

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES, THURSDAY 30 APRIL 2009**

Present: Councillors J I G Blackler, B E Carson and R J Carter
Colin Miles – Legal Officer
Graham Munson – Licensing Manager
Jo Doney – Member Support Officer
Nigel Hylands – Environmental Health Technician

Also in attendance and participating:

For application: The Swan Inn, Noss Mayo, PL8 1EN (minute LSC.29/08 below refers)

Mr Clive Greene – Applicant, Operations Manager, Punch Taverns Plc)
Mr Mathew Phipps – Representative of Applicant (Solicitor, Punch Taverns Plc)
Mrs E Murrill – Licensee

Interested Parties:

Cllr S Cooper (Local Ward Member – Newton & Noss)
Mr M Sweeting - resident
Mr G McCheyne - resident
Mr Hedley Hunter - resident
Mrs A Hogg - resident
Mr P Terrier - resident
Mr D C Drew – resident

Relevant Authorities:

Inspector Phil Chivers – Devon & Cornwall Constabulary
Mr P Cosby – Licensing Officer – Devon & Cornwall Constabulary

LSC.27/08 **APPOINTMENT OF CHAIRMAN**

RESOLVED

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

LSC.28/08 **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.29/08 **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003: The Swan Inn, Noss Mayo, PL8 1EN**

1. **Address by Licensing Manager**

The Officer advised the Committee that the Swan Inn had traded for many years and would have continued to trade. However, due to unforeseen circumstances the licence had elapsed. A new premises licence therefore needed to be reapplied for before trading could recommence.

It was noted that the application had attracted 66 relevant representations, outlining concerns of noise nuisance, licensing hours and parking congestion.

The Officer informed the Committee that he had attended a meeting with the Police and the Applicant in order to resolve issues and to arrive at a position that would satisfy all parties.

A letter detailing the amendments to the application was then sent to all those who had made representations. Eighteen responded that they found the amendments acceptable, two requested further amendments and thirty two were not prepared to accept the proposed amendments.

2. **Address by Mr Phipps**

The representative re-iterated the Licensing Manager's comment that that the licence had lapsed in December 2008 due to unforeseen circumstances.

Following the mediation discussions with the Licensing Manager, the representative highlighted the amendments to the original application which principally were:-

Live Music: Indoors and Outdoors

- No Karaoke;
- Sunday to Saturday - from 12 noon to 10.30pm (indoors only) and restricted to one occasion per month, excluding Regatta Days held in the month of August which may have live music indoors or outdoors daily from 12 noon to 10.00pm; and
- New Year's Eve – (indoors only) 12 noon to 00.30 hrs the following day.

Recorded music : Indoors Only

- Sunday to Saturday – from 12 noon to 10.30pm (indoors only) and restricted to one occasion per month;
- New Year's Eve – 12 noon to 00:30 hrs the following day (indoors only);
- Performance of Dance: Not applied for.

Sale of Alcohol:

- Sunday to Thursday – 10.00am to 11.00pm;
- Friday and Saturday – 10.00am to Midnight ;
- Sunday of Bank Holiday Weekends – 10.00am to Midnight;
- Boxing Day – 10.00am to Midnight; and
- New Year's Eve – from end of licensing hours on New Year's Eve to commencement of licensing hours on New Year's Day.

Asking for the Licensing Sub-Committee to give their discretion.

Adult Entertainment: Not applied for

The representative went on to say that he hoped the above conditions would appease the concerns of the public.

3. Address by Police:

The police representatives advised that there had been a number of complaints regarding the establishment in the past but they felt the amendments that were being suggested would be a pragmatic solution and therefore were now satisfied with the application and had no grounds to object.

4. Address by Environmental Health:

The Officer informed that the amendments made to the application now enabled a workable framework. The condition for Live and Recorded Music to be restricted to one occasion per month provided reasonable control.

5. Address by Interested Parties:

Mr D C Drew commenced his address by thanking the Licensing Manager for his efforts in mediation and that they now found the amended application was more agreeable. However, they sought assurances that no music, live or recorded, could be played outside, except during the week of the regatta and that all the amendments would be enforced.

In response, the Licensing Manager informed the Committee that noise from the establishment had been a problem in the past, but that it was

a management issue, and it was hoped that both the amendments and a new Licensee would address this matter.

The representative for the Applicant, concluded to the Committee that they felt that the presented amended application was acceptable and also thanked the Licensing Manager for his assistance throughout the process.

The Local Ward Member present also wished to express her thanks to the Licensing Manager for having done an excellent job in mediation.

6. **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.

7. **The Decision**

The Chairman announced:

We have considered the application for a premises licence under the licensing act 2003.

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 per the amendments agreed, with the following changes:

Regatta Week:

Live Music outdoors from 12 noon to 10.00 pm and indoors from 12 noon to 10.00 pm

Live Music:

New Year's Eve – Indoors only from 12 noon to 00:30 hours the following day

Recorded Music:

New Year's Eve as applied for but with 00:30 hours the following day

Late Night Refreshment:

To reflect the closing times

Sale of Alcohol:

Remove the condition that relates to the measurements that alcohol will be sold in.

On New Year's Eve, the Sub-Committee suggested the last sale of alcohol at 2.00am (New Years Day) with a closing time of 3.00am – which the applicant said was acceptable.

On announcing the decision, the Chairman stated that the Committee considered a pub to be both an important part of a community and beneficial to tourism. He thanked the Licensing Manager, the representative of the applicant and Punch Tavern Plc for negotiating a satisfactory outcome and he hoped the residents would be able to enjoy the facility.

Chairman