

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD
AT FOLLATON HOUSE, TOTNES, THURSDAY 5 JULY 2007**

Present: Councillors Baverstock, Pannell and Squire
Miss L Broad, Licensing Officer, SHDC
Mr C Miles, Legal Officer, SHDC
Mr G Munson, Licensing Manager, SHDC
16 Members of the Public

LSC.??/07 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.??/07 DECLARATIONS OF INTEREST

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

**LSC.??/07 DETERMINATION OF AN APPLICATION FOR A NEW
PREMISES LICENCE UNDER THE LICENSING ACT 2003:
South Beach Hotel, South Sands, Salcombe**

1. Introduction

The Chairman introduced the Members of the Sub-Committee, the Licensing Officers and Legal Officer. The Applicant and Interested Parties who were in attendance for this application were then asked to identify themselves and were invited to come forward.

2. Procedure to be followed

The Legal Officer in attendance outlined the procedure to be followed at the hearing, which had previously been circulated to Interested Parties as part of the Notice of Hearing.

3. Licensing Officer's Report

The Licensing Manager presented his report and outlined the application before the Sub-Committee. He advised that three further letters of representation had been received since agenda papers had been published. The principle concerns expressed by those in objection related to noise and persons leaving the premises at 2am, limited car parking facilities, drinking on the beach and the abandoning of drinking vessels especially glass.

In relation to the consumption of alcohol, the Licensing Manager advised that under the new Licensing Act, applicants were only required to identify and outline the area where alcohol was to be sold and not consumed.

4. Address by the Applicants

The Applicant's representative advised that the application satisfied the licensing objectives. He then proceeded to outline the application identifying the various aspects involved in the hotel and restaurant. In relation to representations made by Devon and Cornwall Police Constabulary, the Applicant had been in discussion with the police and had agreed a revised schedule which prohibited the sale of alcohol to the public after 1.30am with a 24 hour licence for residents of the hotel.

Reference was then made to the concerns raised by local residents, where the following aspects were highlighted:-

- a) Noise nuisance. The style of installation of music equipment would not emit loud, obtrusive noise. It was intended for background music, however a noise limiter would be installed to ensure levels were not significantly high. Furthermore, windows would be closed after a certain time, which was suggested to be approximately 2200hours;
- b) Car parking. The applicant's were currently in discussion with neighbouring land owners to draw up a legal document allowing the parking of 36 cars on their land. However, this was not to be finalised until the outcome of this hearing was known;
- c) Customers leaving the premises. It was felt that once customers had left they were beyond control of the premises although it was expected that the majority of non-hotel residents would be local residents who respected their neighbours. However, notices would be erected;

- d) Off-sales. The Applicant's felt that off-sales would be an advantage to residents of the hotel for instances such as picnics. However, beach goers would not be encouraged to buy alcohol for consumption on the beach;
- e) Dance licence. Members were informed that the reason for applying for a dance licence was not specifically to allow customers to dance, but to ensure that the hotel had the provision where it was covered if it was felt necessary to do so. The Applicant's were not intending to make facilities for a dance floor available.

In response to these comments, the Licensing Manager informed Members that spontaneous dancing was not a licensable activity and therefore, if minded, could be removed from the schedule. Moreover, the same reasoning could be applied to background music.

5. Address by Objectors

Four objectors were in attendance to address the Committee with their concerns over the application. Although accepting the concept of the hotel, concerns to the application included the opening times to the general public, noise nuisance and lack of car parking facilities.

6. Questions

The Chairman invited those in attendance to seek further clarification of issues if required. During this session, the following points were made:-

- a) A Member queried the car parking facilities and questioned what the applicants intentions were in the event that the land which they had earmarked for parking was unavailable. In response, the Applicant's advised that they were confident that the land would be able to be utilised as designated parking for the hotel. The issue was in the hands of their solicitors and was awaiting the outcome of this hearing for legal documents to be signed. Members still expressed concern over the restrictive parking available around the property, but the Legal Officer advised that if Members were minded to, it was possible to add a condition stating that the licence would only take effect and come into operation on the securing of a minimum of 25 car parking spaces;
- b) Access to the patio area from the beach. Following a query it was confirmed that the patio was approximately 2 metres above beach level with access via steps adjacent to the 'Crab Pot'. Members were assured that signs would be erected prohibiting drinks from being taken any further;

- c) A Member queried as to why it was felt necessary to request that the whole premises be licensed, when under the new Act it was only the site where alcohol was to be sold which needed to be licensed. In response, the Applicant felt that it was necessary due to residents wishing to purchase alcohol through room service or a minibar.

7. Committee Adjourned

At this stage, the Committee adjourned to deliberate. It was joined by the Legal Officer who gave advice on legal matters and wording only but did not take an active role in the deliberations.

The Decision

On returning the Chairman announced the decision:

We have considered the application for a new premises licence under the Licensing Act 2003.

