

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES, THURSDAY 16 APRIL 2009**

**Present:** Councillors K Baldry, J H Baverstock and C W Jones  
Colin Miles – Legal Executive  
Graham Munson – Licensing Manager  
Naomi Wopling – Licensing Officer  
Jo Doney– Member Support Officer  
Georgina Lewis – Environmental Health Officer (Pollution Control)

**Also in attendance and participating:**

**For application: First Floor Restaurant, Harry Scott, 61 Fore Street, Kingsbridge** (minute LSC.25/08 below refers)

Cllr R Gilbert - Local Ward Member (Kingsbridge North)  
Mrs L Warburton - Applicant  
Mr Warburton  
Mrs C Koo – (Secretary – Riverview Place Residents Association)  
Mrs U Matters – Interested Party

**For application: Newnham Park Showground** (minute LSC.26./08 below refers)

Mr C Smith – Applicant  
Mr V Davies - Applicant

LSC.23/08 **APPOINTMENT OF CHAIRMAN**

**RESOLVED**

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

LSC.24/08 **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 were made.

LSC.25/08 **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003: First Floor Restaurant, Harry Scott, 61 Fore Street, Kingsbridge.**

**1. Address by Concerned Parties**

Objectors in attendance addressed the Committee, highlighting the following:-

- a) Concerns about the integrity of the application were noted, especially when, in the Resident Association's view, the premises were principally a fish and chip shop and therefore an inappropriate business to sell and serve alcohol;
- b) The Committee was informed that two other premises located near to Harry Scott's, had recently been granted a license to sell alcohol, and although they could not make a direct correlation, it was felt that there had been an increase in incidents of low level criminal damage in the area since the licenses had been granted and therefore had a detrimental impact on the community;
- c) Concerns were expressed about the applicant's ability to manage licensed premises, as the objector had experienced verbally abusive behavior from the applicant;
- d) The Committee was informed that the premise was located in a Conservation Area and the objector felt the town at Kingsbridge had enough licensed premises and did not need another one;
- e) In response to these concerns, the Licensing Manager advised the Committee that he had visited the premises, and noted that the applicant had presented the restaurant to a good standard. To clarify any ambiguity, he also confirmed that the license would be for the first floor restaurant area only.

**2. Address by Interested Party**

The Interested Party informed the Committee that she used to live opposite Harry Scott's premises. She reported that the applicants had turned the premises into a thriving business, whereas previously it had been an 'empty eyesore'. It was felt that the Resident's Association misunderstood the application, re-iterating that the license to sell alcohol had been applied for in regard to the restaurant on the first floor above the fish and chip shop.

3. **Address by representative of applicant**

The representative informed the Committee that they had nothing further to add to what had already been expressed by the interested party and that they would now defer to the Sub Licensing Committee who now had all the information at their disposal. He further expressed that the applicant was aware that if problems arose as a result of the License being granted, the License could be revoked.

In conclusion, the representative advised that currently the applicant allowed customers to bring with them their own alcohol to consume with their meal in the restaurant.

4. **Committee Adjourned**

At this stage, the Committee adjourned to deliberate the application for a new premises license. It was joined by the Council's Legal Officer, who gave advice on legal matters and wording only, but did not take an active role in the deliberations.

5. **The Decision**

The Chairman announced:

We have considered:

- 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 as applied for.

On announcing the decision, the Chairman did highlight that the Committee could call the license in for review if problems did arise but felt that the license granted should not have a detrimental impact on the town.

**DETERMINATION OF AN APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003: at Newnham Park Showground (Plymouth Volksfest) Plympton, Plymouth PL7 5BN.**

The Chairman invited the applicants to respond to areas of concern regarding noise levels and traffic congestion that had been raised in two letters of representations received prior to the meeting and to other matters raised in a response by the Divisional Environmental Health Officer.

**1. Address by the Applicants**

With regard to noise, the applicants stated that they were happy to comply with the conditions as stated by the Environmental Health Officer, as they did not wish to upset residents. They assured the Committee that they would have equipment installed to monitor decibel levels and automatically constrain the output if levels started to exceed those stated in the conditions. They would also have three operatives with hand held noise level meters, stationed at the entrance and the nearest dwellings for additional monitoring. The Committee was informed that during the day, the music would be mostly acoustic/solo artists and in the evenings it would be mostly band music. The Environmental Health Officer informed the Committee that the condition of the license ensured that no noise from the event was to be audible in any neighbouring properties after 23.00 hours in line with the Code of Practice;

In respect of tree and bridge safety, the applicants had been in negotiations with Newnham Park and had received notification from a firm of structural engineers who stated that, after an initial viewing of the bridges in the park, there were some signs of corrosion. However, the steelwork did not appear to be at risk of immediate failure. The applicants advised that it was not the intention for the bridges to be used and they would be roped off during the event to restrict access, but as there was potential for the bridges to be used in an emergency, the suggested works referred to, would be carried out. Furthermore, the streams would be fenced off, and the whole site would be enclosed by 6ft high fencing, although there would be pinch points to allow for quick exit in the event of fire.

On the matter of trader activity, two traders who undertook body art would be on site but would be using transfer stickers and water based airbrush painting only.

In relation to traffic congestion, the applicants advised that they intended to split arrival and departure times and distributed a copy of their proposed traffic congestion control schedule. Traders (who typically had larger vehicles) would be requested to arrive on the Thursday before the event. The applicants had also devised a 4 lane check-in facility to extract vehicles off the highway and had also

secured the use of a company car park on the industrial estate for overflow purposes, where marshals would be stationed with radio's to control flow onto the site. The applicants also confirmed that they had been in communication with the emergency services who were satisfied with the traffic management plans that were in place.

2. **Committee Adjourned**

At this stage, the Committee adjourned to deliberate the application for a new premises license. It was joined by the Council's Legal Officer, who gave advice on legal matters and wording only, but did not take an active role in the deliberations.

3. **The Decision**

The Chairman announced the decision as follows:

We have considered:

- 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

In reaching our decision, we have taken account of:

- Noise emanating from the premises and traffic flow to and from the premises and traffic flow to and from the premises.

It our decision therefore to grant this application as applied for with the following conditions which will be attached to the license:

"The accepted conditions as detailed in the correspondence from the Council's own Environmental Health Department, both dated 25 March 2009"

On announcing the decision, the Chairman emphasised to the applicants that if emergency vehicles were called to the event and were then held up by traffic congestion trying to exit the showground, the consequences could be very serious and would have a bearing on any future license application.

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Chairman