

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Thursday, 29th April, 2021
Time:	2.00 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 Pannell</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 Rockfish Takeaway, 28 Lower Street, Dartmouth, TQ6 9AN

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Report to: **Licensing Sub-Committee**

Date: **29th April 2021**

Title: **Application for a new Premises Licence at Rockfish Takeaway, 28 Lower Street, Dartmouth, TQ6 9AN**

Portfolio Area: **Customer First**

Wards Affected: **Dartmouth and East Dart**

Relevant Scrutiny Committee:

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

Author: **Naomi Stacey** Role: **Specialist - Licensing**

Contact: **01803 861268 / naomi.stacey@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 **Rockfish Takeaway, 28 Lower Street, Dartmouth, TQ6 9AN** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application from Rockfish (Dartmouth) Ltd for a new Premises Licence on 3rd March 2021. The application is for:
- Sale of alcohol for consumption off the premises:
 - Monday to Sunday from 11am to 10pm;
- A copy of the application and plan is attached at **Appendix A**.
- 1.3 The premises is described as a small fish and chip takeaway, which includes a waiting area for customers. Alcohol will only be sold to takeaway, there will be no consumption on the premises.

2. Background

- 2.1 The premises is located in the town centre of Dartmouth, close to the Bayards Cove area and the Lower Ferry Slipway. A map of the location is attached at **Appendix B**.
- 2.2 During the consultation period, eight relevant representations were received from local residents in objection to the application. No representations were received from any of the Responsible Authorities or District Councillors. Copies of the representations are attached at **Appendix C**.
- 2.3 Issues raised make reference to all four of the licensing objectives, but there is particular concern in relation to the prevention of public nuisance and prevention of crime and disorder licensing objectives. A major concern throughout all representations is about litter generated by customers of the premises. Current problems have been raised, with the fear that rubbish may increase should a premises licence be granted.
- 2.4 Another concern raised is the possibility that customers may take off-sales of alcohol to consume in the local area and the potential anti-social behaviour of customers under the influence of alcohol. Other concerns include customers queuing outside of the premises blocking the pavement and the proximity to traffic using the Lower Ferry Slipway.
- 2.5 Any references within the representations to the 'need' for the supply of alcohol at the premises or the number of other licensed premises in the local area are not relevant and cannot be taken into consideration. Toilet provision has also been raised in several of the representations, but as no food or drink will be consumed on the premises, the owners have no obligation to provide customer toilets

and cannot be held responsible for the availability of public toilets in the vicinity.

- 2.6 During the consultation period the applicant provided the Licensing Department with further information about how the business currently operates. The applicant also proposed additional conditions to address the concerns raised in the representations relating to litter and glass waste. The additional information received and the proposed conditions are at **Appendix D**. These proposals were sent to all those that had submitted a representation on 22nd March 2021 (objections 6 and 7 had not been received by this date so did not receive a copy). Only objector 8 confirmed their agreement to withdraw their representation, subject to the proposed amendments. We received two responses confirming that they wished to continue with their objection despite these proposals (objections 3 and 4) and no response was received from the three other parties.
- 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.
- 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: 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. Each objective is of equal importance. A licence 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 5.5.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules in order to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.

- 3.5 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 appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.7 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 in respect of children would 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 those under 18 years
 - ❑ where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
 - ❑ where there are unsupervised areas (for example toilets, beer gardens, play zones).
- 3.8 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	Details and proposed measures to address
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	proposals Y/N	
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> <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</p>

		<p>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 2.9). 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(i) – premises licence application

- Appendix A(ii) – premises licence plan
- Appendix B – location plan
- Appendix C – representations
- Appendix D – additional information from applicant and proposed conditions

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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South Hams
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	ROC3450/0001	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?

Yes
 No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Rockfish (Dartmouth) Ltd	
* Family name	Rockfish (Dartmouth) Ltd	
* E-mail	[REDACTED]	
Main telephone number		Include country code.
Other telephone number		

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number	07090120	
Business name	Rockfish (Dartmouth) Ltd	If the applicant's business is registered, use its registered name.
VAT number	<input style="width: 30px; border: none;" type="text" value="GB"/> <input style="width: 100px; border: none;" type="text" value="185 3877 60"/>	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**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

Section 4 of 21**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)

Continued from previous page...

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 / /

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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.

Small fish and chip takeaway with kitchen and food preparation area, counter (upon which drinks fridge will be situated), and waiting area for customers.

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

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

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.

