

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Thursday, 7th January, 2021
Time:	1.30 pm
Venue:	Via Teams
Full Members:	<p style="text-align: center;">Chairman Cllr Brown</p> <p style="text-align: center;">Vice Chairman</p> <p><i>Members:</i> Cllr Holway Cllr Smerdon</p>
Interests – Declaration and Restriction on Participation:	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.
Committee administrator:	Democratic.Services@swdevon.gov.uk

1. Division of Agenda

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

2. 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;

3. Application for a new Premises Licence at Calancombe Winery, Modbury, Ivybridge, Devon, PL21 0TU

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Agenda Item 3

Report to: **Licensing Sub-Committee**
Date: **7th January 2021**
Title: **Application for a new Premises Licence at Calancombe Winery, Modbury, Ivybridge, Devon, PL21 0TU**
Portfolio Area: **Customer First**
Wards Affected: **Ermington and Ugborough**
Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Author: **Tara O’Keefe** Role: **Senior Case Manager – Licensing**

Contact: **01803 861151 / tara.okeefe@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a new Premises Licence and make determinations in respect of this application, namely to:

- i) grant the application as submitted, subject to any Mandatory Conditions required;**
- ii) modify the conditions of the licence;**
- iii) exclude any of the licensable activities to which the application relates;**
- iv) to refuse to specify a person in the licence as the premises supervisor;**
- v) reject the application,**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Calancombe Winery, Modbury, Ivybridge, Devon, PL21 0TU** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application from Calancombe Estate Holdings Ltd for a new Premises Licence on 16th November 2020. The purpose of the application is for the supply of alcohol for consumption on and off the premises Monday to Saturday 11:00am to 5:00pm, and Sunday 11:00am to 4:00pm. A copy of the application is attached at **Appendix A**.
- 1.3 Calancombe Estate currently has a premises licence for the supply of alcohol for consumption off the premises. This licence is purely for online/telephone sales and members of the public do not have access to the site. The licensable area is restricted to a small office beside Calancombe House.
- 1.4 The premises is described as 'an agricultural building which is used for making and storing wine, cider and other alcoholic drinks using grapes, apples, blackcurrants, herbs and botanicals grown on the farm. An area (as indicated in the plans attached) will be dedicated to the tasting and sale of alcoholic products made on the farm as well as from time to time. Other alcoholic products sourced locally together with the provision of light refreshments.' A copy of the plan of the premises is attached at **Appendix B**.
- 1.5 During the consultation period, the Police requested further information regarding the non-standard timings of 'during the main holiday season we may offer tastings on 2 evenings during the week'. The applicants agreed to remove the non-standard timings as there were no specific dates or times provided.

2. Background

- 2.1 The premises is located on the Calancombe Estate near Modbury. A map of the location is attached at **Appendix C**.
- 2.2 During the consultation period, six relevant representations were received from local residents in objection to the application. No representations were received from any of the Responsible Authorities or local Councillors. Copies of the representations are attached at **Appendix D**.
- 2.3 There are concerns raised in relation to the prevention of public nuisance licensing objective, specifically that the granting of the licence may increase traffic to the area, resulting in additional noise and the potential impact on the local residents' quality of life. Other concerns include the suitability of the access roads to the premises, with particular concern about the safety of those using these roads.

- 2.4 Some of the representations have made reference to whether the premises has the appropriate Planning permission in place. These are not matters which can be considered under the Licensing Act 2003 which must only take into account issues relating to the four licensing objectives. Should the new application be granted, the premises licence would not supersede any planning restrictions in place at the premises.
- 2.5 Any reference within the representations to the 'need' for the supply of alcohol at the premises cannot be taken into consideration.
- 2.6 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised April 2017).
- 2.7 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives).
- 2.8 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.9 Section 3.2 of the Policy states: A licence (or club premises certificate) will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 2.10 Section 4.1 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.11 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in April 2018 state: The Licensing Authority may not impose conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).

2.12 The following responsible authorities are statutory consultees under the Licensing Act 2003:

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon Safeguarding Children's Board
- Devon County Council Trading Standards
- Devon Drug and Alcohol Action Team, NHS Devon
- South Hams District Council Planning Department
- South Hams District Council Environmental Health (Health & Safety)
- South Hams District Council Environmental Health (Pollution Control)

2.13 No representations have been received from any of the responsible authorities.

2.14 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:

3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.19 of the guidance).

