

**MINUTES of AN EXTRAORDINARY MEETING of ST AUSTELL BAY PARISH COUNCIL held on MONDAY 7 OCTOBER 2019 at 9.00 am in THE PATTERN HALL, CHARLESTOWN**

**Present:** Cllrs Bill Leach (Chairman), Trudy Reynolds, Peter Tombs, Sue Leach, Sue Osbrink, Richard Hallows, Dave Nicklin

In attendance: Cllr Tom French, CC: Julie Larter (Clerk); 30 members of the public, 2 members of the press.

**(19/093) Apologies for Absence**

Apologies were received from Cllrs Steve Morris and Malcolm Neill.

**(19/094) Minutes of a Meeting of the Parish Council held on 12 September 2019**

It was **RESOLVED** that the minutes of the meeting be signed as a true record of the meeting.

**(19/095) Declarations of Interest on Items on the Agenda, Gifts and Hospitality**

There were no declarations of interest on matters arising on the agenda.

**(19/096) Chairman's Announcements**

The Chairman reported that Cllr Neill had recently been very poorly, resulting in his admission into hospital. Cllr Neill is now back at home but will be unavailable for a while and he wished him well. The Chairman also said that the meeting must end at 10.30 as there was an existing booking for the hall.

**(19/097) The Lusty Pirate, Charlestown (Licensing Matter)**

The Chairman said that Alex Smit telephoned him whilst he was on holiday in Spain requesting an urgent meeting. Mr Smit recognised that the existing licence is wrong and accepted responsibility for the error. Mr Smit apologised for events on 7 September. The Chairman went on to say that the current licence was unfit for the event of 7 September and that is a concern to the parish council. The Chairman said that it appeared that the event of 7 September was targeted at a particular audience and the council was very concerned about the outcome of the evening. The Chairman said that as well as the licencing situation, the organisation and management of the event was in question. He said in his opinion it was naïve to put on an event like that without backup considering the consequences of the same DJ running an event at the Rashleigh in July - news spreads quickly on social media. The Chairman then said that members of the parish council have been given a copy of a draft of a new licence, drawn up in consultation with Cornwall Council's licencing officers.

The Chairman invited Mr and Mrs Parker, tenants of The Lusty Pirate to address the meeting. Mr Parker said that they probably were naïve about the licence and but that they had been licence holders for approximately the last 18 years. The September event was originally scheduled for the previous week, but this would have clashed with the Festival of Sail so it was re-scheduled for 7 September. Mrs Parker said that in all the years they have held a licence, they have never experienced under-age drinking. Mrs Parker went on to say that due diligence was undertaken prior to them going on holiday. The DJ was middle aged and they didn't know about the trouble in the Rashleigh. There was no under-age drinking of alcohol inside the

premises on the night, the trouble was all outside with youngsters bringing in drink from elsewhere.

Cllr Sue Leach questioned whether due diligence had actually been undertaken as she had carried out an internet search for the DJ and it was clear that he had played at some high profile venues that might have suggested a strong youth following.

Mrs Parker said that she went on Facebook and questioned the DJ about security. She had looked at the type of venues the DJ had performed at previously and they were all responsible establishments. She didn't know that Charlestown gets swamped with youths. Mrs Parker said that there were no more than 50 people in the restaurant on the evening in question. Her staff and a member of staff from the Shipwreck Centre have reviewed CCTV coverage and there is no evidence of under-age drinking within the restaurant. Mrs Parker said that they only became aware of the full content of the existing licence when the Police Licensing Officer met with them after the event. She concluded that better communication was needed between pubs and restaurants in Charlestown, because then they would have been aware of the incidents at the Rashleigh.

Mr Parker said that the current licence is not fit for purpose – it is not what they had bought into and if they had been aware, they would have sorted out the matter in May.

Cllr Nicklin said that in his opinion the licence is fit for purpose but that purpose was not what they want.

Mr Parker said that the current licence only permits alcohol to be drunk during the consumption of a meal, not after customers have finished eating.

Cllr Hallows agreed that the event did not fit the licence and that a licence to sell alcohol is extremely important.

Mrs Parker reiterated that they had not seen a full copy of the licence until they were visited by the Police Licensing Officer.

Cllr Osbrink said that it was Mr and Mrs Parker's responsibility to check the licence and she felt they should have been present at the event.

