

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY 25 FEBRUARY 2015

Present: Cllrs Kathy Cuthbert, Bryan Carson and Simon Wright
Sue Nightingale, Solicitor
Kathy Trant, Member Services Manager
Graham Munson, Business Support Manager
Naomi Wopling, Licensing Officer

Members also in attendance:

Cllr Keith Baldry

Also in attendance and participating:

Mr Roy Light – Counsel acting on behalf of Applicant
Mr Jim Dixon – Owner and Applicant
Mr R Baker – Agent for Applicant
Dr Bradbury – Resident

LSC.9/14 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.10/14 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 and the following were made:

Cllr Carson and Cllr Cuthbert both declared a personal interest in Item 4: 'To determine an application for a new Premises Licence at Yealm Motor Services, Market Street, Yealmpton PL8 2EB' (Minute LSC.11/14 below refers) as they had previously bought fuel at the premises. They remained in the meeting and took part in the debate and vote thereon.

LSC.11/14 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT YEALM MOTOR SERVICES, MARKET STREET, YEALMPTON PL8 2EB

The Committee considered a report that sought to determine a new Premises Licence at Yealm Motor Services, Market Street, Yealmpton in accordance with Section 18 of the Licensing Act 2003.

The Licensing Officer proceeded to present the application and summarised the contents of her report.

1. Address by the Applicant and Agent

In their address, Messrs Light and Baker made particular reference to:-

- The refurbishment of the premises to expand the shop, and, how it was a community store that provided employment for local people;
- That the neighbours were customers and there was no wish for them to be adversely affected by the application;
- That the staff were experienced and long standing;
- The staff manual which included new guidance and strict guidelines and would be used by the staff who were already used to training for items of restricted sales such as lottery tickets and cigarettes;
- The premises was expecting to open at 6.30am and allowing the sale of alcohol to coincide with the opening hours prevented potentially difficult situations and the need for a physical barrier;
- The staff would respond to any issues reported in terms of noise and signs would be erected asking customers to 'please be aware of our neighbours'.

2. Address by Dr Bradbury

In his address Dr Bradbury reiterated the points in his representation. There were two public houses in Yealmpton and the consumption of alcohol was confined to within those premises. There was a local shop that sold alcohol but the proprietor lived on site. It was less obvious with this application that there would be good supervision although he appreciated that staff training was taken seriously. There were concerns amongst neighbours that the premises, and the adjoining grassed area, could become a focal point for young people buying alcohol and there was the potential for disturbance.

3. Address by local Ward Member

The local Ward Member advised the Sub Committee that currently the garage closed at 7.45pm (the application sought to extend this to 10.00pm). The other outlet which currently sold alcohol closed at 8.00pm, so there was currently no off sales or disturbance after 8.00pm in the village. The training manual was impressive but a business was not run by manual and the reality was different. There were concerns relating to the grassed area that could result in public nuisance and for that reason he hoped the application would be refused.

4. Discussion

The Committee asked a number of questions relating to the numbers of staff and proposed security systems. The Members noted that they were conscious of the application being within a village environment.

(At 12.30pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 12.40pm).

5. The Decision

The Chairman read out the following statement:

“We have considered the application for a new premises licence at Yealm Motor Services, Market Street, Yealmpton.

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 received 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 conditions proposed by the applicant and those suggested by the Police.

It is our decision to GRANT the Application, subject to conditions agreed between the Applicant and the Police in advance of the hearing and any mandatory conditions that may apply by virtue of the 2003 Act.”

Chairman