3.3 Section 6.1 & 6.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or other persons on the basis of the licensing objectives. However, when dealing with licensing hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.

3.4 Section 6.4 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The

Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.

- 3.5 Section 10.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.
- 3.6 Section 10.2 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern and warrant restrictions in the operating schedule include premises: -
- ❑ where entertainment of an adult or sexual nature is provided
 - ❑ where there is a strong element of gambling taking place
 - ❑ with a known association with drug taking or dealing
 - ❑ where there have been convictions of the current management for serving alcohol to minors
 - ❑ with a reputation for allowing underage drinking
 - ❑ where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.
- 3.7 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district

doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.

- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:
 - i) grant the application as submitted, subject to any Mandatory Conditions required;
 - ii) modify the conditions of the licence;
 - iii) exclude any of the licensable activities to which the application relates;
 - iv) to refuse to specify a person in the licence as the premises supervisor;
 - v) reject the application, in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address

Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> (a) to grant the licence subject to:- <ul style="list-style-type: none"> i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and ii) any conditions which must under section 19, 20 or 21 be included in the licence; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to reject the application <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p>
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		<p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

Supporting Information

Appendices:

Appendix A – premises licence application

Appendix B – plan of premises

Appendix C - map of location

Appendix D – representations

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council’s Statement of Licensing Policy

Responses to Notices of Hearing

Calancombe Estate current premises licence

Photographs of the road/local area

Consent to be DPS form

A copy of the agreement between Applicant and Police to remove non-standard timings

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

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APPENDIX A



South Hams
Application for a premises licence
Licensing Act 2003

For help contact
licensing@southhams.gov.uk
Telephone: licensing@southhams.gov.uk

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application
generated by the system.

Not Currently In Use

Calancombe

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you

would prefer not to be contacted by telephone Are you:

Applying as a business or organisation, including as a sole trader A sole trader is a business owned by one person without any special legal structure.

Applying as an individual Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in Yes No Note: completing the Applicant Business the UK with Companies section is optional in this form.

House?

Registration number

Business name registered name.

Calancombe Estate Holdings Limited

VAT number Put "none" if you are not registered for VAT.

GB

Legal status If your business is registered, use its

Private Limited Company

Continued from previous page...

Your position in the business

Director and Shareholder

United Kingdom

The country where the headquarters of your

Home country business is located.

Registered Address Address registered with Companies House.

Building number or name

Calancombe

Street

Modbury

District

Modbury

City or town

Ivybridge

County or administrative area

Devon

Postcode

PL21 0TU

Country

United Kingdom

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Calancombe -Winery

Street

modbury

District

Modbury

City or town

Ivybridge

County or administrative area

Devon

Postcode

PL21 0TU

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

0

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales

A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England

The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

[Empty box]

Private Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises forms part of an agricultural building which is used for making and storing wine, cider and other alcoholic drinks using grapes, apples, blackcurrants, herbs and botanicals grown on the farm. An area (as indicated in the plans attached) will be dedicated to the tasting and sale of alcoholic products made on the farm as well as from time to time other alcoholic products sourced locally together with the provision of light refreshments.

Continued from previous page... If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#) Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#) Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#) Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start End

Start End

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

During the main holiday seasons we may offer tastings on 2 evenings during the week

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page... Enter

the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent If the consent form is already submitted, ask form (if known)the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start	<input type="text" value="11:00"/>		<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Continued from previous page...

TUESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text" value="11:00"/>	End	<input type="text" value="16:00"/>
	<input type="text"/>		<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The premises will be used principally for tasting of products grown on the farm and to serve glasses of the products accompanied by light refreshments and for purchase of these products for consumption by customers at home. Therefore the activities are highly unlikely to fall foul of the 4 licensing objectives. Nevertheless we are taking active steps to ensure that this we comply fully with the four licensing objectives

b) The prevention of crime and disorder

The premises will be monitored by CCTV and notices highlighting the same will be displayed. All staff will be trained to identify and detect any disorder or improper behaviour and report immediately to the Designated Premises Supervisor and if necessary the Police

c) Public safety

Public will be reminded on the website and when booking tastings/events not to drink and drive and where possible drivers will be offered product samples to take home rather than trying on the premises. Drinking water will be provided free of charge. Details of local taxi drivers will be made available. The car park and entrance to the building are lit and comply with the latest building regulation requirements (including accessible access). Subject to coronavirus restrictions, spittoons will be provided at tasting events so samples can be spat out rather than swallowed.

