

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON WEDNESDAY 5 OCTOBER, 2016**

Present: Cllrs Keith Baldry, Nicky Hopwood and David May
Sue Nightingale, Solicitor
Naomi Wopling, Specialist – Licensing
Kathryn Trant, Senior Case Manager

Also in attendance and participating:

Mr Chris Roberts – Designated Premises Supervisor
Mr Graham Eva – representing the Applicant
Mr Robin Griffin – resident of Hope Cove
Ms Sarah Harcombe – representing Environmental Health
Ms Anna Pooley – representing Environmental Health

LSC.04/16 **APPOINTMENT OF CHAIRMAN**

RESOLVED

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

LSC.05/16 **DECLARATIONS OF INTEREST**

Members and officers 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.06/16 **TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE FOR THE HOPE AND ANCHOR, HOPE COVE**

The Sub-Committee considered a report that sought to determine a request for variations to the premises licence at The Hope and Anchor, Hope Cove.

The Licensing Specialist introduced the report and outlined the details of the application as stated in the application form at Appendix A of the presented report. The details of the current licence were set out in Appendix B of the presented report. Appendix C set out the representations received and Appendix D the list of conditions agreed with the Police Authority.

The Licensing Specialist went on to outline the further information submitted in relation to the application, and the proposed amendments to the application as a result of representations received. She explained to the Sub Committee that the application included a request for live and amplified music to be played outside until 8pm, although this request may be considered unnecessary as

the Live Music Act 2012 allowed live and amplified music to be played until 11pm.

1. Address by the Applicant's representative

The representative outlined the rationale behind the application in respect of each element.

2. Address by the resident

The resident outlined to the Sub Committee his relationship with Hope Cove and referred to the village as a precious safe haven. He specifically responded to points within the application and stated his concerns, particularly regarding noise. He concluded by asked the Sub Committee to maintain the village as a family haven and not a party venue.

3. Address by Environmental Health

The representatives from Environmental Health outlined their objections and concerns with the application. The request for amplified music was not supported. In respect of sales of alcohol to residents and their guests, the amendment to remove guests was welcomed and whilst not suggesting that this element was not supported, there were still some concerns.

Following the statements made by all those in attendance, the Sub Committee asked a number of questions to ensure clarity.

(At 3.00pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 3.45pm).

4. The Decision

In announcing the Sub-Committee decision, the Chairman read out the following statement:

We have considered the application to vary the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present to day and have read carefully representations received from parties present plus additional statements from persons her today. We have also considered the additional conditions proposed by the Police and accepted by the Applicant.

It is our decision to grant this application in part, subject to the following changes being incorporated into the operating schedule. We have determined the changes to be appropriate to achieve the licensing objectives:

- ***Application to alter the internal area within which entertainment may take place has been granted.***
- ***Application to allow amplified regulated entertainment to take place in the external areas between midday and 8pm has been refused as it would not address the licensing objectives, particularly the prevention of public nuisance, and the Live Music Act 2012 means that conditions relating to these activities are unenforceable during the requested hours.***
- ***Application to change the commencement hour for the sale of alcohol to 8am has been granted for residents only.***
- ***Application to allow purchase of alcohol by residents of the premises until 1am and until 3am on New Year's Day has been granted.***
- ***Application to allow residents to be on the premises 24hrs a day has been granted.***

In addition to being appropriate the Committee also believe the amendments to be necessary."

Chairman