

South Hams Licensing Committee



Title:	Agenda										
Date:	Thursday, 26th May, 2016										
Time:	2.00 pm										
Venue:	Repton Room - Follaton House										
Full Members:	<p style="text-align: center;">Chairman May</p> <p style="text-align: center;">Vice Chairman Holway</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Foss</td> <td style="width: 33%;">Cuthbert</td> </tr> <tr> <td>Hopwood</td> <td>Hitchins</td> </tr> <tr> <td>Blackler</td> <td>Horsburgh</td> </tr> <tr> <td>Brown</td> <td>Pringle</td> </tr> <tr> <td>Cane</td> <td>Rowe</td> </tr> </table>	Foss	Cuthbert	Hopwood	Hitchins	Blackler	Horsburgh	Brown	Pringle	Cane	Rowe
Foss	Cuthbert										
Hopwood	Hitchins										
Blackler	Horsburgh										
Brown	Pringle										
Cane	Rowe										
Substitutes:	Named substitutes are not appointed										
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:	Member.Services@swdevon.gov.uk										

1. Minutes

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to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 12 November 2015 and the Licensing Sub Committee held on 24 March 2016.

2. Urgent Business

brought forward at the discretion of the Chairman

3. Division of Agenda

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

4. Declarations of interest

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

5. Exclusion of the Public and Press

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

6. Determination of whether to grant a Hackney Carriage driver licence, in effect to determine whether the applicant can be deemed a 'fit and proper person' in light of previous criminal convictions.

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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 12 NOVEMBER 2015

MEMBERS

* Cllr D W May - Chairman

* Cllr T R Holway - Vice-Chairman

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

* Denotes attendance

∅ Denotes apology for absence

Also in attendance and participating:

Cllr J T Pennington

Officers in attendance and participating:

All Agenda Items: Licensing Specialist, Senior Specialist – Environmental Health, Solicitor and Senior Specialist – Democratic Services

L.01/15 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 25 February 2015 and the Sub-Committees held during the period 25 February 2015 to 20 August 2015 were all confirmed as a correct record and signed by the Chairman.

L.02/15 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllr R Rowe declared a personal interest in Item 8: 'Summary of Licences Issued between 1 January 2015 and 30 September 2015' (Minute L.06/15 below refers) by virtue of Broadleigh Farm, Stoke Gabriel (a premises listed in the summary) being owned by a close family relation and remained in the meeting during the debate on this item.

Cllr B F Cane declared a personal interest in Item 7: 'Park Homes Fees and Charges Policy' (Minute L.05/15 below refers) by virtue of his ownership of a touring site and remained in the meeting, but abstained from the vote, on this item.

L.03/15 **REVIEW OF STATEMENT OF LICENSING POLICY FOR 2016-2021**

A report was considered that sought to recommend that the Council approve the draft Licensing Policy.

In discussion, reference was made to Devon and Cornwall Police being in support of the draft Policy. Furthermore, the Committee recognised the need for the review to revisit the Policy and also expressed its support for the proposed changes.

RESOLVED

1. That the Committee has considered the draft Licensing Policy and public consultation responses received; and
2. That Council be **RECOMMENDED** that the draft Licensing Policy (as outlined at Appendix A of the presented agenda report) be adopted for the period 7 January 2016 to 6 January 2021.

L.04/15 **THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES**

A report was considered that sought to recommend approval of the draft Gambling Statement of Licensing Principles.

It was then:

RESOLVED

1. That the Committee has considered the draft Statement of Principles and public consultation responses received; and
2. That Council be **RECOMMENDED** that the draft Statement of Principles (as outlined at Appendix A of the presented agenda report) be adopted for the period 31 January 2016 to 30 January 2019.

L.05/15 **PARK HOMES FEES AND CHARGES POLICY**

A report was considered that sought to recommend adoption of a Park Homes Fees and Charges Policy.

In discussion, the following points were raised:-

- (a) The Committee queried why it was being proposed for the Gypsy and Traveller community to be exempted from charging. In response, officers advised that central government guidance was recommending that, in areas where there was an identified need for sites, charges should not be introduced since this would result in another barrier from sites coming forward;

- (b) For sites that had between two and four pitches, it was being proposed that these would still be charged for five pitches.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to adopt the Park Homes Fees and Charges Policy (as outlined at Appendix A of the presented agenda report).

