

# South Hams Licensing Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Monday, 30th September, 2019</b>										
<b>Time:</b>	<b>2.00 pm</b>										
<b>Venue:</b>	<b>Cary Room - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brown</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Holway</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Foss</td> <td style="width: 33%;">Cllr Pannell</td> </tr> <tr> <td>Cllr May</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Pringle</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Sweett</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Thomas</td> </tr> </table>	Cllr Foss	Cllr Pannell	Cllr May	Cllr Reeve	Cllr Pringle	Cllr Smerdon	Cllr Rowe	Cllr Sweett	Cllr Kemp	Cllr Thomas
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Cllr Kemp	Cllr Thomas										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk										

**1. Apologies for absence**

**2. Minutes of last meeting**

**1 - 8**

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 8 November 2018 and the Licensing Sub-Committee held on 25 April 2019;

**3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**4. Declarations of interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

**5. Exclusion of Public and Press**

to consider the following resolution to exclude the public and press:-

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

**6. Consideration of whether a driver remains a fit and proper person to hold a taxi licence**

**9 - 30**

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY 8 NOVEMBER 2018**

**MEMBERS**

\* Cllr D W May - Chairman

\* Cllr T R Holway - Vice-Chairman

* Cllr K Baldry	∅ Cllr R J Foss
* Cllr J I G Blackler	∅ Cllr P W Hitchins
* Cllr D Brown	* Cllr N A Hopwood
* Cllr B F Cane	∅ Cllr K Pringle
* Cllr P K Cuthbert	∅ Cllr R Rowe

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:  
Licensing Specialist; Deputy Monitoring Officer and Senior Specialist – Democratic  
Services

Also in attendance and participating:  
Cllr J A Pearce

L.09/18 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 23 August 2018 were confirmed as a correct record and signed by the Chairman.

L.10/18 **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 there were none made.

L.11/18 **THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF  
LICENSING PRINCIPLES**

Consideration was given to a report that sought to recommend approval of the draft Statement of Principles.

During her introduction, the Licensing Specialist outlined the summary of proposed changes and the consultation responses that had been received.

In discussion, the following points were raised:-

- (a) A number of Members wished to thank the lead officers for producing an excellent piece of work. Of particular credit was felt to be the 'Children and Vulnerable Persons' section of the draft Statement of Principles. Furthermore, thanks were also extended to Ivybridge Town Council for submitting a response to the consultation exercise;
- (b) The view was expressed that the 'Health, Safety and Wellbeing Implications' in the published agenda report should have been populated to reflect the fact that this criterion had been given serious consideration during the review.

It was then:

### **RECOMMENDED**

That Council be **RECOMMENDED** to adopt the amended Draft Statement of Principles (as attached at Appendix A of the presented agenda report) for the period 31 January 2019 to 30 January 2022.

L.12/18

### **SUMMARY OF NEW / VARIATION PREMISES LICENCES AND CLUB PREMISES CERTIFICATES ISSUED BETWEEN 1 OCTOBER 2017 TO 30 SEPTEMBER 2018**

Members were presented with a paper that provided them with a summary of the licences that had been issued between 1 October 2017 and 30 September 2018.

When questioned, officers confirmed that two of the applications that had initially been withdrawn (Sea Change Festival, Dartington and Bellinis Bar, Dartmouth) had been re-submitted and granted by officers.

It was then:

### **RESOLVED**

That the summary of licences issued between 1 October 2017 and 30 September 2018 be noted.

L.13/18

### **RESULT OF THE CONSULTATION EXERCISE ON A PROPOSAL TO ADOPT A NEW TAXI RANK AT CLIFTON PLACE, SALCOMBE**

A report was considered that presented the outcome of the consultation exercise that had been undertaken on a proposal to adopt a new Traffic Regulation Order to create a 'no waiting except for Taxis' bay on Clifton Place, Salcombe.

In her introduction, the Licensing Specialist highlighted that two representations had been received and the key issues (as outlined in full at Appendix B of the presented agenda report) were summarised.

In the ensuing debate, reference was made to:-

- (a) the two representations. Some Members expressed their surprise that the consultation exercise had only generated two representations;
- (b) the views of a local Ward Member. The local Ward Member in attendance confirmed that she had no objections to the proposed taxi stand;
- (c) the proposed 11.00am to 1.00am operating hours. The Licensing Specialist clarified that the 11.00am start time had been proposed to minimise any potential disruption to early morning delivery times.

It was then:

**RESOLVED**

That, in accordance with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the proposed Taxi Stand at Clifton Place, Salcombe be appointed with immediate effect.

(Meeting commenced at 12.05 pm and concluded at 12.35 pm).

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Chairman



**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 APRIL 2019**

**Present:** Cllrs Kathy Cuthbert, Tom Holway and David May  
Philip Debidin, Consultant – Legal Services  
Steve Mullineaux, Group Manager, Support Services and Customer First  
Naomi Stacey, Specialist – Licensing  
Darryl White, Senior Specialist – Democratic Services

**Also in attendance and participating:**

Howard Davies (Applicant)  
Cllr Mike Fice (Salcombe Town Council)  
Cllr Judy Pearce (local Ward Member)  
Cllr Simon Wright (local Ward Member)

LSC.1/18 **APPOINTMENT OF CHAIRMAN**

**RESOLVED**

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

LSC.2/18 **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. These were recorded as follows:-

Cllrs Cuthbert and May both declared a personal interest in agenda item 4: 'Application for a Variation to the Premises Licence at The Boathouse, 28-30 Island Street, Salcombe TQ8 8DP' (Minute LSC.3/18 below refers) by virtue of close family members having attended an on-site Gin Tour and both remained in the meeting during the debate on this item.

