

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Wednesday, 24th February, 2021
Time:	10.00 am
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 Kemp Cllr Thomas</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 Dolium, 7 Fore Street, Kingswear, Dartmouth, TQ6 0AD

1 - 30

Report to: **Licensing Sub-Committee**

Date: **24th February 2021**

Title: **Application for a new Premises Licence at Dolium, 7 Fore Street, Kingswear, Dartmouth, TQ6 0AD**

Portfolio Area: **Customer First**

Wards Affected: **Dartmouth and East Dart**

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 **Dolium, 7 Fore Street, Kingswear, Dartmouth, TQ6 0AD** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application from Mr Anthony Apthorpe for a new Premises Licence on 3rd January 2021. The purpose of the application is for the supply of alcohol for consumption on and off the premises Monday to Saturday 10:00am to 11:00pm. A copy of the application is attached at **Appendix A**.
- 1.3 The premises is intended to be used as a wine and tapas bar, with a small seating area for alcohol and food consumption. A copy of the plan of the premises is attached at **Appendix B**.

2. Background

- 2.1 The premises is located on Fore Street in Kingswear near to the Dartmouth Ferry crossing. It is in close proximity to both residential properties and other businesses. A map of the location is attached at **Appendix C**.
- 2.2 During the consultation period, two relevant representations were received from local residents in objection to the application. Six representations were received in support of 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 Concerns have been raised in relation to both the prevention of public nuisance and public safety licensing objectives, with reference made to potential nuisance arising from customers consuming alcohol close to residential properties. There is also particular concern about the safety of customers entering and exiting the premises due to there being a main road with no pavement directly outside. A photograph of the road is attached at **Appendix E**.
- 2.4 The Licensing Team have consulted with the Police regarding the road safety issue and they have confirmed that they do not object to this application on these grounds. Their view is that whilst a premises licence holder is responsible for ensuring that the premises is run professionally and that customers are not leaving the premises in a drunken manner, it is a customer's own personal responsibility to ensure that they abide by the highway code when crossing a road. A copy of the Police's comments is attached at **Appendix F**.

- 2.5 Representations received in support of the application list ways in which they believe that the applicant will ensure that the licensing objectives are promoted.
- 2.6 Any reference within the representations to the 'need' for the supply of alcohol at the premises cannot be taken into consideration.
- 2.7 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 2018).
- 2.8 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).
- 2.9 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.10 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.
- 2.11 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.12 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).
- 2.13 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)

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

2.15 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 Sections 5.5.1 and 5.5.1 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 5.5.5 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 3.8.1 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 3.8.6 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</p>

		<p>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> <p>(a) to grant the licence subject to:-</p> <ul style="list-style-type: none"> i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such an 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; <p>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>(c) to reject the application</p> <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> <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

Appendix E – photograph of road

Appendix F – Police email

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

Consent to be DPS form

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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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ANTHONY APHORPE
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
7 FORE STREET KINGSWEAR, DEVON			
TRADING NAME: DOLIUM			
Post town	KINGSWEAR	Postcode	TQ6 0DS
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname APTHORPE			First names ANTHONY		

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
04	01	2021

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS CURRENTLY AN ESTATE AGENTS. I AM SEEKING PERMISSION TO CONVERT IT INTO A WINE SHOP. I PLAN TO SELL WINE AS WELL AS PROVIDE A SMALL SPACE FOR WINE CONSUMPTION WHICH WILL BE SITUATED IN THE SHOP. THE SEATING AREA WILL BE LIMITED TO 3 TABLES, SEATING 4-5 PEOPLE EACH. THE PREMISES FEATURES A WC / SMALL KITCHEN AREA AND A SMALL STORAGE CUPBOARD. I HAVE INCLUDED A PLAN OF THE PREMISES SO THAT YOU CAN SEE THE LAYOUT CLEARLY. I ALSO INTEND TO SELL

TAPPS.

