application).

7. The Decision

The Sub Committee reconvened and the Chairman then proceeded to announce the decision as follows:

“We have considered the application for a new premises licence. We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application subject to the following changes being incorporated into the operating schedule. We have determined the changes to be Appropriate to achieve the licensing objectives and to ensure fairness between the local businesses:-

- Sunday to Thursday – opening hours until 11.00pm
- Friday and Saturday – opening hours until 12 midnight
- New Years Eve – opening until 1.00am on New Year's Day
- Bank Holidays – opening hours as per Friday and Saturday.

Full decisions and reasons will be forwarded by post within the next five working days.

It is our decision therefore to grant this application with conditions as set out in the License Schedule and subject to the amendments made.

(Meeting commenced at 11.30 am and concluded at 12.55 pm)

Chairman