

HONITON TOWN COUNCIL

Minutes of the Extraordinary Meeting of the Town Council held at the Town Council Offices, The Beehive, Dowell Street, Honiton on Tuesday 23rd January 2018 at 6.30pm

Present

St Michael's Ward

Cllr Sheila Edwards
Cllr Jill McNally
Cllr John Taylor
Cllr John Zarczynski (Chairman)
Cllr Philip Carrigan

St Paul's Ward

Cllr Henry Brown
Cllr Terry Darrant
Cllr Vera Howard
Cllr Daniel Jefferson
Cllr Mike Jones
Cllr Caroline Kolek
Cllr Duncan Sheridan-Shaw
Cllr Roy Coombs

In attendance

Mark Tredwin, Honiton Town Clerk
Heloise Marlow Deputy Town Clerk
One member of the public

18/578 The Chairman welcomed Councillors, members of the public and the recently appointed Deputy Town Clerk Heloise Marlow.

18/579 To receive apologies for absence

Cllr Martin Linsdell – Work commitments
Cllr Sheila Edwards – Personal reasons meaning she would be late
Cllr Nicolette Macve - Holiday

18/580 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

There were no declarations of interest

18/581 To note the grant of dispensations made by the Town Clerk in relation to the business of this meeting.

The meeting went out of session at 6.35pm

18/582 Public question time on items on the agenda

- **Mr J Burgess**, spoke to item 5 on the agenda and queried the meaning of “designated Council premises” within the report attached to the Agenda, which Councillors had raised the issue of licencing having regard to the fact that this had not previously been raised in over 180 previous council meetings, and stated that the building was always going to have a bar which

required a licence and queried what the Town Council would do if the Beehive Community Complex declined a request from the Town Council to delicense either the whole of the building or the Tirard Room.

The Mayor responded saying that as one of the Councillors had raised the query about holding meetings in licensed premises, the Town Council had a duty to look into the matter. The Mayor had considered the terms of the lease between the Town Council and the Beehive Community Complex and had spoken with the Monitoring Officer at East Devon District Council who had given clear advice. The Mayor was of the view that what other Councils did was irrelevant and that Honiton Town Council needed to act within the law.

Cllr Taylor advised that the business plan for the Beehive envisaged temporary licences for events and that the premises had a rateable value assessed for a café and not a café/bar.

Cllr S Edwards joined the meeting at 6.33pm and declared an interest in item 5 as a **member of the Honiton Community Complex charity.**

The meeting went back into session at 6.40 pm

18/583 To agree a way forward following the licencing of rooms at the Beehive

The Town Clerk presented his report previously circulated and advised that the recommendations within it were a guide for Councillors who could amend the draft recommendations or ignore them and suggest alternatives.

Cllr C Kolek joined the meeting at 6.45pm

After discussion Councillor McNally put forward the following motion:

“This Council resolves to instruct Honiton Community Complex Ltd to immediately delicense all the property described with the Lease between Honiton Community Complex and Honiton Town Council dated 9th December 2015, so that the owner, Honiton Town Council may carry on its lawful business on premises which are not licenced for the sale of alcohol. The Council has the right within the aforementioned Lease to demand that rooms are provided, and that right is being thwarted by the current licensing arrangement undertaken without its knowledge or approval.”

During the discussion that followed the following points were raised:

- The lease does not refer to any licencing arrangements.
- On that basis, the Beehive Community Complex could do anything it wants which is not covered by the lease
- Honiton Town Council were not asked for permission to have the premises licenced.

- The Beehive is a successful enterprise and needs a licence to continue to operate successfully.
- The Beehive Community Complex should be asked to delicense the Liz Tirard Room.
- Can part of the building be delicensed allowing the rest to continue with a licence?
- Would the Beehive be able to operate if the whole building was delicensed and it had to apply for temporary licences for each event requiring a licence?
- If the Liz Tirard room is delicensed and all Town Council meetings are held in the Liz Tirard room in the future, the Town Council would no longer be in breach of the law.
- The next full Town Council meeting on the 12th February was due to take place in the Hayward Room and would need to be moved to an alternative date as the Liz Tirard room was not available.

Cllr T Darrant jointed the meeting at 7.30pm

Cllr Jones requested that a motion be put forward which resolved to accept recommendation c) and recommendation d) of the Town Clerk's report.

The Town Clerk confirmed that he had an email from Henry Gordon- Lennox, the Strategic Lead (Governance and Licensing) and Monitoring Officer at EDDC which confirmed that the Liz Tirard room could be removed from the licensed area and that temporary event notices could be applied for if there was a desire to use the room for events.

In view of this advice, Cllr McNally withdrew her proposed motion.

(a) Motion was proposed by Cllr C Kolek and seconded by Cllr H Brown that:

“Members **resolved** to designate the upper floor of the Beehive Community Complex as the Designated Council premises for the purposes of holding its Full Council and Committee meetings”

A recorded vote was taken as follows:

For: Cllr H Brown, Cllr T Darrant, Cllr S Edwards, Cllr V Howard, Cllr D Jefferson, Cllr M Jones, Cllr C Kolek, Cllr D Sheridan-Shaw, Cllr P Carrigan.

Against: Cllr J Taylor

Abstentions: Cllr R Coombs, Cllr J McNally, Cllr J Zarczynski

The motion was carried.

(b) Motion proposed by Cllr C Kolek and seconded by Cllr H Brown that:

“Members **resolved** to request that the Beehive Community Complex delicense the Tirard Room with immediate effect”

A recorded vote was taken as follows:

For: Cllr H Brown, Cllr R Coombs, Cllr T Darrant, Cllr S Edwards, Cllr V Howard, Cllr D Jefferson, Cllr M Jones, Cllr C Kolek, Cllr D Sheridan-Shaw, Cllr J Taylor, Cllr J Zarczynski, Cllr P Carrigan.

Abstentions: Cllr J McNally.

The motion was carried.

The meeting was closed at 7.35 p.m.