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

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10AM	11PM	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input checked="" type="checkbox"/>
Tue	10AM	11PM			
Wed	10AM	11PM			
Thur	10AM	11PM		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri	10AM	11PM			
Sat	10AM	11PM			
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	ANTHONY APHORPE

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	10am	11pm
Tue	10am	11pm
Wed	10am	11pm
Thur	10am	11pm
Fri	10am	11pm
Sat	10am	11pm
Sun	10am	11pm

State any seasonal variations (please read guidance note 5)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- ALL STAFF WILL BE TRAINED IN THE PROCEDURE FOR REFUSING SERVICE TO ANY PERSON WHO IS DRUNK / APPEARS TO BE UNDERAGE.
- ALL STAFF WILL BE TRAINED IN THE REQUIREMENTS OF THE CHALLENGE 25 POLICY.
- ALL STAFF WILL BE TRAINED IN THE REQUIREMENTS OF THE LICENSING ACT 2003
- ALL STAFF SHALL BE TRAINED IN THE OPERATING STANDARDS OF THE PREMISES.

b) The prevention of crime and disorder

- CUSTOMERS CARRYING OPEN CONTAINERS OF ALCOHOLIC DRINKS ~~WILL~~ WILL NOT BE ADMITTED TO THE PREMISES AT ANY TIME.
- AN ACCIDENT BOOK SHALL BE MAINTAINED TO RECORD ANY VIOLENT, CRIMINAL OR ANTI-SOCIAL NATURE - THE RECORD WILL CONTAIN ALL RELEVANT DETAILS.
- CCTV WILL BE INSTALLED AND IMAGES WILL BE AVAILABLE TO POLICE, ON REQUEST (RECORDED IMAGES WILL BE KEPT 3 DAYS). CCTV EQUIPMENT WILL BE MAINTAINED.

c) Public safety

- + BOTTLES, GLASSES AND LITTER WILL BE REMOVED FROM THE PUBLIC AREAS WHEN THEY ARE FINISHED WITH OR EMPTY.
- GATEWAYS, EXIT ROUTES AND STEPS ~~WILL~~ WILL BE MAINTAINED.
- WE WILL MAKE ADEQUATE ARRANGEMENTS FOR FIRST AID PROVISION. A FIRST AID BOX WITH AN ADEQUATE AND APPROPRIATE SUPPLY OF FIRST AID EQUIPMENT AND MATERIALS WILL BE AVAILABLE FOR THE USE OF PATRONS.

d) The prevention of public nuisance

- NOISE WILL NOT EMANATE FROM THE PREMISES TO ENSURE NEIGHBOURS ARE NOT DISTURBED.
- PATRONS WILL BE ASKED NOT TO STAND AROUND TALKING IN THE STREET OUTSIDE THE PREMISES.
- BOTTLE SLIPS AND BINS CONTAINING CANS OR BOTTLES WILL NOT BE ~~EMPTY~~ EMPTIED OUTSIDE AFTER 7PM.
- ANY RUBBISH PRODUCED BY THE PREMISES AWAITING COLLECTION FOR DISPOSAL WILL BE STORED SECURELY IN A DESIGNATED AREA.

e) The protection of children from harm

- WE WILL IMPLEMENT A 'CHALLENGE 25' PROOF OF AGE POLICY.
- A NOTICE SHALL BE DISPLAYED ~~AT THE~~ AT THE BAR ADVISING PATRONS THAT THEY MAY BE REQUIRED TO PROVE THEIR AGE.
- ANY TELEPHONE PAYMENTS WILL BE MADE THROUGH A CREDIT CARD OR SIMILAR BY PERSONS OVER THE AGE 18. ALL DELIVERIES WILL BE MADE TO A BOUVARIDA ADDRESS.
- ALCOHOL THAT IS DISPATCHED FROM THE PREMISES ~~WILL~~ BE CLEARLY MARKED AS HAVING TO BE SIGNED FOR ON DELIVERY BY PERSONS OVER THE AGE OF 18. PROOF OF AGE WILL BE REQUESTED ON DELIVERY IF THE PURCHASER APPEARS UNDERAGE.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