LSC.3/18 **TO DETERMINE AN APPLICATION FOR A VARIATION TO THE PREMISES LICENCE AT THE BOATHOUSE, 28-30 ISLAND STREET, SALCOMBE TQ8 8DP**

The Sub-Committee considered a report that sought to determine an application to vary the premises licence at The Boathouse, 28-30 Island Street, Salcombe.

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A of the presented agenda report). Whilst other matters had been raised during the consultation phase, the Licensing Specialist reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

## 1. Address by the Applicant

In his address, the applicant provided some background information to the establishment of the business and proceeded to make specific reference to:-

- the business employing 30 members of staff throughout the year and the consequent local economic benefits resulting from this organisation;
- the purpose of this application being to increase opportunities (and therefore revenue) generated from the bar area;
- the business having never received any complaints. In addition, the applicant confirmed that the business had a very good relationship with its local neighbours and the Police;
- the business having previously trialled the concept of tables and chairs being used in the courtyard area. In reviewing this trial, the applicant reassured the Sub-Committee that there had been no issues or complaints raised;
- the planning aspects. The applicant informed that meetings were being held between the Council's Planning Officers and his legal representatives and he would continue to take the necessary action to amend the associated planning conditions;
- CCTV being in operation throughout the Distillery and Courtyard areas;
- the importance of the reputation and branding of the business. In stressing the importance, the applicant stressed that the business wished to be known as a responsible company;
- the on-site stairs being very wide and supported by a handrail. The applicant did not consider the stairs to be unsafe and felt that there were a number of other licensed premises in Salcombe that had similar stair arrangements;
- any noise that was generated being kept within a contained area of the site; and
- his willingness to pull some of the proposed seating back if that would make the application more acceptable to Members.

## 2. Address by the Town Council Representative

At this point, the Town Council Representative was invited to make his submissions to the meeting. In so doing, the following points were raised:-

- Whilst the Town Council fully supported the business, it was of the view that this proposal was a step too far and the Town Council had a number of concerns related to noise. In particular, the topography of the site resulted in noise travelling directly up through Church Street;
- The Town Council had also raised a number of questions that included:
  - o How the proposed 8.30pm closure would be enforced?
  - o How would the business prevent glasses from being taken off-site?



- In respect of emergency access provision, how would customers evacuate?
- Where would the equipment be stored when it was not in use?

### **3. Address by the local Ward Members**

The local Ward Members both addressed the Sub-Committee and made reference to:-

- one Member echoing the noise concerns that had been raised by the Town Council representative. In particular, the Member felt that the noise would be funnelled directly into residential properties;
- the safety concerns arising from the business being sited directly next to a vibrant marine workshop; and
- the popularity and success of the business that had a reputation that went far beyond Salcombe. The Members emphasised the economic importance of the business being able to both grow and thrive.

### **4. Sub-Committee Questions**

Having listened to each of the representations, the Chairman requested that the Sub-Committee ask any questions of clarity. In so doing, the following points were raised:-

- (a) With regard to the prevention of underage drinking, in addition to the CCTV being monitored, the applicant advised that staff would be regularly patrolling and managing the courtyard area. As a result of the courtyard area being a confined area, the applicant was of the view that it would be easy to overcome these concerns;
- (b) The applicant advised that the tables and chairs would be stored away overnight underneath the stairs and in the warehouse on the ground floor. The Sub-Committee noted that both of these areas were immediately adjacent to the courtyard area;
- (c) In response to the concerns raised over emergency access, the applicant confirmed that there was also an alternative access to the rear of the property. By way of a further comfort, the applicant advised that a fire officer undertook an annual site visit to the premises;
- (d) It was not the intention of the business to provide a waiter service to the courtyard area;
- (e) The applicant informed that the proposal was for six tables (each with four chairs) to be located in the courtyard area.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 10.50am) in the presence of Mr Debidin to consider the application and then reconvened at 11.25am.

## 6. The Decision

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

*“We have considered the application to vary the 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 all parties and additional information provided to us 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:*

1. *The use of suitable signage in the outside area in relation to age restriction and noise nuisance;*

*(Reason: this is to address the licensing objectives under (i) Public Nuisance and (ii) the Protection of Children from Harm).*

2. *The construction and use of a removable barrier at the point immediately behind the side door of the front building to address the concerns of there being a safe distance from the Public Highway.”*

*(Reason: this is to address the licensing objective under Public Safety).*

*In addition, the Licensing Sub-Committee took account of the representations of the Town Council and the local Ward Members and took into consideration the following matters not addressed by additional conditions:-*

- (a) The existing use by vehicles in the area during the licensing hours;*
- (b) The proposal by the Applicant to consider the placing of a suitable barrier to the side of the front building; and*
- (c) The proposal by the Applicant to determine the safe number of tables and chairs in the area now allowed.*

*In addition to being appropriate, the Committee also believe the amendment(s) to be necessary.”*

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Chairman

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