d) The prevention of public nuisance

The premises are on the farm and there are no neighbours within 400 metres. However all customers will be reminded to leave the premises quietly and to drive carefully. There will be no loud noise or music played.

e) The protection of children from harm

A challenge 21 policy will be employed and when booking events customers will be reminded they must be over 18 to participate in tastings or drink alcohol on the premises. Further the website requires age confirmation in order to access it. Unaccompanied children will not be permitted access to the premises.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-rightto-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college. If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time Capacity

5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

Continued from previous page...

I/We understand that it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

The information provided will be held securely by this Council in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information provided to prevent and detect fraud. We may also share this information with other organisations that handle public funds. Information provided may also be used to check the accuracy of records held elsewhere in the council. See www.southhams.gov.uk for further information. Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-hams/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

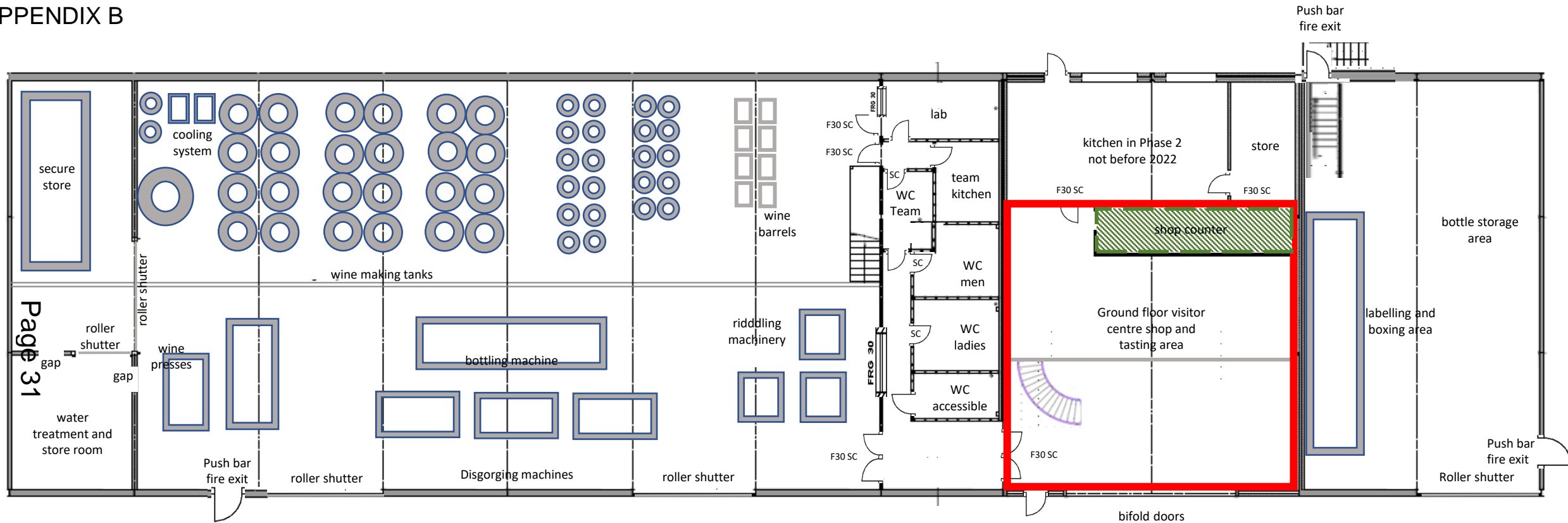
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Fee paid	<input type="text"/>
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ELMS Payment Reference	<input type="text"/>
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Payment authorisation code	<input type="text"/>
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Is Digitally signed	<input type="checkbox"/>

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CALANCOMBE ESTATE WINERY BUILDING SHOWING LOCATION OF THE VISITOR CENTRE – GROUND FLOOR