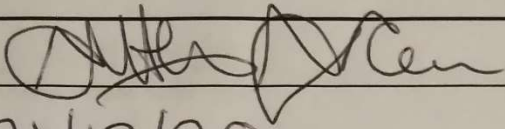
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [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
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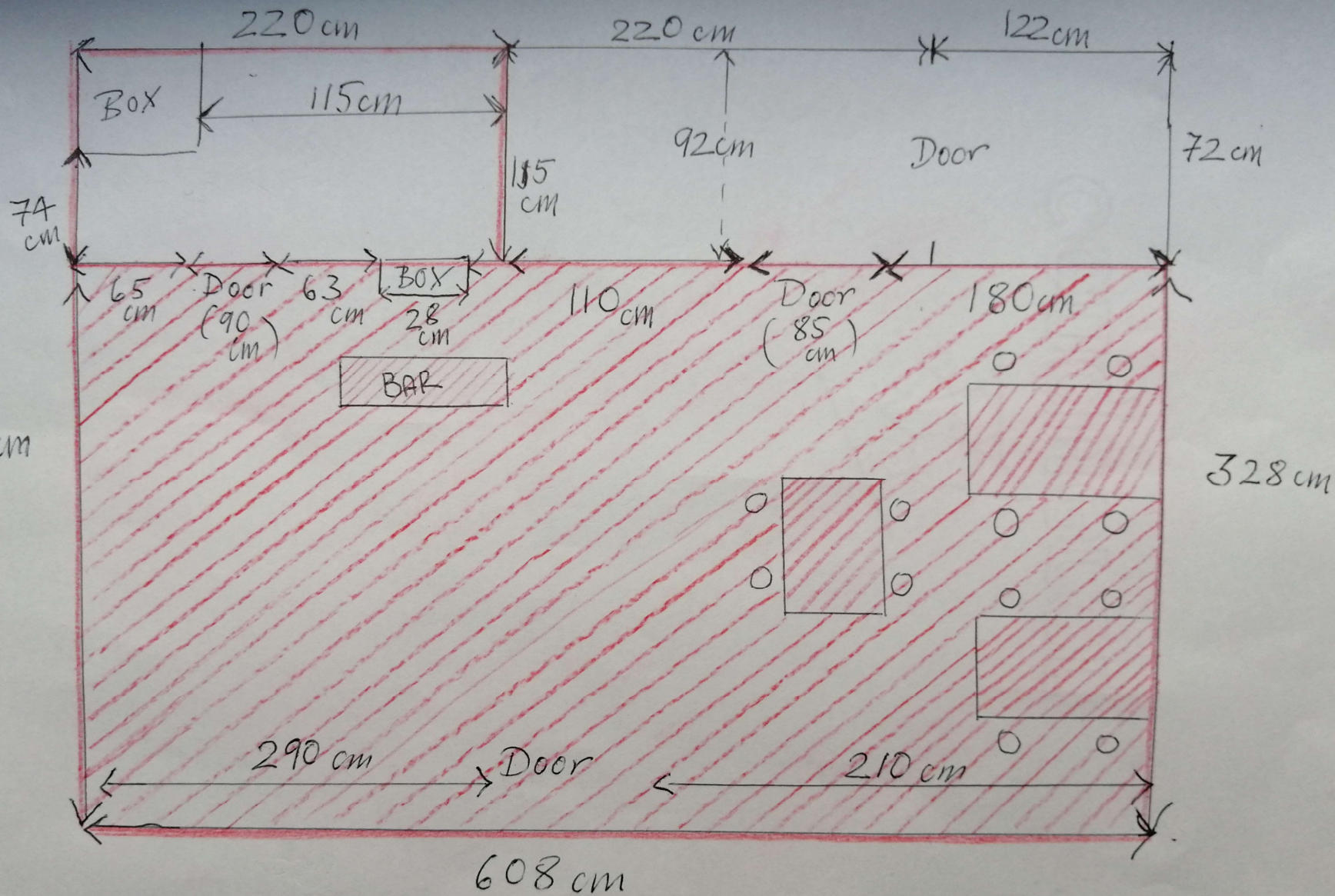
	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	21/12/20
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

