

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, ON TUESDAY, 3 OCTOBER 2023, 10:00 am

Present: Cllrs Simon Rake (Chair), Julie Carson (Vice-Chair) and Victor Abbott
Alan Parr, Solicitor
Naomi Stacey, Senior Licensing Officer
Harry Lionis – Licensing Officer
Amelia Boulter, Senior Democratic Services Officer

Also in attendance and participating:

Brian Moss and Cllr Emily Price (Totnes Town Mayor)

LSC.03/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. There were none.

LSC.04/23 TO DETERMINE THE APPLICATION FOR A NEW PREMISES LICENCE AT RIVERSIDE CAFÉ, STEAMER QUAY ROAD, TOTNES, TQ9 5AL

The Sub-Committee considered a report that sought to determine an application for a new premises licence at the Riverside Café, Steamer Quay Road, Totnes, TQ9 5AL in accordance with Section 18 of the Licensing Act 2003.

The Senior Licensing Officer introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), A(iii), B, C, D, E and photos in the presented agenda report). The Senior Licensing Officer reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

1. Address by the Applicant

The Applicant reported that his solicitor advised him to apply for full opening times and on reflection the café would not be open in the evening when dark. The café was a daytime facility and understood the concerns raised. The clientele that was attracted to the café were middle aged people and families with children. During August and September only sold 15 units of alcohol a day to a broad spectrum of age groups and backgrounds. It was made clear that the cafe would not be turned into a drinking establishment with drunk people staggering to use the public toilet. This was a café that serves food with alcohol to complement that.

2. Address by Objectors

The Objector stated that there was overwhelming support for this application but did have concerns, however, a lot of the concerns have been addressed. The main concern was regarding the café being open until 12 pm and would then become the place for drunk people. It was asked if they wanted to sell alcohol later to reassess the barrier situation.

(The Sub Committee then adjourned, in the presence of the Lawyer, and Senior Democratic Services Officer at 10.35 am to consider the application and reconvened at 10.56 am.)

3. The Decision

In announcing the Sub-Committee decision, the following statement was read:

We have considered the application for a new premises licence, submitted by Brian Moss for Riverside Café, Steamer Quay Road, Totnes, TQ9 5AL. The Sub-Committee have carefully deliberated the application, representations from the Applicant, the Objector who have submitted representations in writing and 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 all parties, plus additional statements from persons here today. We have also considered the additional conditions proposed by the Police and accepted by the Applicant.

It is our decision to:

GRANT the application subject to the following changes being incorporated into the operating schedule:

Opening hours to be from 8am to 8pm daily with sale of alcohol permitted between 11am and 7:30pm

That the conditions included in appendix D apply

The reasons for our decision are as follows:

In the interests of public safety and the prevention of public nuisance

Any persons aggrieved by this decision has a Right of Appeal to the Magistrates Court no later than 21 days from the date of receiving the Decision Notice.

The full written decision would be sent out within five working days.

(meeting closed at 10.58 am)

Chairman