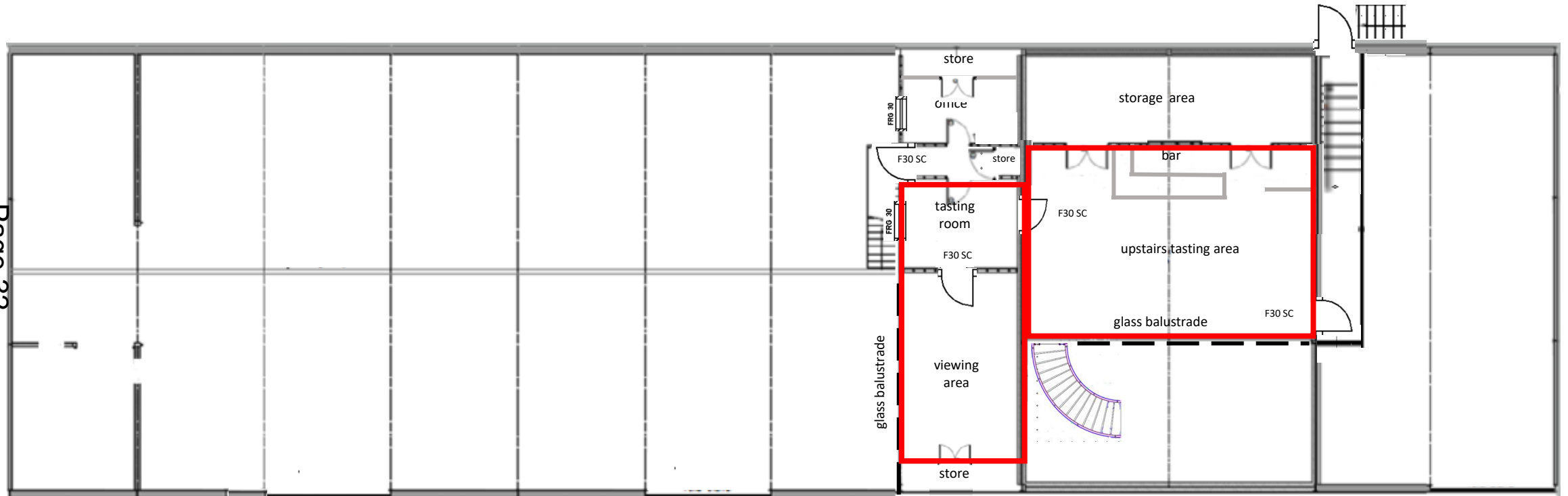
APPENDIX B



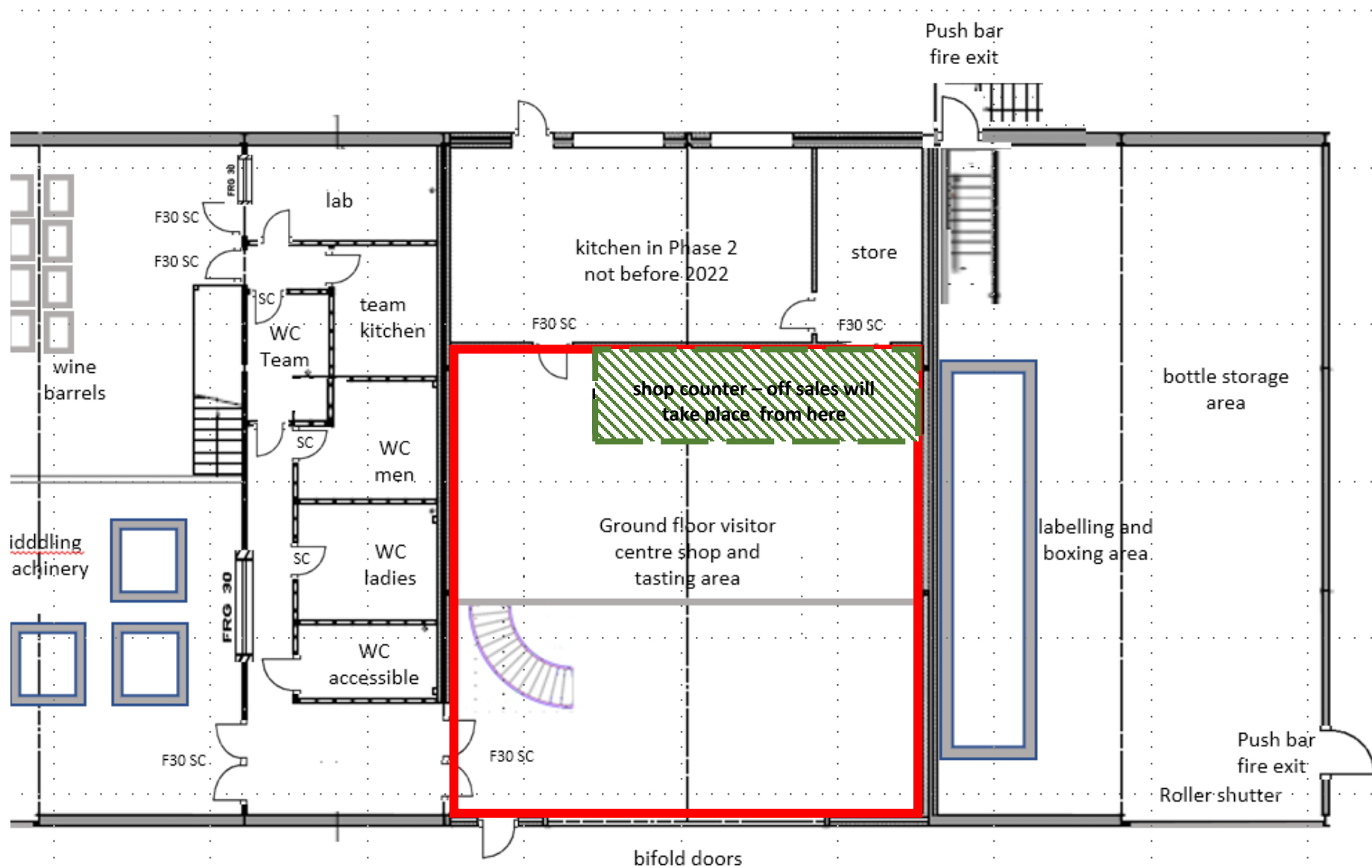
Area outlined in red plan where alcohol will be supplied and consumed

