

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD
AT FOLLATON HOUSE, TOTNES, WEDNESDAY 14th JUNE 2006**

Present: Councillors Beer (Chairman), Fairman and Carter
Mr Phipps, Applicants Legal Representative
Mr and Mrs Hook, Licensees of The Seale Arms
Mr Brown, Interested Party
Mr Rea, Interested Party
Mrs Boyacigiller, Interested Party
Mr C Miles, Legal Officer, SHDC
Mr G Munson, Licensing Officer, SHDC

Apologies: Cllr B Boughton, Local Ward Member

LSC.04/06 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.05/06 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.06/06 CONSIDERATION OF AN APPLICATION FOR THE
CONVERSION OF EXISTING JUSTICES' LICENCE AND
SIMULTANEOUS VARIATION DURING THE TRANSITIONAL
PERIOD UNDER SCHEDULE 8 OF THE LICENSING ACT
2003: THE SEALE ARMS, DARTMOUTH**

1. Introduction

The Chairman introduced the Members of the Sub-Committee, the Licensing Officer and Legal Officer. He then asked all parties if they had had an opportunity to re-negotiate. The parties had not, and accepted the Chairman's offer to do so. The Hearing was suspended for an hour whilst discussions took place.

2. Procedure to be followed

Once the Hearing had recommenced, the Legal Officer outlined the procedure to be followed at the hearing. This had previously been circulated to interested parties as part of the Notice of Hearing.

3. Licensing Officer's Report

The Licensing Officer presented his report and outlined the application before the Sub-Committee. He confirmed that he had not been involved in the negotiations that had taken place that morning. For the purpose of clarity, the Licensing Officer went through the history of the application and the application itself. Members were also advised that there had been no relevant representations from the Chief of Police but 5 letters of representations from local residents and 1 from Environmental Health had been received. The Licensing Officer detailed the areas of concern in the letters and summarised the report.

4. Address by Environmental Health

The Environmental Health Officer confirmed that their concern was with the noise nuisance. Tests had been carried out and a Statutory Nuisance could not be proven. The licensee's had undertaken works to minimise the noise nuisance and following the negotiations this morning the times for music had been amended and it is felt that with control measures in place the revised times are acceptable.

5. Address by Applicants Legal Representative

The Applicants Legal Representative thanked the Chairman, colleagues and officers for the opportunity to negotiate with the interested parties. He then detailed the compromise position which had been reached during the negotiations, i.e. the revised opening times, conditions including no consumption of food and alcohol outside after 11pm, the withdrawal of the request to offer late night refreshment, limits to the times for playing music and CCTV to be installed covering the alley to the side of the premises. He went on to say that bridges had been built and the neighbours of the premises felt that a co-operative approach between residents and licensees were progressing. He also noted that the new licensing legislation allowed for a review of a licence, not only from the police but residents were also able to call licensees back to account if conditions were not met.

There followed a discussion on whether or not certain conditions, as proposed, could be attached to the licence, and it was agreed that the conditions would form part of the operating schedule.

6. Address by Interested Parties

Mr Brown was selected to speak on behalf of the Interested Parties. He began by saying how disappointed they all were to be back here so soon after the previous application. Bridges have been built, but with the licensees legal representative, not the licensees themselves. Since the Licensing Authority have been involved there have been improvements, but a major concern was the number of people out in the street after 11pm, which could only be described as anti-social. The other major concern was the music levels. It was appreciated that the Seale Arms have undertaken work and that not

much more could be done. If the on street behaviour was confined within the premises this would address the issue. A further concern was the offering of late night refreshments, to which it was felt that the premises would become a last stop for all. It was noted that residents were extremely nervous, although they had observed some improved behavior but not a lot of goodwill. Residents had not seen the licensees coming over at the end of weekends to enquire of any problems received. It was appreciated that redress was there but not convinced that it was quick enough or sufficient. The Chairman asked Mr Brown to confirm agreement with the revised application and its conditions, which he did so.

7. Committee Adjourned

At this stage the Committee adjourned to deliberate. They were joined by Mr Miles who gave advice on legal matters and wording only and did not take an active role in the deliberations.

8. The Decision

“We have considered the application to vary the existing premises licence granted under the Licensing Act 2003.

We have given due regard 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
The existing terms and conditions of the premises licence

In reaching our decision, we have taken account of the possible additional noise nuisance posed by customers entering and exiting the premises later than already permitted, and the impact on the quality of life for those who live in the immediate vicinity.

It is our decision therefore to grant the variation in part, as follows:

FIRST SCHEDULE

Permitted hours of operation for Licensable Activities

Opening Hours

The premises to open at 0900hrs and close at 1200 midnight, Monday through to Saturday.

The premises to open at 1000hrs and close at 2330hrs on Sundays.

For the supply of alcohol

Monday to Saturday	1100hrs to 2330hrs
Sunday	1200noon to 2300hrs

For recorded music

Sunday through to Thursday	1100hrs to 2300hrs
Friday and Saturday	1100hrs to 2330hrs

Live music

Monday through to Saturday	1100hrs to 2300hrs
Sunday	1200noon to 2230hrs

Non Standard Timings

To remain the same for Christmas Day, New Year's Eve/Day, Dartmouth Regatta Days and Dartmouth Music Festival Days.

For example, an additional hour permitted for the supply of alcohol on Dartmouth Regatta days which means that on a Saturday the supply of alcohol is to cease at 0030hrs and the premises to close at 0100hrs.

For example, if New Year's Day falls on a Sunday, the supply of alcohol is permitted from 0000hrs to 2300hrs with the premises to close at 2330hrs.

SECOND SCHEDULE

The conditions as offered at the hearing contained within the Operating Schedule are accepted in addition to the existing Conditions, the following Conditions are imposed on the grant of the above variation.

1. CCTV to be installed in the side alley within two months of the grant of the variation and to be kept fully operational and well maintained.
2. The supply of alcohol and food for consumption immediately outside the premises to cease at 2300hrs.