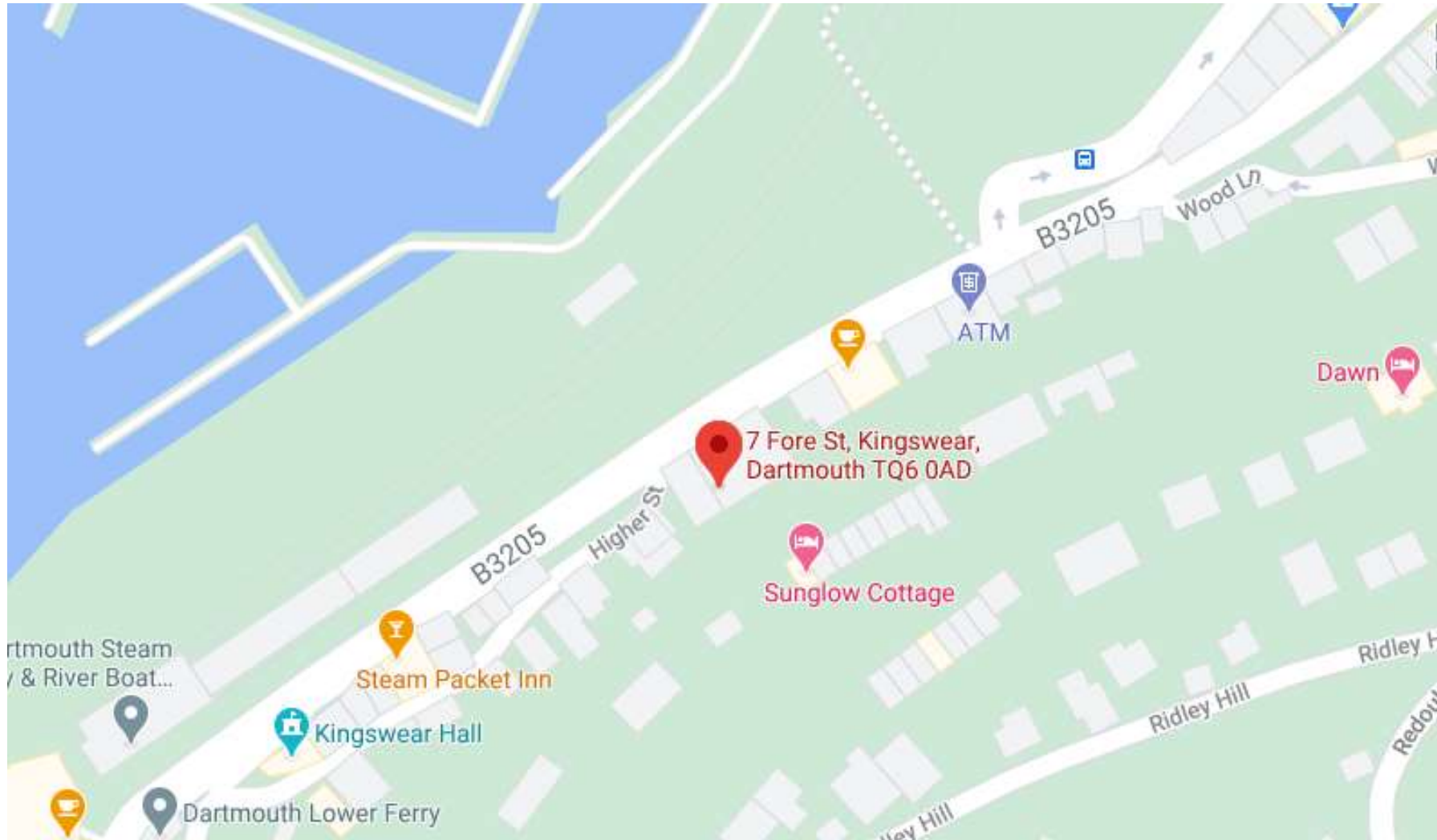
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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Representations for Dolium, 7 Fore Street, Kingswear