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 form (if known)

If the consent form is already submitted, ask 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.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<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.

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LICENSING OBJECTIVES

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.

b) The prevention of crime and disorder

1. Alcohol for consumption off the premises will only be sold at the same time as a substantial takeaway meal.
2. CCTV will be maintained and operative at all times whilst the premises is trading. Recorded images are to be retained for a minimum of 28 days and made available to the Police on request at any reasonable time.

c) Public safety

1. The Premises Licence holder shall ensure that the appropriate fire safety, and health and safety regulations, are applied at the premises.

d) The prevention of public nuisance

1. A notice shall be displayed reminding patrons to keep noise levels to a minimum and to use the litter bins provided.

e) The protection of children from harm

1. The premises shall operate the Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.
2. All staff will receive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will sell alcohol until such time as they have successfully completed the training.

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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 or 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-right-to-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 your 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 (£)

190.00

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

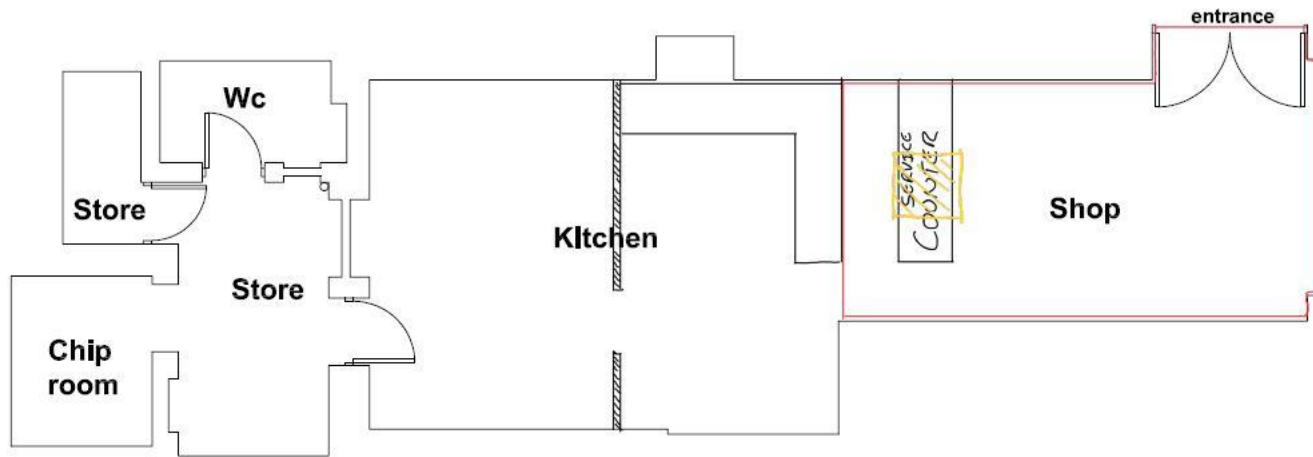
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

Applicant reference number	<input type="text" value="ROC3450/0001"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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APPENDIX A(ii) – premises licence plan



Ground Floor Plan



Please note that some of the dimensions taken at the time of the survey may vary slightly from the dimension that Mark will take when setting out the new layout. Allowance for uneven walls and walls that have a slight taper/angle due to the history of the building.

Client:
Mr M. Tonks
Job Title:

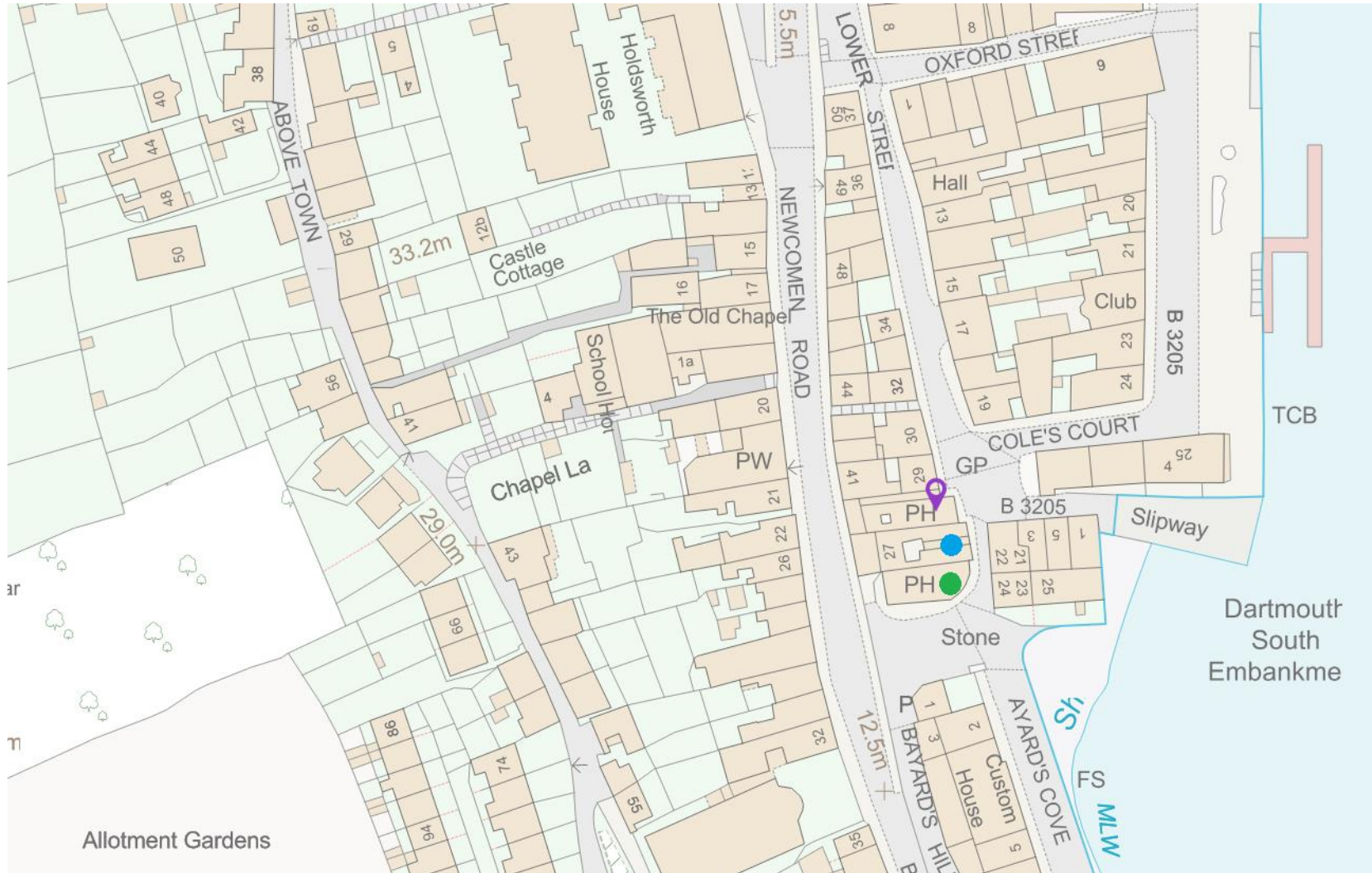
The Rockfish Takeaway, 28 Lower Street, Dartmouth, Devon TQ6 9AN

Drawing Title:
Survey Plan Drawing


Dwg No: **141.2018.002** Rev: Scale: 1:50 @ A3 Date: 28-11-18 Drawn by: sp


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APPENDIX C – Rockfish Takeaway - Location Plan



 = Rockfish Takeaway

 = Bayards Cove Inn

 = Dartmouth Arms

APPENDIX C – Rockfish Takeaway - Location Plan



Rockfish New Premises Licence Application

List of Objections

Objection 1

Rock fish have put an application for a licence. As a local Councillor I know there is already an issue with rubbish from rock fish in the local area. There are also several public houses very close by who have suffered enough and will be fighting to survive as it is. I do not feel that a take away fish shop should or need to sell alcohol.

I know that last year the bins in the area were overflowing with rubbish most of which was from rockfish. The seagulls would then pull the rubbish from the bins crating an awful mess at bayards cove and on the Embankment. Obviously if the bins are already causing issues then how will this problem be addressed by adding to its volume. The public houses in that area are very good at clearing their outside areas to prevent mess. Rockfish however are already a cause of complaints with their waste and its obvious that there is going to be an increase in tourists this year. My complaint / objection is as a local person but as a Councillor, I already can anticipate the complaints we will get when cans, bottles and plastic will be blowing into our river. If that indeed does materialise we will gather the evidence and follow the trail. We have signed upto the environmental recovery and I really feel that the impact this will have will not be welcome. I'd also like to add there is no need for alcohol to be sold there.

Objection 2

I declare an interest in this as I am ... a) a councilor and b) a resident very close to this location.

