

Licensing Sub-Committee – Tuesday 5 August 2008 at 10am

TO DETERMINE THE FOLLOWING APPLICATION RECEIVED UNDER THE LICENSING ACT 2003, FOR A NEW PREMISES LICENCE WHEREBY RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED BUT MEDIATION HAS TAKEN PLACE WITH AMENDMENT BEING MADE TO THE APPLICATION. AS A RESULT ALL PARTIES CONSIDER A HEARING TO BE UNNECESSARY.

Report of the Licensing Manager

Statutory Powers: Licensing Act 2003

Financial Implications: There are no direct financial implications to the Council from this Report

Purpose

To determine an application for a new Premises Licence for the below named premises in accordance with Section 18 of the Licensing Act 2003.

There is a link to the Council's priorities of CP2: 'Creating the conditions for the growth and maintenance of quality economic activity' and CP3: 'Maintaining the district's distinctive environment whilst enabling access and sensitive development'.

Recommendations

That the Sub-Committee consider the application for a new style Premises Licence together with the amendments agreed following representations and to make a determination in respect of this applications, namely to:

- i grant the application as submitted, subject to any Mandatory Conditions required;**
- ii modify the conditions;**
- 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.

Background / The Issues

Summary of Applications

- 1 The premises for consideration is St Barnabas Church, 34 Newcomen Road, Dartmouth TQ6 9BN.
- 2 With regards this application, only interested parties or responsible authorities may make representations based on the four licensing objectives.

- 3 The premises has received a relevant representation and following mediation an agreement has been reached to amend the application, for example reducing the hours asked for or including additional conditions to achieve the four licensing objectives.
- 4 Parties have agreed, subject to the amendments being implemented on the licence and that a hearing is unnecessary.
5. **The application can be found in Appendix A and the agreed amendment in Appendix B** (please note that due to the vast amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-Committee Members. Any interested parties who would like to receive full (or part) copies are asked to contact Member Support Service on (01803) 861273.

DARTMOUTH

St Barnabas Church, 34 Newcomen Road, Dartmouth TQ6 9BN.

Risk Assessment

6 Risk Assessment

The following are the significant risks and opportunities identified;

Opportunity	Issues / Obstacles	Benefits
<p>To review the application in line with:</p> <ul style="list-style-type: none"> • The Licensing Act; • National Guidance issued by the Secretary of State, and, • The South Hams District Council Statement of Licensing Policy. 	<p>The need to address the four Licensing Objectives written within the Act namely:</p> <ul style="list-style-type: none"> • The prevention of Crime and Disorder; • Public Safety; • The prevention of public nuisance; and • The Protection of children from harm. <p>(Also listed alongside as a benefit)</p> <p>Due consideration should be given to Guidance issued by the Secretary of State under section 182 of the said Act 2003.</p> <p>Due consideration should be given to the Council's Licensing Policy Statement.</p>	<p>To be able to give consideration to representations made by 'Interested Parties' and / or 'Responsible Authorities' in line with the Licensing Objectives, namely:-</p> <ul style="list-style-type: none"> • The prevention of Crime and Disorder; • Public Safety; • The prevention of public nuisance; and • The Protection of children from harm.

	Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.	
To create an increased opportunity for employment in the district.	The above must always take precedence.	As detailed above.
An opportunity to maintain the districts distinctive environment whilst enabling access and sensitive development.	The above must always take precedence.	As detailed above.
To consider whether the proposal would promote tourism. The population doubles in the summer months with tourists and international visitors who are, in the main, families with young children and retired people – the very segments of society who would perhaps be deterred by anti-social behaviour.	The above must always take precedence.	As detailed above.

Conclusion

- 7 The Interested Parties who made the representations are satisfied that the implementation of the agreed amendments to the original application will satisfy the licensing objectives. The granting of the licence subject to the amendments will not set the licence in stone. Parties can request a review of the licence at any time if the licensing objectives are not met.

Graham Munson
Licensing Manager

Licensing Sub-Committee
 Tuesday 5th August 2008

Background Documents:

- Licensing Applications for a new style Premises Licence
- Representation received from the Interested Parties (local residents) and written agreement agreeing the proposed amendment addressing the licensing objectives agreeing a hearing is unnecessary
- Written agreement from the applicant agreeing to the proposed amendment and that a hearing is not necessary
- Guidance on Meeting the Licensing Objectives
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy.