

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY 20 AUGUST 2015**

**Present:** Cllrs Dan Brown, Bill Hitchins and Tom Holway  
Sue Nightingale, Solicitor  
Naomi Wopling, Specialist – Licensing  
Kathryn Trant, Senior Case Manager, Strategy & Commissioning

**Also in attendance and participating:**

Mr S Gomez – Applicant  
Ms S Roberts - Applicant  
Mr M Roberts – Planning agent  
Mr M Pipe - Objector  
Dr T Avis - Objector  
Cllr T Pennington – Representing a neighbouring objector

LSC.4/15 **APPOINTMENT OF CHAIRMAN**

**RESOLVED**

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

LSC.5/15 **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.6/15 **TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE  
FIREWOOD RESTAURANT AND BAR, MARLDON**

The Sub-Committee considered a report that sought to determine an application for a new Premises Licence at Firewood Restaurant and Bar, in accordance with Section 18 of the Licensing Act 2003.

The Licensing Specialist introduced the report and outlined the application. Members' attention was drawn to the plans and photographs submitted as part of the application. Additional information was shared regarding the planning application however Members were reminded that determination of the planning application was a separate process to the licensing application being determined at this meeting.

**1. Address by the Applicant:**

The Applicant advised that he wished to offer good food and fine dining, and would like to be able to serve alcoholic beverages with dinner and there was no intention to offer drink without food. He wanted to appeal to families and was aware that the location of the premises would require customers to drive, therefore making it more suitable as an eating establishment.

**2. Address by the Planning Agent:**

The Agent understood that the licensing application was separate from the planning application, however there were similarities. The site had the benefit of permission for A3 use allowing the sale of food and drink. Several of the objections to the planning application focused on traffic issues. However, the Highways Authority had examined the access and were satisfied that the nature of the use was acceptable. The impact on neighbouring properties was looked at through the planning process, similar issues had been considered through the licensing application. The application addressed promotion of the statutory licensing objectives.

**3. Address by the Objector's representative:**

Cllr Pennington noted a number of issues in relation to the application and was particularly concerned that no representations had been received from the Police Authority during the consultation period. He also proceeded to raise specific concerns over noise impact, light pollution and access. Finally, he raised concerns about public safety relating to pedestrian access to the premises.

**4. Address by the Objectors:**

The Objectors stated that he accepted the best intentions of the applicant, however the licence may not stay with the present applicant and a new owner may have a different view. As a near neighbour to the application site, he also raised concerns over noise nuisance, particularly as the site had an outside seating area from which noise would be audible, light pollution and public safety.

The attendees then had a discussion during which their various points were raised and debated, and the Members of the sub-committee put questions to the respective parties.

(At 11.15am, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 11.35am).

**5. The 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.

It is our decision to grant this application subject to the following changes being incorporated into the operating schedule. We have determined the changes to be appropriate to achieve the licensing objectives:

- Alcohol must only be sold as ancillary to a meal and must be served to customers by table service only.
- Service to the outside area and consumption of food and drink outside must cease at 9pm.
- Movement of bins and rubbish outside the premises must be kept to a minimum between the hours of 8pm and 11am.

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

Thank you all"

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Chairman