I would object to this for the following reasons...

- 1) It is next door to a licensed Café
- 2) It is 2 doors away from a Public House
- 3) It is less than 3 minutes walk from at least 2 other off-licenses.
- 4) The area around Rockfish and the Lower ferry slip is already strewn with rubbish from the takeaway (when it is open) as is Bayards Cove including soft drink cans.. we don't need alcoholic bottle and cans as well
- 5) It will harm existing traders who have licenses and do tidy up after their customers.

In part I would say that all other local premissis in the area, because of the historic nature of Bayards Cove and the amount of public there in the summer, all have to provide plastic glasses to take out alcohol or other soft drinks so that there can be no injuries to pets or children from Broken glass or tin cans in the area, with no glass allowed because of the cobbled surface which is hard to remove shards of glass from.

In addition.. what litter bins? There are 3 public litter bins, (2 on the cove and 1 near the shop) but none provided by Rockfish, even though when they first started trading I believe they were supposed to help with the litter collection.. there are only those few SHDC bins around the area, and in the summer they are always overflowing at night with Rockfish takeaway packaging.

Objection 3

I wish to object to the application for licence to sell alcohol by Rockfish Takeaway at 28 Lower Street, Dartmouth.

My reasons are:

- a) There will be even more bottles cans glasses and plastic rubbish that will be discarded on the street or left by overflowing bins.
- b) It will increase rowdy behaviour in a largely residential area
- c) Rockfish Takeaway is very close to the Lower Ferry slipway. As such it is an attractive place to consume alcohol in spite of the danger from the ferry and vehicles
- d) It creates a precedent for other chip shops, pasty shops Thai takeaway shops etc in Dartmouth to use in support any licence applications that they might make in future.
- e) It would be inconsistent with council policy which is to avoid alcohol consumption on the street and in public areas.
- f) Alcohol is already available from the Dartmouth Arms and Bayards Inn that are within 25 metres of Rockfish Takeaway.
- g) The application is being made as a precaution and in advance of any future licensing restrictions that may be under consideration or being made in the near future.

Please refuse this Licence Application

Objection 4

Dear Licensing Authority,

I am writing as a former resident of Dartmouth, and as a now frequent visitor, to register my objection to the above named application.

My objections are as follows:

The Prevention of Public Nuisance and Safety

The Rockfish is situated directly next to two businesses, The Dartmouth Arms and Bayards Cove Hotel, where alcohol is already served, both inside their premises and for outside drinking.

Bayards Cove is a historical site, and beauty area for locals and tourists alike, to enjoy the spectacular views. The two businesses already mentioned are responsible for taking care and pride for keeping the area clear from empty plastic glasses and general debris from their premises.

The Rockfish does not provide any waste bins for customer use, which means the seagulls have a feast from the overflowing general use bin in Bayards Cove, adding to the nuisance value. Will they be providing recycling bins for cans/bottles of alcohol?

The popularity of this business means that the pavements outside get blocked by queuing people, and pedestrians have to pass in this bottleneck of a narrow road. There is also the traffic from the Lower Ferry loading and unloading vehicles. This is a real danger to families with young children

Unregulated outdoor drinking has a negative effect on the considerably sized local residential population of the area, with anti-social behaviour, potential for under age drinking and noise.

The Rockfish does not provide toilets on the premises and the nearest public toilets are situated a distance away in Royal Avenue Gardens.

There are numerous places already to buy alcohol in the town, negating the need for a Takeaway shop to also supply it.

Objection 5

Reasons for objecting to the granting of a licence to sell alcohol to be consumed off the premises by Rockfish Takeaway, Lower Street, Dartmouth.

The extra litter – particularly in the form of broken plastic, glass bottles and tin cans – that would be created on Bayards Cove and the South Embankment would be unacceptable. As things are at the moment, almost every morning during the tourist season, before I open my shop, I have to go onto the Cove with a litter picker and collect up all of the cardboard boxes, waxed paper, plastic sauce pots and lemon wedges that his take-away customers leave strewn around the area. Mr. Tonks appears to have done nothing to combat the shocking levels of litter that his businesses already create – no extra bins, or teams of litter collectors etc. If he begins selling alcohol as well, the problem would not just be cardboard and broken plastic, but also glass, inevitably broken glass, and tin cans.