L.06/15

SUMMARY OF LICENSES ISSUED BETWEEN 1 JANUARY 2015 AND 30 SEPTEMBER 2015

The summary of licences issued between 1 January and 30 September 2015 was presented to the Committee.

In discussion, reference was made to:-

- (a) the licence granted at the Firewood Restaurant and Bar, Marldon. Having been invited by the Chairman, the local ward Member reiterated a number of his concerns in relation to the granting of this licence. In particular, the Member expressed his disappointment that the Sub-Committee had failed to undertake a site inspection prior to reaching its decision and the public safety concerns arising from the access. Following a lengthy debate, the local ward Member was reminded that, in the event that there was a breach of the licensing objectives, a review could be invoked. Furthermore, the Member was encouraged to await the outcome of the planning enforcement investigation which was currently taking place on this site;
- (b) the variation licence at Endsleigh Garden Centre. It was noted that the variation licence could not be implemented until the ongoing planning matters were resolved.

(Meeting commenced at 10.00 am and concluded at 10.40 am).

Chairman

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON THURSDAY 24 MARCH, 2016**

Present: Cllrs Dan Brown, Kathy Cuthbert and Tom Holway
Sue Nightingale, Solicitor
Naomi Wopling, Specialist – Licensing
Kathryn Trant, Senior Case Manager

Also in attendance and participating:

Mr and Mrs Robinson – applicants for The Cove
Mr Dave Setherton – Representing Applicants for Ashburton Football Club
Councillors Hubbard and Hill – Representing Staverton Parish Council

LSC11/15 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.12/15 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

LSC.13/15 TO DETERMINE AN APPLICATION TO VARY THE PREMISES LICENCE OF THE COVE, HOPE COVE

The Sub-Committee considered a report that sought to determine an application for the variation to the Premises Licence at The Cove, Hope Cove, in accordance with Section 34 of the Licensing Act 2003.

The Licensing Specialist introduced the report and outlined the details of the application and set out the amendments agreed since the application had been submitted.

1. Address by the Applicants

The Applicant advised the Sub Committee that the intention was to extend the time that dining was available at the premises. The music was generally acoustic in style and usually started once people had eaten. The events were always advertised in advance and the applicants were aware of their surroundings. They appreciated the letters of objection that had been received and noted they were from businesses. There were no letters of objection from residents. The applicants set out their security arrangements.

(At 11.55am, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 12.10pm).

2. The Decision

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

We have considered the application to vary the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application subject to the additional conditions proposed by Environmental Health being incorporated into the operating schedule. We have determined the changes to be appropriate to achieve the licensing objectives.

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

LSC.14/15 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE FOR ASHBURTON FOOTBALL CLUB

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Ashburton Football Club, Chuley Hill, Ashburton in accordance with Section 18 of the Licensing Act 2003.

The Licensing Specialist introduced the report and updated the Committee on additional wording regarding the CCTV that the Police Authority had requested be included in the conditions. Concerns had been raised by objectors in terms of non- members being able to use the Club however, the applicants intended the premises to be used primarily as a football club and non -members were likely to be supporting the teams or attending a prebooked event. The Licensing Specialist confirmed that Temporary Event Notices had been used in the past and there had never been any complaints about those events.

1. Address by the Parish Council representatives

The Parish Council expressed concerns over how conditions would be enforced. They were advised that the attendance of non- members would be evidence based. They also expressed concerns over lack of parking and the difficult access to the Club along a single lane road.

2. Response by Applicant's Representative

Whilst not requiring to specifically address the Sub Committee, the Applicant's Representative responded to a number of questions raised by the Members of the Sub Committee related to security measures and mitigation measures regarding lack of parking. He also advised that the request for the licence had arisen to give the Club flexibility in being able to hold events.

(At 12.30pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 12.35pm).

3. The Decision

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

We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today. We have also considered the additional conditions proposed by the Police and accepted by the Applicant.

It is our decision to grant this application subject to the additional conditions proposed by the Police being incorporated into the operating schedule. We have determined the changes to be appropriate to achieve the licensing objectives.

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

Chairman

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