CALANCOMBE ESTATE WINERY BUILDING SHOWING LOCATION OF THE VISITOR CENTRE – MEZZANINE FLOOR

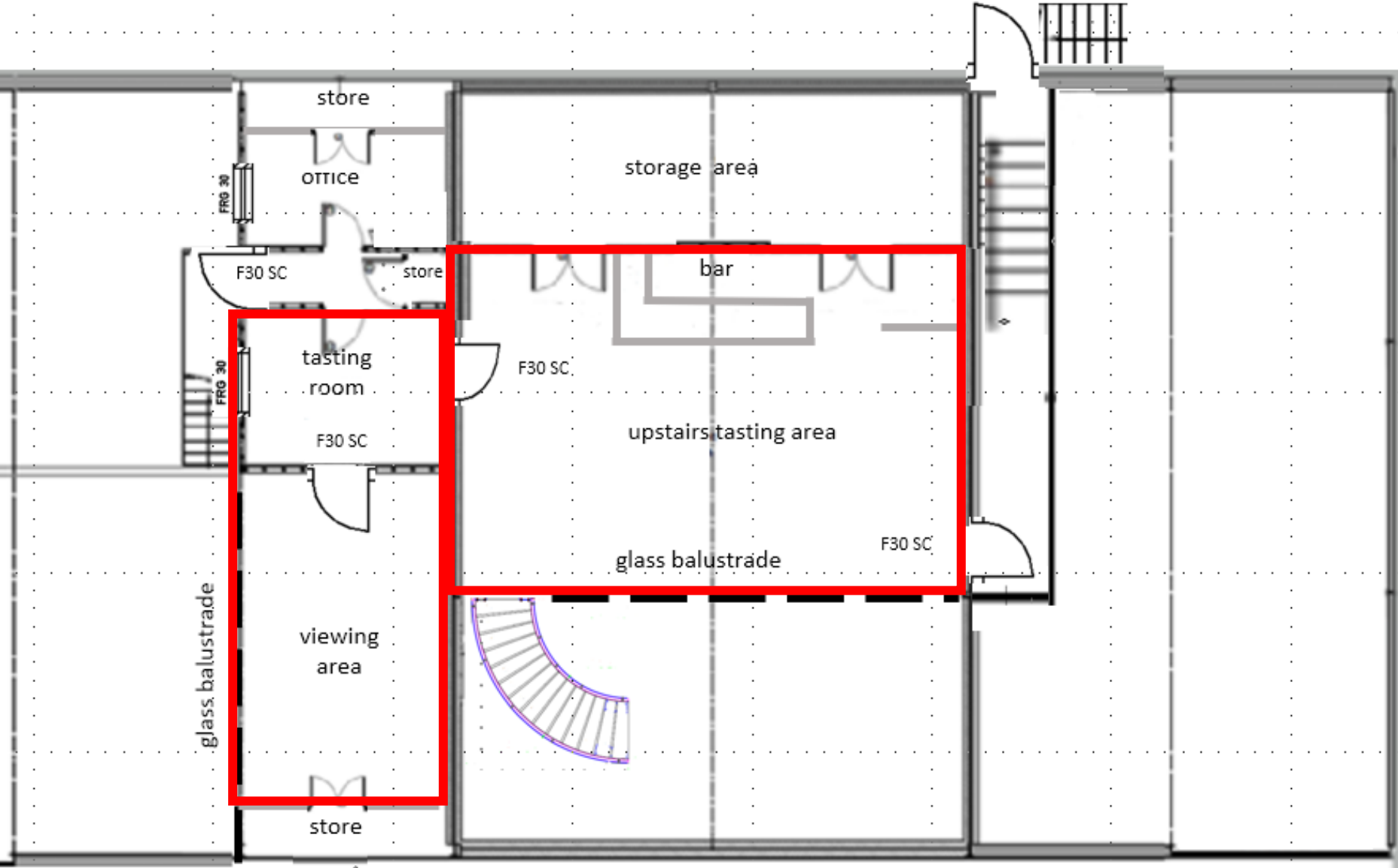
Page 32



Area outlined in red plan where alcohol will be supplied and consumed



Area outlined in red plan where alcohol will be supplied and consumed



Area outlined in red plan where alcohol will be supplied and consumed.