The landlord of the Dartmouth Arms has a responsibility to maintain the Cove and keep it free from the debris caused by his customers dining and drinking outside, and I believe is compelled to do so as part of his licence. The Dartmouth Arms is obliged to provide plastic glasses for their customers if they wish to drink outside, and have to police this strictly. However, it is unfair in the extreme to expect them to also police visitors who are not their customers. Mr. Tonks will certainly not be able to ensure his customers are not leaving broken plastic, glass and litter on the Cove and on the South Embankment that can be dangerous to adults, children and wildlife.

The next issue is toilets. People who visit the Cove to drink in the sun will need to visit the toilet. As the public toilets at Manor Gardens are closed, and people almost certainly will not wish to walk to Avenue Gardens, there can be no doubt that these people will be using the toilets in the Dartmouth Arms and the Bayards Cove Inn. Will the owners of these businesses be subsidised in order to accommodate non-customers who wish to use their toilets? The alternative is members of the public urinating in the street – a real possibility at night time when people are drunk and are not allowed access to the toilets in the Dartmouth Arms or Bayards Cove Inn as they are not customers from these places.

During the season, there is often a long queue of people outside Rockfish on Lower Street. They often obstruct entry into other shops (The Good Intent) and peoples homes. As well as this they occasionally can be seen sitting on the bonnets of cars parked there, potentially causing damage to vehicles that they do not own (my own car included). Once the prospect of buying alcohol is added to this, surely the queues will only become longer and more troublesome, with an increased chance of aggression and fighting. Longer queues can also result in people spilling onto the road, either as part of the queue, or trying to avoid the queue and walk around it. This can cause a danger to the public and an obstruction to traffic disembarking from the Lower Ferry. Again, later at night this is going to cause even more of a problem as more potentially drunk people will be gathering outside Rockfish to buy more alcohol.

In summation, I do not think that a licence should be granted due to the many inevitable nuisance issues, particularly excessive litter, that it will cause.

Objection 6

Name: **Mr Andrew Birss & Ms Connie Putt**

Address: **The Dartmouth Arms, 26 Lower Street, Dartmouth, TQ6 9AN**

Reasons for objecting to the application by Rockfish (Dartmouth) Ltd for a licence to sell alcohol off the premises.

Our concerns for the four licensing objectives are as follows:

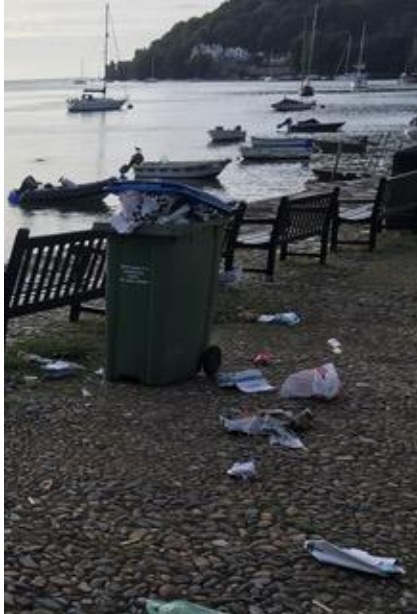
The prevention of public nuisance

We are currently picking up the rubbish created by Rockfish on a daily basis. As part of our licence we have to serve ALL drinks in plastic containers and our staff go outside every 30 minutes to collect these containers from a recycling bin we provide for this service, as well as patrolling along Bayards Cove for any containers not placed in the bins.

Since the Takeaway opened I have spoken with the staff and management on numerous occasions about the mess created by them and their patrons and have also reported it to Mr Tonks. Not once have they ever made an effort to clear it or take the environment into account, and it falls to us and our staff to clear this rubbish at our own cost (£2.05 +VAT/ bin bag to be exact). We can not continue to clear up after Rockfish takeaway and especially with the added drinks containers on top, Mr Tonks and his representatives have not taken this issue seriously thus far so can not be expected to do so in the future. The response we get is "Rockfish sponsor bins", this attitude is clearly neglectful.

Photo attached for perspective of the bin issue, if they are going to add a bottle bin and packaging bin, where will they put them without blocking the pavement even more?





The Prevention of crime and disorder

Who is going to be a responsible licence holder to manage and prevent crime and disorder? If there is no one to take responsibility for rubbish how can we rely on them to check the sale of alcohol to under 18's and prevent crime and disorder. At The Dartmouth Arms we monitor the outside areas to ensure there is no under age drinking and that people are respectful to our neighbours and drinking responsibly. The Rockfish takeaway is often staffed by young individuals with a senior member of staff only appearing to cash up at the end of the night. The Dartmouth Arms work with other licensed premises to ensure the "banned from one banned from all rule" exists, to prevent trouble just moving around the town. We are concerned that if we refused to serve someone alcohol due to being intoxicated or troublesome then they may get served 2 doors down at Rockfish.

