

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD
AT FOLLATON HOUSE, TOTNES, WEDNESDAY 24 JANUARY 2007**

Present: Councillors May, Saltern and Squire
Miss L Broad, Licensing Officer, SHDC
Mr C Miles, Legal Assistant, SHDC
Mr G Munson, Licensing Manager, SHDC
3 Supporters
9 Objectors
1 Member of the Press

LSC.16/06 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.17/06 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.18/06 DETERMINATION OF AN APPLICATION FOR A NEW
PREMISES LICENCE UNDER THE LICENSING ACT 2003:
Jack Spratt's, 10 – 13 Island Street, Salcombe, TQ8 8DP**

1. Licensing Officer's Report

The Licensing Officer presented the report and outlined the application before the Sub-Committee. It was noted that representations had been received in relation to the original application. The operating schedules had been amended after mediation with interested parties and it had been agreed that there should not be a formal hearing.

The following application was considered:

Jack Spratt's, 10-13 Island Street, Salcombe, TQ8 8DP

2. Committee's Deliberations

The Sub-Committee asked the Licensing Officer if all those who originally objected to the operating schedule were now content with the proposed amendments to the operating schedule and whether all had agreed that there should not be a formal hearing. The Licensing Officer confirmed that this was the case.

3. The Decision

The Chairman announced the decision:

“We have considered the application to grant a new premises licence.

We have considered our own Statement of Licensing Policy, the guidance and our obligations that relate to promoting the four licensing objectives.

We note the revised operating schedules submitted as amended and that all parties are in agreement that a hearing is not necessary.

It is our decision therefore, to grant the licence subject to the amended operating schedules”.

LSC.18/06 DETERMINATION OF AN APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003: River Dart Youth Hostel, Maypool, Galmpton

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 Officer presented her report and outlined the application before the Sub-Committee. She advised that the principle concerns expressed by those in objection could be summarised as follows:-

- noise nuisance;
- increase in the number and size of vehicles using a country lane;
- the likelihood of alcohol and drug related incidents occurring;
- perceived lack of supervision;
- damage to property in the vicinity of the hostel;
- restricted emergency vehicle access;
- being situated in an Area of Outstanding Natural Beauty;
- lack of planning permission for change of use;
- delayed Police response time due to secluded location;
- fireworks nuisance.

The Licensing Officer then proceeded to inform the hearing that the applicants had offered the following compromise:-

1. to restrict all licensable activity outside the hostel building to a terminal hour of 10.00pm;
2. to submit to a condition to have deliveries only between 7.30am and 7.30pm;
3. to restrict the provision of licensable activity to non-residents to the hours of 10.00am to 10.00pm, save on 10 occasions per year when licensable activity would be available to non-residents until midnight. At all times, non-residents would be required to vacate the hostel site by 30 minutes after the end of licensable activity.

4. Address by the Applicants Legal Representative

The Applicants Legal Representative outlined the application identifying the various provisions applied for and then proceeded to note the importance of gaining a balance between the successful running of a business and the needs of the local residents. In applying for the licence, the YHA (Youth Hostel Association) was attempting to regulate and standardise activities and leisure pursuits across the board. The following additional proposals were then offered:-

- a Senior Member of staff (manager) to assess the impact of any noisy activities on neighbouring residential premises at the start of any activity/entertainment and periodically throughout the activity/entertainment;
- a policy to be in force for the management of large groups. The group would be required to nominate a responsible person to liaise with staff;

- suitable signage at all relevant exits requesting that patrons made as little noise as possible when leaving the premises;
- a telephone number to be kept by management for a 24 hours HGV recovery

It was also noted that the YHA had a no fireworks policy. Residents who wanted firework displays were to use organised firework companies and local residents were to be given advanced warning.

5. Address by Interested Parties

In his opening remarks, a representative of the objectors wished to clarify a point from page 68 of the circulated report and appendices whereby it stated that *“the premises are isolated and set in extensive grounds. There are very few other buildings close by and it is thought highly unlikely that activity in or immediately adjacent to the hostel or a marquee could cause a nuisance to other people.”* It was noted that this was not the case and there were isolated properties in the vicinity of the premises. The Licensing Officer then proceeded to table a site location of the premises to demonstrate its position in relation to neighbouring properties, along with photographs tabled by the objectors.

During the address, reference was also made to:-

- a) the four licensing objectives. It was felt amongst the objectors that the application contradicted the objectives. To support this opinion, the following examples were given:-
 - public safety – concern was expressed over the size of coaches traversing the country lanes and causing a blockade, especially if an emergency vehicle was trying to pass;
 - public nuisance – noise nuisance concerns from noisy children and loud music were also stressed;
- b) the premises being used as a summer camp during the week and for private functions, i.e. weddings, at the weekends;
- c) the design of the amphitheatre lawn which lent itself towards intensifying sound towards the neighbouring properties;
- d) concerns that the hostel would be used as a public house;
- e) the perception that the YHA had used its knowledge of the system to its advantage especially in terms of the planning permission being sort (Members noted the advice that the Licensing Sub-Committee had no authority to comment on any planning applications which the YHA may have applied for).