Mrs Parker said that they weren't expecting any trouble and that the event was aimed at students returning to university. Because the date of the event was changed at the last minute there was only about 9 days' notice of the event taking place.

Cllr Sue Leach said that many people older than 18 stay out of Fowey during Regatta Week because of the under-age drinking, so the fact the DJ had previously performed at Fowey Regatta was no guarantee that it would be a trouble-free event. Proper research would have highlighted the need for security staff. She said that as soon as staff became aware of a problem outside, they should have dialled 999 and called the Police and pulled the event.

Cllr Nicklin said that the restaurant was previously a family restaurant and asked Mr and Mrs Parker how they viewed the future. Mrs Parker said that the Lusty Pirate cannot run on the current licence, the venue is too large to operate only as a restaurant. Cllr Nicklin asked what their vision was. Mrs Parker said that it depends on the type of event, they want it to be a family restaurant but supplemented by events. Mr Parker said that they have multiple jazz evenings lined up together with a wedding and Christmas parties and these events can now only take place with a Temporary Event Notice.

Cllr Hallows said that he has spoken to the Licensing Officer and 13 November has been set as a provisional date for the Licensing Committee to review the licence.

Mr Parker asked the parish council to consider reviewing their decision to call for a review of the licence as had been requested by Mr Smit. He explained that it was only possible to apply for 15 TENS licences each year and they have more than this number of events planned for the rest of the year.

Cllr Tombs questioned why the parish council was trying to find a solution for the Lusty Pirate and Heligan. He said that Heligan as the landlord has a responsibility to residents. He said that the terraced area has never been licenced and with a possible extension in the pipeline, this could cause noise to residents. He said he felt that Mr and Mrs Parker were being caught between Cornwall Council and Heligan.

Mrs Parker said that they were both horrified by what happened on 7 September and that they had offered to come and speak to the parish council.

The Chairman said that in his opinion the review needs to run and as an interim measure the Parkers should apply for TENS licences to give them the opportunity to continue to trade while they apply for a new licence.

Cllr Sue Leach said that members of the public are worried about having a repeat incident and asked how Mr and Mrs Parker could guarantee that this would not happen. Mrs Parker replied that they couldn't make a guarantee but would ensure that there was adequate security when needed. She said that staff weren't aware of what was going on outside but equally she wouldn't want to put her staff at risk.

Cllr Sue Leach said that staff should be given the authority to dial 999 and to pull the plug on an event if necessary. Mr Parker replied that the proposed revised licence takes care of this.

A member of the public said that dispersal from the village was a problem, not just security at the venue.

It was **RESOLVED that the parish council would continue with its request to Cornwall Council for a review of the current licence.**

### **(19/098) Keep Charlestown Safe**

Cllr Hallows reported that a meeting took place at St Austell Police Station on 19 September, attended by representatives from the Police, Cornwall Council, St Austell Brewery, Charlestown Harbour, the parish council, Cllr French and local residents. Cllr Hallows said he was disappointed by the meeting as in his opinion the statutory authorities have failed to take action in the past and are not held accountable.

Cllr Hallows said that it may be necessary to look at the licence conditions of all establishments in the village, but stressed that some establishments operate in an exemplary manner.

Cllr Hallows went on to say that a "Keep Charlestown Safe Group" has been established. The group aims to promote better communication in the village and is planning to produce report cards which provide evidence of any breaches in licencing conditions. He said that everyone has a responsibility to do something to keep Charlestown safe. The village doesn't feel well supported by the enforcement agencies but Charlestown was no less important than other

areas where there is a high incidence of anti-social behaviour and the group will continue to press the authorities to provide sufficient resources for their community.

CLlr Osbrink said that we need to compile an evidence base. She said that a week after the Lusty Pirate incident she was walking her dog one evening and a huge mob of young people were walking up Charlestown Road. She dialled 999.

A member of the public commented that 2 Special Constables were in the village last Friday night.

CLlr French said that the most important thing was for the community to get together and he will talk to the various agencies who are being criticised as this is his job. Pressure must be kept up and this is just phase 1 – we want action, not just a talking shop.

A member of staff from the Shipwreck Centre said that he didn't know what the plans for the extension were.

**(19/099) Dates of Future Meetings**

17 October, 21 November, 19 December.

The meeting closed at 10.00 am.

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Chairman

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Date