Public safety and Protection of children from harm

We live at 26 Lower Street with our 4year old daughter and are quite often having to walk in the road with her due to the bins outside Rockfish taking up the pavement and the queueing of people. Walking in the road in peak season can be very dangerous with cars going on and off the ferry and it being a junction. On their promotion nights selling cheap fish and chips on a Friday, there are crowds of people in the road and leaning on our parked cars and they often block access to houses and other businesses. Adding alcohol to this already problematic scenario can cause even more issues. Who is going to manage the queues of people and prevent our children having to walk in the road?

Another big issue..

Toilet and hand washing facilities, they will need to provide these for their customers. If Rockfish are serving food and drink, where will their customers go to use the toilet as the nearest public toilets are in 1/2 a mile away? This will just result in people urinating in the street.

Since the closure of Manor Gardens public toilets we have noticed a substantial increase in the number of people wanting to use our facilities. The water bill and consumables for the toilets have increased greatly, we can not continue to be used as a public toilet and will be enforcing the rule that they are for use by our customers only.

To summarise, we object to the sale of alcohol by Rockfish Takeaway for the above reasons and the disregard they have had so far to our beautiful town and local businesses.

Objection 7

Public Safety	<p>Property is directly in line with cars leaving from the lower ferry. I feel this will encourage more people to use this takeaway possibly creating higher incidents to the public.</p>
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Objection 8

Good Morning,

I write to object to an alcohol license being granted to Rockfish Takeaway, 28 Lower Street, Dartmouth. I object under the grounds of 'Prevention Public nuisance'.

My objection comes from both an inability (either by design or unwillingness) of the current business to take responsibility for the rubbish produced as a byproduct of their take away business, and also the further increase of the ability to drink in an area (Bayards Cove) that is both close to homes but also in extremely close proximity to several already licensed establishments.

Whilst the nuisance rubbish issue could be easily addressed by the applicant if desired and made a condition (currently only 1 x waste bin sponsored in the locality of a different Rockfish property) it hasn't been so far - the second is more thorny and difficult to address. With a plethora of licensed premises within 100m of the proposed off-license, it would be compounding the likelihood for alcohol related public nuisance in a town that is notably short of a police presence, and thus potentially irresponsible and blameworthy for such an additional license to be granted.

There should also be caution applied to the detailed noting of objections in this case, in conjunction with others, as the business (as a whole) in question has also had the perception/scrutiny that 'other rules apply' has been applied in recent history.

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Rockfish Takeaway – further information in relation to litter and bins

- Rockfish have already sponsored three SHDC litter bins in the area. The public wouldn't necessarily be aware of this as the sponsorship stickers on the bins when they were placed were small.
- Rockfish are happy to provide more bins for the area – these could be both permanent bins outside the premises or in the wider area, and moveable bins directly outside the premises that could be put out only when the premises are trading, and for which Rockfish would be responsible for emptying.
- Bins outside the premises could be made to look attractive by having them look like barrels as outside the Dartmouth Arms.
- There is an issue outside the premises with cars that park, often on the pavement, in a narrow area that appears to have been missed in terms of the usual restrictions. This creates a danger for pedestrians and a shortage of space on the pavement, as well as an issue with visibility. This needs to be looked at by Highways as the cars on pavements leave insufficient room for pedestrians and bins. I attach three photographs supplied by my clients demonstrating the problem.
- It is our intention to move the big red commercial bins from the side of the premises into a back area. This will create additional space (and improve the look of the area) where additional litter bins could be placed in the immediate future – which we could monitor and clear – as part of monitoring the litter around the frontage of the premises.
- So far as customer packaging is concerned we intend to offer a facility for customers to return the packaging to them to enable recycling/reusing, again helping to reduce disposable litter.



APPENDIX D – Additional information from applicant during consultation period



Proposed conditions:

1. Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of their premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings and drinks containers.
2. Suitable and secure waste containers will be supplied by the licence holder positioned immediately outside the premises. These containers will be taken in at closing time and will be kept in reasonable condition in line with their designed use.
3. Members of staff will ensure that all litter and waste food generated by patrons in the vicinity of the premises will be collected and disposed of. Periodic checks (including one at closing time) will be conducted by the staff to enable this to be done.
4. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.