

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD
AT FOLLATON HOUSE, TOTNES, TUESDAY 20 NOVEMBER 2007**

Present: Councillors Baverstock, Blackler and Saltern
Miss L Broad, Licensing Officer, SHDC
Mr C Miles, Legal Executive, SHDC
Mr G Munson, Licensing Manager, SHDC
4 Supporters
2 Objectors
1 Member of the Press

LSC.22/07 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.23/07 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.24/07 TO DETERMINE THE FOLLOWING APPLICATION
RECEIVED UNDER THE LICENSING ACT 2003 FOR A
VARIATION TO THE PREMISES LICENCE – Seale Arms, 10
Victoria Road, Dartmouth, TQ6 9SA**

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 Executive 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 Manager's Report

The Licensing Manager presented the report and outlined the application before the Sub-Committee. It was noted that representations had been received from the Police and Environmental Health Officers. The Police had requested that "a recording CCTV system be installed" and Environmental Health Officers had requested a change to the terminal time of live music. The Licensing Manager informed the Committee that this application was the fourth in twenty seven months received from this premises and that there was regular and open communication between the Licensing Manager and applicants.

3. Address by the Applicants Legal Representative

The applicants Legal Representative informed the Committee that the premises were situated in an area of Dartmouth that had a number of licensed premises. Victoria Road was a main thoroughfare from the embankment to a housing estate which created both vehicular and pedestrian traffic.

The Legal Representative informed Members that due to the hard work undertaken by the applicants, some of the previous concerns residents had raised had been resolved. It was also noted that CCTV had been installed in and around the premises for monitoring purposes. These improvements had been recognised by Punch Taverns Plc with the premises being nominated for an 'in-house' award.

The applicants were prepared to accept the recommendations made by the Environmental Health Service and the Police. The applicant had also given local residents his telephone number in order to open the channels of communication before submitting the application.

The introduction of the smoking ban had caused some concerns with customers congregating outside the premises. To overcome some of these concerns, the applicants had removed the benches from outside the premises as a deterrent, and had displayed signs to encourage customers to smoke in a side alley, an area of which the CCTV also covered.

In conclusion, it was noted that previous applications brought to light a number of concerns for local residents which the applicants had attempted to address and it was felt that the time was right to progress their business.

4. Address by interested parties

In his opening remarks, the representative of the objectors recognised that the applicants had attempted to address the issues and that the installation of CCTV and lights in the alleyway, coupled with customers being prohibited from drinking outside after 11 pm, had gone some way to addressing local concerns.

The building was built as a residential property and not a public house and therefore the structure was not equipped to contain the noise created by the music. Despite customers being asked to leave the premises quietly there was still concerns regarding noise nuisance.

The representative accepted that he was unlikely to be able to get to sleep before 11.30 pm, however he, like other residents had to work and if the premises were to open later on Thursdays he felt this would have a detrimental impact on his standard of living and quality of work.

In response to the representations made by the interested party, the applicant's legal representative asked whether the objectors would accept live music being restricted to a maximum of 15 times in a calendar year, with the music being terminated half an hour before the pub was to be closed therefore allowing customers to quieten down before they left the premises.

5. Questions

The Chairman invited those in attendance to seek further clarification of issues if required. During this session, reference was made to:-

- a) the number of times that live music was currently played. In response, although the applicant could not be specific, music was played during Dartmouth Music Festival, Dartmouth Royal Regatta and New Years Eve;
- b) the objectors view of live music being restricted to 15 times per calendar year. In response, it was noted that this was not excessive as long as the music ceased at a reasonable hour;
- c) whether the objector considered the activities at the premises were more orderly and contained in recent times. In response, it was confirmed as such.

Prior to adjourning to deliberate, the Chairman ensured that all those present were satisfied that their views had been aired and that all parties had no further questions which they wished to raise.

6. Committee Adjourned

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

The Decision

The Chairman announced the decision:

1. The Sub-Committee considered the relevant representations from interested parties both made in writing and those that spoke at the hearing. The representations of those living within the vicinity were mainly concerned with further noise nuisance emanating from within the premises and outside, with entering and exiting, should the hours for the licensing activities be increased, and with the alley/walk way outside.
2. The Sub-Committee considered the application for variation in line with the Licensing Objectives, mainly that of the Prevention of Public Nuisance, the Government Guidance issued under Section 182 of the Licensing Act 2003, the existing Operating Schedule and the Council's Statement of Licensing Policy.
3. The Sub-Committee welcomed the Applicants' amended proposals after negotiation with some of those who lodged relevant representations. It was noted that the premises attracted less relevant representations than previous hearings in August 2005 and June 2006.
4. The variations as granted to take immediate effect.

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 Wednesday, 0900hrs to 0030hrs Thursday to Saturday.

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

For the supply of alcohol:

Monday to Wednesday
Thursday to Saturday
Sunday

1100hrs to 2330hrs
1100hrs to 12 Midnight
1200 noon to 2300hrs

For recorded music

Monday to Wednesday	1100hrs to 2300hrs
Thursday to Saturday	1100hrs to 2330hrs
Sunday	1100hrs to 2300hrs

Live music

(to be restricted to 15 occasions in any one calendar year)

Monday to Wednesday	1100hrs to 2300hrs
Thursday to Saturday	1100hrs to 2330hrs
Sunday	12 Noon 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.

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.

Prevention of Public Nuisance

1. In addition to existing conditions on the licence, the inclusion of the CCTV requirements as detailed by the Police in the letter dated 16th November 2007 from the South and West Devon BCU.

Chairman