Office and Home

Winery and Visitor Centre

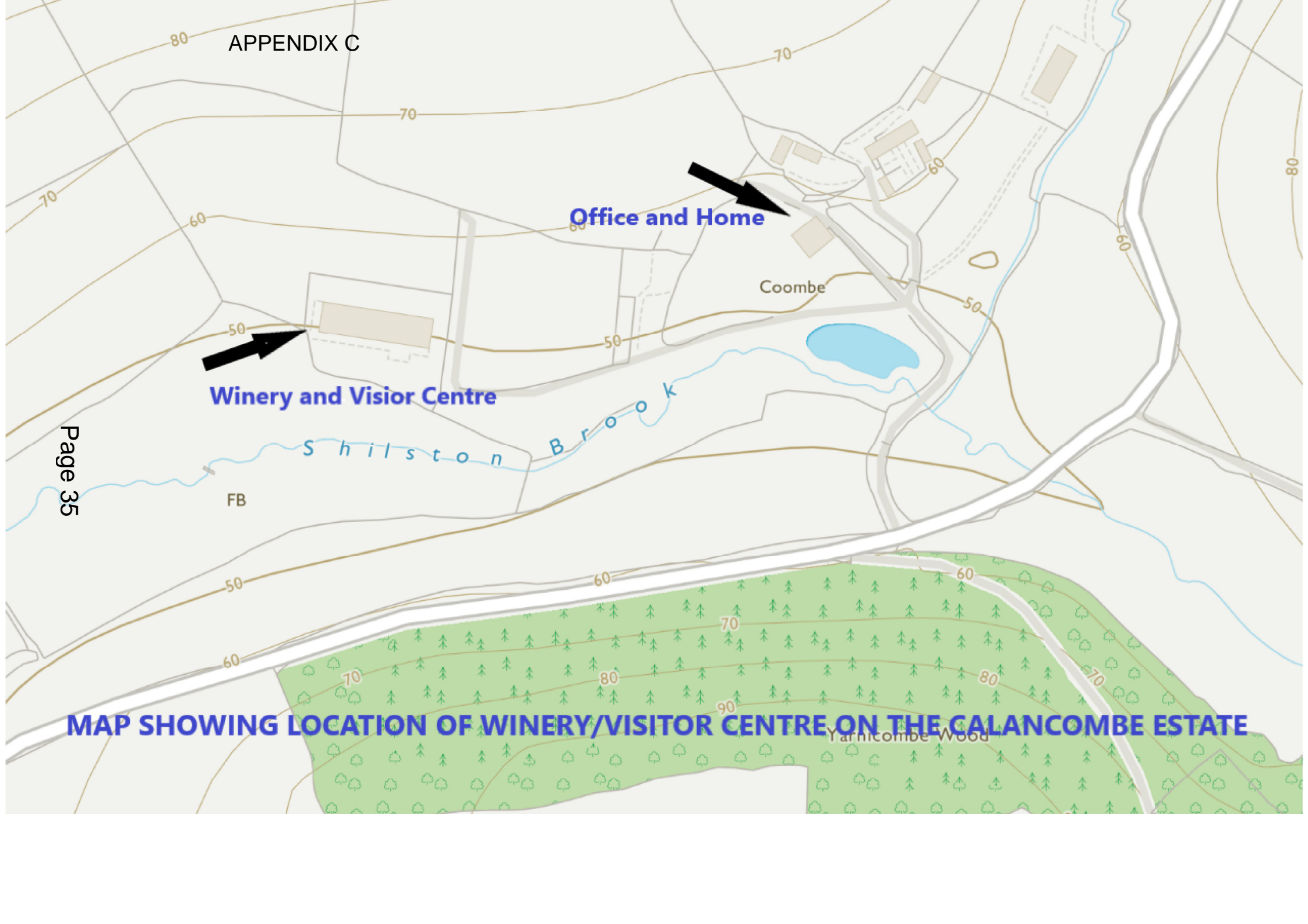
Coombe

Shilston Brook

FB

Yarnicombe Wood

MAP SHOWING LOCATION OF WINERY/VISITOR CENTRE ON THE CALANCOMBE ESTATE



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Calancombe Winery – List of Objections

OBJECTION 1

Public Safety: Access to the site is via a narrow country lane with minimal passing places and a plethora of blind corners. It requires careful driving at low speeds and as such is not best suited to drivers unused to reversing and possibly under the influence of alcohol. Creating a de facto pub/wine bar in an inaccessible area seems foolish and irresponsible to say the least.

Prevention of Public Nuisance: The addition of uncontrolled traffic to an already undermaintained road will lead to an exacerbation of the existing problems already caused by the introduction of the vineyard and its concomitant increase in delivery and supply vehicles. The rights of existing residents to quietly enjoy their environment when walking their dogs or riding horses will be completely negated by the introduction into the area of diverse vehicles with little or no appreciation of the dangers of driving inherent in narrow country lanes where each corner might conceal a child rider or dog walker.

Protection of Children from Harm: Many of the families living on the road have either children or grandchildren living with or visiting. Is it the licensing authorities wish to transform a quiet country lane to a potential deathtrap for children riding, walking or playing in the immediate environs of their home simply to assist a landowner to sell wine- especially when the commercial need for such exposure is miniscule given that the vineyard produces large quantities and is and would not be dependent on said sales for its survival..

