

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY 22 MARCH 2017

Present: Cllrs Tom Holway, David May and Karen Pringle
Sue Nightingale, Solicitor
Tara O'Keefe, Senior Case Manager – Licensing
Darryl White, Senior Specialist – Democratic Services
Naomi Wopling, Specialist – Licensing

Also in attendance and participating:

Cllr Richard Foss – local Ward Member
Cllr Bob Fretton – Buckland-tout-Saints Parish Council
Mr Gavin Hogg – Managing Director (Salcombe Brewery Co. Ltd)
Lt Col (retired) Paul Holmes – local resident
Mrs Beverley Holmes – local resident
Mr John Tiner – Chairman (Salcombe Brewery Co. Ltd)

LSC.07/16 **APPOINTMENT OF CHAIRMAN**

RESOLVED

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

LSC.08/16 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr D W May declared a personal interest in Item 4: 'To Determine an Application for a New Premises Licence for Salcombe Brewery, Estuary View, Ledstone Cross, Kingsbridge TQ7 4BL' (Minute LSC.09/16 below refers) by virtue of his son having previously written national press articles on microbreweries and remained in the meeting and took part in the debate thereon.

LSC.09/16 **TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE FOR SALCOMBE BREWERY, ESTUARY VIEW, LEDSTONE CROSS, KINGSBRIDGE TQ7 4BL**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Salcombe Brewery, Estuary View, Ledstone Cross; Kingsbridge.

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A of the presented agenda report). In addition, the Licensing Specialist specifically outlined the amendments that were illustrated at Appendix B of the presented agenda report that had been agreed between the applicant and the Police.

1. Address by the Chairman of Salcombe Brewery Co. Ltd

In his address, the Chairman made reference to:-

- his acceptance that, in hindsight, the wording contained on the application form could have been improved to have overcome some misunderstandings;
- his reasons for investing in the business and his belief that a successful local brewery would be a real asset to the local economy. Furthermore, the Chairman reiterated his intention to work with local residents to keep any impact on them to an absolute minimum;
- the core business being the manufacture of beer, with the business plan including provision for a minor proportion (less than 5%) of sales being made directly to the public from the brewery;
- a new website being launched that would include the ability to make purchases online; and
- the intention for (pre-booked) tours to be held only at times when brewing was not taking place. It was noted that typically these would be held either during the late afternoon / early evening or on Saturdays and would be fully supervised by members of staff.

2. Address by the Managing Director of Salcombe Brewery Co. Ltd

The Managing Director proceeded to focus on the four licensing objectives and made the following comments:

The Prevention of Crime and Disorder

The Sub-Committee was reminded that amendments had been agreed with the Police in order to mitigate against Crime and Disorder implications. Furthermore, Members were informed that High Definition CCTV would be installed and operative on site at all times while the premises were trading, with recorded images being retained for 30 days.

Public Safety

Those in attendance were given assurances that the business plan was focused on online (rather than retail) sales and the business would not be operating a fleet of vehicles from this site. In addition, it was anticipated that only one delivery van would be used between the hours of 9.00am and 4.30pm.

The Managing Director acknowledged the local concerns regarding the 60mph speed limits in this area and confirmed that he was happy to look at traffic calming measures being implemented. To mitigate public safety concerns, it was noted that the site entrance had been moved further down the highway and the height of adjoining verges had been reduced in order to improve visibility.

With regard to the pre-planned brewery tours, the Sub-Committee was advised that all possible measures would be taken to ensure that the number of vehicles that were on site at any one time were kept to an absolute minimum.

The Prevention of Public Nuisance

It was noted that the applicants were particularly mindful of the rural location of the site and were confident that all noise would be contained within the building and all customers would be asked to leave quietly and safely.

It was intended that low level lighting would be installed on site and the only external lighting would be for the fire exits.

The Protection of Children from Harm

The Managing Director confirmed that Children would only be allowed on site if they were accompanied by an adult. Furthermore, the business was committed to operating the 'Challenge 25' Policy.

In conclusion, the Managing Director gave assurances that the applicants were trying hard to alleviate all of the concerns that had been raised.

In reply to a question, the applicants informed that they were hoping to sell a few other local products (e.g. Heron Valley cider and soft drinks) from the site.

3. Address by Cllr Bob Fretton, Buckland-tout-Saints Parish Council

In his introduction, Cllr Fretton advised that he was speaking on behalf of the Parish Council and some neighbouring residents and he proceeded to make particular reference to:-

- the background of this application. Cllr Fretton detailed to the Sub-Committee the background and explained why, as a consequence, the Parish Council had felt misled and had unanimously objected to this application;

- the Development Management issues on site. Cllr Fretton made a number of points that were related to the Development Management function (notably that that site would be in breach of the planning permission for which consent had been initially granted) that he also felt were directly linked to this licensing application. Indeed, such were the close linkages that the Parish Council was of the view that this application should be deferred until the outcome of the Development Management process was known. In reply, the Council Solicitor emphasised on a number of occasions that the licensing application had to be determined today on its own merits and the Development Management related issues would have to be addressed through separate channels;
- significant public safety concerns. It was noted that one of the main causes of concern was that the site was located on a five point junction and a bend on a 60mph road, which was particularly dangerous for drivers, cyclists and pedestrians. In addition, these concerns were magnified in light of the on-site retail aspect of this application.

A further safety issue was the sizeable campsite that was located across the road. Since the road was unlit and without any footpaths, the likelihood of people walking from the campsite to the premises was considered to be a major risk, particularly if they had been drinking alcohol.

In summary, Cllr Fretton commented that the Parish Council wished to see a local business prosper and was supportive of the manufacturing aspect of the application. However, such were the safety concerns associated with the retail element of the proposals that they could not support the granting of this license as it was currently presented.

4. Address by Lt Col (retired) Philip Holmes

In raising his concerns, Mr Holmes wished to add to Cllr Fretton's points as follows:

- The site was on an elevated site that was particularly prone to hill mist that resulted in reduced visibility around the site;
- It was felt to be inevitable that ill-disciplined parking would ensue on this site and that this would be in contradiction to the public safety and public nuisance licensing objectives;
- Mr Holmes considered that a proper highways traffic safety assessment was required for this application and a decision on whether or not to grant a license should be deferred until the outcome of this survey was known.

5. Address by Cllr Foss, local Ward Member

Whilst fully supportive of local business expansion, Cllr Foss stressed that he also had concerns regarding public safety and felt that his concerns in this respect had not been sufficiently mitigated for him to be able to support this application. Cllr Foss also made the further point that the volume of traffic using the main road outside the site was continually on the increase.

6. Address by Mrs Beverley Holmes, local resident

Mrs Holmes highlighted that this rural site was particularly susceptible to excessive noise and light pollution and the lack of screening resulted in noise and light that emanated from this site travelling a long way, particularly at night time.

(At 10.55am, the Sub-Committee then adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 11.30am).

7. 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 all parties, 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 following changes being incorporated into the operating schedule and to include the additional conditions requested by the Police. We have determined the changes to be appropriate to achieve the licensing objectives:

- *The sales for consumption on the premises are restricted to reservations and pre-booked visitors. This condition is deemed necessary to improve traffic management for public safety;*
- *That all of the conditions proposed by the suppliant as set out in the Response to the Hearing received by the Council on 16 March 2017.*

In addition to being appropriate, the Committee also believe the amendments to be necessary."

8. Chairman's Concluding Remarks

The Chairman regretted that this application had driven a wedge between the applicants, Parish Council and local residents. It was his hope that, through the comments raised at this Sub-Committee meeting, there was a genuine offer by the applicant to try and address the concerns raised.

Chairman