In conclusion, the objectors to the application requested that the sub-committee reject the application on the grounds that the nature of the activities lent themselves to noise nuisance and furthermore there appeared to be a lack of a robust health and safety assessment. If this was not a option for the sub-committee then conditions to the applications were suggested, e.g to cease all outdoor activities, restrict the number of people and vehicles visiting, and to impose a condition where alcohol could only be sold with food. A further alternative suggested was to adjourn the hearing until the sub-committee had carried out a site inspection.

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) clarification on whether a marquee was classified as being 'indoor' or 'outdoor'. In response it was noted that in this instance a marquee was classified as being 'outdoors';
- b) clarification was sort over what a temporary licence entailed. In response it was noted that temporary licences were not in the control of the Council and 12 Temporary Event Notices could be obtained to take place over a period of 15 days annually;
- c) the sale and consumption of alcohol outside the hostel building. Plans were shown which demonstrated that alcohol was only permitted to be sold at certain points within the premises building. However, there was no rule which stated that alcohol could not be consumed on the outside lawn. In relation to the selling of alcohol within a marquee, a temporary event Notice would need to be submitted;
- d) a Member of the sub-committee requested confirmation that the paragraph on p68 which referred to proximity of neighbouring properties (as referred to in section 4; address by interested parties, above) was in fact incorrectly portrayed. In response, the applicants legal representative agreed it was due to the application being filled in 'blind' by the YHA legal team, and was by no means meant to be deceptive or misleading;
- e) confirmation that there would be a supervisor available on site 24 hours a day;

- f) in response to comments made by the interested parties, the applicants clarified that the summer camp was intended to be a 3 year nationally run YHA programme with the aim of keeping children off the streets. In these situations it was noted that alcoholic beverages would be removed from sale and be stored in a safe place;
- g) clarification as to the use of megaphones. The applicants noted that they were happy to desist in the use of megaphones with the exception of an emergency when it was imperative to gain peoples attention.

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 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.

In reaching our decision, we have taken account of the following:

- The possibility of noise nuisance emanating from within the premises and immediately outside;
- The relevant timings that the premises are open to the public;
- The position of a Personal Licence Holder and a Designated Premises Supervisor;
- The position and Situation of the Premises to the local residents.

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

FIRST 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 0000hrs to 2400hrs

Supply of Alcohol (Indoors & Outdoors)

Monday to Sunday 0000hrs to 2400hrs

The Performance of Plays (Indoors & Outdoors)

Monday to Sundays 1000hrs to 2400hrs

The Exhibition of Films (Indoors)

Monday to Sunday 1000hrs to 2400hrs

The Playing of Live Music (Indoors & Outdoors)

Monday to Sunday 1000hrs to 2400hrs

The Playing of Recorded Music (Indoors & Outdoors)

Monday to Sunday 1000hrs to 2400hrs

The Performance of Dance (Indoors & Outdoors)

Monday to Sunday 1000hrs to 2400hrs

The Provision of Facilities for Dancing (Indoors & Outdoors)

Monday to Sunday 1000hrs to 2400hrs

The Provision of Facilities for Making Music (Indoors & Outdoors)

Monday to Sunday 1000hrs to 2400hrs

Late Night Refreshment (Indoors & Outdoors)

Monday to Sunday 2300hrs to 2400hrs

SECOND SCHEDULE

1. Suitable signage to be displayed at all exits from the premises requesting that patrons and visitors leave as quietly as possible without causing unnecessary noise disturbance to local residents.
2. A telephone number must be kept by the staff to assist in 24 hour breakdown recovery of Heavy Goods Vehicles.
3. Large groups of residents and visitors to nominate a responsible person to liaise with staff.
4. That a responsible member of staff to be on duty and contactable throughout the duration of all licensable activities.
5. That a responsible member of staff should regularly assess noise emanating from the premises to ensure that such noise is not excessive.
6. Fireworks should not be used after 10.00pm excepting on a Permitted Fireworks Night under the Fireworks Regulations 2004, as amended.
7. Licensable activities will be restricted outside the hostel building to a terminal hour of 10.00pm (unless otherwise expressed within these schedules).
8. Commercial deliveries to take place between the hours of 7.30am and 7.30pm.
9. The provision of licensable activities to non-residents be restricted to the hours of 10.00am and to 10.00pm, save on ten occasions per calendar year where licensable activities to non-residents can be available until 11.00pm.
10. Non-residents to vacate the premises within 30 minutes of the termination of the licensable activity.

Chairman