Prevention of Crime and Disorder: The introduction of an uncontrolled wine bar into a quiet rural location will encourage road rage exacerbated by alcohol as people argue over who should reverse the 300mts to a possible passing place, attempt to squeeze past in a too narrow space, collide having driven too fast round a blind corner or become frustrated at the horse riders/dog walkers who impede their progress.

I note from the Callancombe website that the intention of the shop is to encourage tours et al .What controls are in place on this usage?

Are the commercial necessities concomitant with the vineyards survival dependent on the exposure achieved by immediate access to their products via a wine bar .?

What controls Calancombe Estates are intending to put in place to prevent the worst excesses outlined above from occurring.

These are all matters which need to be addressed by both the council and the Callancombe estate prior to any decision being reached.

OBJECTION 2

Public Safety

To access the winery, you must do so by driving down through narrow single country lanes. There are very few passing places and blind corners making access to the site challenging on a normal day for residents now, let alone when there are multiple visitors with very little ability to drive lanes let alone reverse these.

We are farmers having land both sides of the lane from Marriage cross. We move cattle and horses regularly and currently, much of this would be during these hours. We already experience double amount of traffic since the Winery has been started including lorries which are too large to be accessing these lanes on regular basis. Also, there are many many vans up and down the lane driving far too fast. We have asked many to slow down, including their staff by our entrances. We have signs which we have put up warning of animals and children and these already get ignored.

In the past, five dogs have been killed on this lane; our next concern is a child.

There are many horse riders, walkers and cyclists who enjoy using the lane to avoid the busy road.