Objection 1

We wish to object to the new premises licence application for the above.

We live adjacent to the premises and believe that the granting of a licence would cause a public nuisance with patrons consuming alcohol both within and off the premises in what is a residential location. Furthermore we already have 2 public houses within the immediate locality and indeed a village shop and coffee shop which are allowed to sell alcohol.

Objection 2

I strongly object on the grounds there are enough properties selling Alcohol in the village. The Steam Packet Inn, the Ship Inn, Moor at 13, the local shop. There has never been an off license at this property. I have checked this with a lady born here 83 years ago and I have been here 59 years. My late husbands cousin lived there in the 1950 when they left it became empty for a long time and then became a Doctors Surgery then the Estate agents.

You come out the door on to a small step right on the road in the summer there would be a ferry queue across the doorway,. It think this should reviewed by Highways.

Support 1

I do support this application because I believe the applicant will promote both public safety and prevent public nuisance by providing internal premises where he has supervisory control.

Support 2

I am a resident of kingswear and fully support the application for a deli and wine bar at the above site. I believe that the applicant will promote all of the four licensing objectives and I support the application being granted. Anthony Apthorpe has shown himself to be a totally responsible person in his running of the Ship.

Support 3

We are writing to give our support for the new premises licence application for the supply of alcohol at Dolium, 7 Fore Street, Kingswear TQ6 0DS. We believe that the applicant will promote all of the four licensing objectives and we support the application being granted.

Support 4

We are writing to give our support for the new premises licence application for the supply of alcohol at 7 Fore Street, Kingswear TQ6 0DS. We believe that the

applicant will promote all of the four licensing objectives and we support the application being granted.

Support 5

I am writing to give my support for the new premises licence application for the supply of alcohol at 7 Fore Street, Kingswear TQ6 0DS. I believe that the applicant will promote all of the four licensing objectives and support the application being granted.

Support 6

I am writing to give our support for the new premises licence application for the supply of alcohol at 7 Fore Street, Kingswear TQ6 0DS. I believe that the applicant will promote all of the four licensing objectives and I support the application being granted.



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To: Tara OKeefe <Tara.Keefe@swdevon.gov.uk>

Subject: RE: Dolium New Premises Licence - Response Required

Good morning Tara

I dealt with this application when it was received by the police last month.

In relation to this premises I don't know Kingswear very well so have no personal knowledge of the premises or the road it is located in.

Whilst I appreciate that some local residents may have concerns that a drunk customer may walk out and be hit by a car, if the premises is managed in a professional manner no one should be leaving the premises in a drunken state. If someone did leave and be involved in a collision whilst in a drunken state then the premises would be spoken to concerning the incident and would have to answer some difficult questions. Depending on the severity of the incident, the level of drunkenness and lack of professional management the police could request a review of the licence.

Whilst the licence holder does have some responsibility for its customers after they leave the premises or remain in the vicinity, it is also a matter of personal responsibility for the customers to ensure they abide by the highway code, wear appropriate clothing so they can be seen on leaving etc, and I'm not sure how far the responsibility of the premises extends in relation to matters such as this.

In my opinion the fact that the residents consider the road to be dangerous, is not a valid ground for the police to object to the granting of the licence, and I'm also not sure whether this is a matter that the licensing authority should take into consideration. It may be something that you should seek legal advice on.

I hope this helps.

Kind regards

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