

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD
AT FOLLATON HOUSE, TOTNES, THURSDAY 14 JUNE 2007**

Present: Councillors Baldry, Rankin and Saltern
Miss L Broad, Licensing Officer, SHDC
Mr C Miles, Legal Officer, SHDC
Mr G Munson, Licensing Manager, SHDC
16 Members of the Public

LSC.04/07 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.05/07 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.06/07 DETERMINATION OF AN APPLICATION FOR A NEW
PREMISES LICENCE UNDER THE LICENSING ACT 2003:
The Venus Café, Lower Car Park, The Warren, Bigbury on
Sea, Devon**

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 procedure to be followed at the hearing was outlined, although it had previously been circulated to interested parties as part of the Notice of Hearing.

3. Licensing Manager's Report

With the assistance of photographs, the Licensing Manager presented his report and outlined the application before the Sub-Committee.

4. Address by the Applicants

The Applicant then proceeded to give the Committee a brief history of the Venus Company and its premises, three of which were located within the South Hams. Following the success at the Blackpool Sands site, the applicants wished to duplicate this at Bigbury-on-Sea.

Reference was then made to the concerns raised by local residents, where the applicant assured the Sub-Committee that it was intended to run the premises as a family orientated business with the sale of alcohol only being permitted with the purchase of a meal. Moreover, regular litter patrols were to be carried out within a certain radius of the premises, all off-sales would be sold in paper cups or plastic beakers where a £2 deposit was required. It was also confirmed that off-sales would cease at 4pm with the evening 'restaurant experience' commencing at 6.30pm, with last orders being at 9.30pm.

5. Address by Concerned Parties

Objectors in attendance addressed the Committee with their concerns over the application. These concerns could be summarised as follows:-

- Public safety in relation to alcohol consumption on the beach;
- Litter;
- The increased number of visitors to the area, which has restricted road access, and the impact this may have on the response time of emergency vehicles;
- Noise nuisance.

Although objectors had highlighted concerns, it was stressed that the Venus Café was considered a great asset to the beach at Bigbury-on-Sea.

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 toilet facilities available to customers of the café. In response, the applicant's advised that they had access to the public toilet facilities which they assisted the Council in cleaning and maintaining;
- b) Following a query it was confirmed that bins were in place and staff would be carrying out regular litter patrols on the beach.

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

Monday to Sunday 0900hrs to 2300hrs

Supply of Alcohol

Monday to Sunday

Off-sales and on-sales 1100hrs to 1600hrs

On-sales only 1830hrs to 2230hrs

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

1. Suitable signage to be displayed at the premises and in clear view of customers stating :
 - a. No alcohol to be sold to those under 18 yrs of age
 - b. No alcohol to be sold without the purchase of a substantial food order or separately to a meal
2. No glass or canned vessels to be used for off-sales of alcohol
3. Alcohol can only be sold in conjunction with the purchase of substantial food on a one-to-one basis or as part of a meal in the seated area.
4. Litter and clearing patrols to be conducted daily whilst the premises are open to cover the immediate vicinity of the premises and the immediate beach frontage, situated below the café.

These conditions and operating hours will be incorporated into the licence.

LSC.07/07 DETERMINATION OF AN APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003: The Venus Café, Ferry Steps, Millbay Road, East Portlemouth.

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 committee. With the use of photographs, the Licensing Manager demonstrated the premises in relation to neighboring properties and the Salcombe and Kingsbridge estuary.

4. Address by Applicant

The Applicant then proceeded to give the Committee a brief history of the Venus Company and its premises, three of which were located within the South Hams. They then proceeded to outline their application highlighting what they were attempting to achieve in offering a service to provide functions and evening meals.

5. Address by Concerned Parties

Members of the public were in attendance to address the Committee with their concerns over the application. A member of the public expressed concern over the small size of the premises which was wholly outdoors in a residential area with restricted parking along narrow roads with no street lighting. Moreover, there was a restricted police presence in East Portlemouth, which was a major concern if alcohol was to be made available. It was also noted that one of the foremost concerns was in relation to drinking and being in charge of a boat and the water safety implications involved.

6. Questions

The Chairman invited those in attendance to seek further clarification of issues if required. During this session the Sub-Committee asked a number of questions to which the applicant clarified the following:-

- the intention to install low level lighting along the path;
- regular litter patrols were to be carried out by staff and in addition there was an offer to do beach clean-ups;
- alcohol would be served in paper or plastic containers;
- alcohol would be served with a meal only.

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 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 refuse this application.

Chairman