Prevention of Public Nuisance

With this road already being overused, this has an effect on the local resident's right to their enjoyment of the countryside. The noise of additional traffic would be unbearable. Agricultural vehicles need to access fields during peak harvest time which would clash with the opening hours and already pointed out additional unexperienced drivers on these lanes would make this extremely challenging. These divers have no consideration to other road users (horses, slow agricultural vehicles, farm animals, dogs and children) and the dangers their actions may have when driving these lanes.

Protection of Children from Harm

The local residents have children, grandchildren and great grandchildren either living or visiting this area. Is it really necessary for a Winery to put such risk on lives and wellbeing for a bit of wine tasting! Surely if this business needs a commercial outlet then a more suitable premises with easy, safe access should be sought. Our family's lives should not suffer.

Prevention of Crime and Disorder

Bringing the tasting and selling of alcohol in to a quiet rural location is only likely to encourage frustration and rage when unable to reverse a few hundred metres to pass or having to follow slowly horse riders, slow agricultural vehicles, farm animals and walkers to get past.

There are already many drivers who already pay very little due care and attention on this road and surrounding area, and any risk of injury or in the worst-case death for any child, person or animal is unthinkable. I ask our matters to be fully considered prior to any decision being reached.

OBJECTION 3

We are totally against this application for an alcohol licence at Calancombe Winery. It is situated partway along approximately 2 mile single track country lane. We lived along this valley for 30 years and it was mainly used by small working farmers. It was a quiet road with plenty of wildlife. Now the traffic has increased with the extra traffic from the luxury barn conversions at what was just Coombe Farm, and now there is a Winery there and also Dartmouth Gin Business.

At present it is difficult to carry out farming operations in the Summer as much of the holiday traffic are not used to reversing in narrow lanes. There is only one passing place in this 2 mile stretch except for private entrances and field gateways.

We do not wish this lovely quiet country valley to be disturbed anymore.

OBJECTION 4

I'am writing to you to register my objection to the purposed alcohol licence at Calancombe winery Modbury . I have lived in the valley all my life 50+ years and have never felt the need to object to anything my neighbours have done but I feel this application is totally inappropriate. Calancombe winery is located at the mid point of a narrow twisty single track lane that is approximately 2 miles in length,there are no proper passing places.Passing is only possible on private property,gateways or entrances to neighbouring property.

I farm the farm next door to Calancombe winery,the said lane is main access I use it daily to check livestock sometimes on foot.We also move sheep and cattle between fields on foot with a person in front and one behind ,I also use the lane to move silage,straw and muck .I feel my safety will be put at risk if the amount traffic on the lane was to increase significantly.I have already noticed an increase in traffic since the barns at Combe Farm were turned into holiday lets and the applicant started running a business manufacturing gin and wine.

After viewing the applicants web sites it is clear their long term plan is to create some sort of tourist attraction with visitor centre,bar and shop . For such a plan to be viable Calancombe winery would need to attract a large number of visitors which would be very damaging to the quality of life and safety of the other people who live along the lane.

OBJECTION 5

We are writing to oppose the granting of a license to sell alcohol on and off the premises at the Calancombe estate, Modbury PL21 0TU The access lanes to Calancombe are very long and very narrow, single track only,with very few passing places. In fact the existing traffic associated with the vineyard and winery are causing problems already for those living and working in that valley, especially the farmers who need to use the lane to tend and feed their livestock and maintain their fields and hedges..We and others have suffered from the impatience of some drivers on several occasions It is just not sustainable to allow more traffic in such an unsuitable situation and we ask you to reject the application

OBJECTION 6

I am writing in regard to the application made by Calancombe Estate Holdings Ltd. on the 20th November 2020 to the licensing authority at SHDC, for a new premises licence at Calancombe Winery, Modbury, Ivybridge, Devon. PL21 0TU.

I am strongly against this proposed application. My property uses the same single track country lane as Calancombe Winery. The lane is totally unsuitable and unsafe for the volume of extra traffic that this application would create. The lane is narrow and winding and has no passing places for 2 cars except the entrances to private properties or field gateways.

The traffic along this lane has already increased dramatically since Calancombe Winery, Dartmouth Gin, and the barns converted into holiday lets have been established at this property. Any future increase in traffic along this lane would have a severe impact on the quality of life and safety of the other residents and farms.