We have given consideration to:

- The representations made in writing and those presented to us today
- Our own Statement of Licensing Policy
- The Government Guidance issued under the Act
- The promotion of the licensing objectives

It is our decision therefore to grant this application subject to the following conditions, to be incorporated into the Operating Schedule:

Permitted hours of operation for Licensable Activities subject to any attached conditions in the Second Schedule herein and within the Operating Schedule

Opening Hours to the Public (non residents)

Monday through to Sunday 0600hrs to 2330hrs

Supply of Alcohol to non-residents

Monday through to Saturday 1000hrs to 2300hrs

Sunday 1200 noon to 2230hrs

The Playing of Recorded Music (indoors)

0800hrs to 2400hrs

The Provision of Facilities for Dancing for non-residents (indoors)

Monday through to Saturday 1000hrs to 2300hrs

Sunday 1200 noon to 2230hrs

The Provision of Facilities for Making Music (indoors)

Monday through to Saturday 1000hrs to 2300hrs

Sunday 1200 noon to 2230hrs

Late Night Refreshment (indoors)

Residents only 2300hrs to 0500hrs

Off-Sales

1000hrs to 2300hrs

Conditions to be attached to the Premises Licence in addition to those incorporated within the Operating Schedule

1. The licence is only to take effect and come into operation on the securing of a minimum of 25 car parking places to be offered for use by residents and non-residents, and such arrangements must be evidenced to the Authority's Licensing Section.
2. Off-sales must be in sealed vessels only.
3. Signage to be displayed in a prominent position requesting that:

"Patrons are to leave the premises quietly and respect our neighbours",

"No open vessels containing alcohol to be taken off the premises".

**LSC.??/07 DETERMINATION OF AN APPLICATION FOR A NEW
PREMISES LICENCE UNDER THE LICENSING ACT 2003:
Kingsbridge Inn, Leechwell Street, Totnes**

1. Introduction

The Chairman introduced the Members of the Sub-Committee, the Licensing Officers and Legal Officer. The applicant and interested parties who were in attendance for this application were then asked to identify themselves and were invited to come forward.

2. Procedure to be followed

The Chairman outlined the procedure to be followed at the hearing, which had previously been circulated to interested parties as part of the Notice of Hearing.

3. Licensing Manager's Report

The Licensing Manager presented his report and outlined the application before the Sub-Committee. He advised that letters of representations received were mainly concerned with noise nuisance and extended operating hours.

With the use of photographs, the Licensing Manager demonstrated the premises in relation to neighboring properties, the various aspects inside the premises along with the patio areas outside. The Licensing Manager also advised that currently the Applicant had a licence and following the outcome of this meeting he was entitled to choose which licence he operated under and thus surrender the other one.

4. Address by Applicant

The Applicant gave the background to the premises outlining its history and how previous owners had live rock music on a regular basis and were predominantly a drinking establishment. Since taking on the premises, the Applicant had established it mainly as a food led establishment with a Champaign/cocktail area. The existing licence did not allow for amplified music in the bar area which the applicant informed they would like to be changed. The reason being was to allow musicians to play to the best of their potential but it was stipulated that it was not intended to allow loud, obtrusive music as they did not want it to override the dining experience.

In terms of noise nuisance emanating from the patio, it was advised that (whilst this area had been designated for smokers) the applicant was willing to remove all tables and chairs from the area at 9.00pm to deter customers from using it.

The applicant also made reference to the following issues:-

- extended operating hours;
- installation of sound proofing in the walls;
- installation of CCTV;
- the strict child policy they have in place.

5. Address by Concerned Parties

Six members of the public were in attendance to address the Committee with their concerns over the application. Although the majority of those in attendance were pleased with the positive changes in the premises since it had been taken over, the following concerns were noted:-

- a) Due to the nature of the street and the position of neighbouring properties, noise from the premises amplified down the street. It was suggested that windows and doors should be kept closed at all times with a restriction being placed on the number of people on the patio and last orders for consumption of food outside should be 20.00hours with chairs and tables being cleared by 21.00hours;
- b) Noise nuisance from customers leaving the premises and the detrimental effect this may have on neighbours if the premises extended its hours of operation;
- c) The need to erect signage to encourage people to be considerate when outside the premises;
- d) One member of the public's concern, whose property was attached to the premises, over the noise emanating from the premises when it was being cleaned following closing time and what effect a later closing time may have on their quality of life. They then proceeded to explain that loss of privacy from the premises over looking their garden had affected them. However, in response the Applicant advised that he was happy to discuss the possibility of erecting a high screening fence;
- e) Concern over the lack of parking facilities.

6. Committee Adjourned

At this stage, the Committee adjourned to deliberate. It was joined by the Legal Officer who gave advice on legal matters and wording only but did not take an active role in the deliberations.

The Decision

On returning, the Chairman announced the decision:

We have considered the application for a new premises licence granted under the Licensing Act 2003.

We have given consideration to:

- The representations made in writing and those presented to us today
- Our own Statement of Licensing Policy
- The Government guidance issued under the Act
- The promotion of the licensing objectives

It is our decision therefore to grant this application subject to the following condition, to be incorporated into the Operating Schedule:

Opening Hours to the Public

Monday through to Sunday 1000hrs to 2345hrs

Supply of Alcohol

Monday through to Sunday 1000hrs to 2300hrs

The playing of Recorded Music (indoors)

1000hrs to 2330hrs

The Provision of Facilities for Dancing (indoors)

1200noon to 2300hrs

The Playing of Live Music

1200 noon to 2300hrs

The Provision of Facilities for Making Music (indoors)

1200 noon to 2300hrs

Late Night Refreshments

2300hrs to 2330hrs

The Performance of Plays (indoors)

1200 noon to 2300hrs

The Exhibition of Films

1200 noon to 2300 hrs

New Year's Eve

Hours for licensable activities to be extended by two and a half hours (2.5hrs)

Condition to be attached to the Premises Licence in addition to those incorporated within the Operating Schedule

1. No music amplified or unamplified to be played in the outside patio areas
2. External noise levels emanating from the premises to be regularly monitored by staff
3. Front and top-side patio areas to be closed to the public at 2130hrs save as to entry and egress
4. Signage to be displayed in prominent positions requesting that:

“Patrons are requested to leave the premises quietly and respect our neighbours”,

and in the patio areas:

“Please respect our neighbours and help keep noise levels to an acceptable level”.

Precise wording of signage to be clarified with the Council's licensing section.

Chairman