

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, ON THURSDAY, 18 APRIL 2024,
2:00 pm**

Present: Cllrs Simon Rake (Chair), Julie Carson and Guy Pannell
Catherine Bowen, Monitoring Officer
Karen Procter, Principal Licensing Officer
Harry Lionis, Licensing Officer
Amelia Boulter, Senior Democratic Services Officer

Also in attendance and participating:

Mr Robert Botkai and Jeremy Burton-Dickie (Applicants for Lounge).
Mr Phipps, Gareth Head and Gareth James (Applicants for The Crabshell).
Councillor Denise O'Callaghan (on MS Teams).

LSC.07/23 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. There were none.

LSC.08/23 APPLICATION FOR A NEW PREMISES LICENCE AT LOUNGE, 6 THE PLAINS, TOTNES, TQ9 5DR

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Lounge, 6 The Plains, Totnes, TQ9 5DR in accordance with Section 18 of the Licensing Act 2003.

The Principal Licensing Officer introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), B and C and additional information. The Principal Licensing Officer reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

1. Address by the Applicant

The Applicant reported that there were over 200 lounges across England and Wales. The Lounge concept was a food led operation and not a pub or bar. They engage with the local community and charities and have liaised with the Police and Environmental Health. They were aware of the 4 representations from local residents and hoped the changes made would have negated the need for a hearing. This was a town centre location with residents living close by and did not expect noise breakout because there would be a gradual process for people dispersing from the premises. Music played at the Lounge would be background music. People generally visit the Lounge to eat. There were very few places to eat in Totnes and the Lounge would be a welcomed contribution to the area. The Lounge would be employing 25 local people. The outside area would be used up until 10 pm, the tables and chairs would be rendered unusable after this time.

(The Sub Committee then adjourned, in the presence of the Monitoring Officer, and Senior Democratic Services Officer at 2.24 pm to consider the application and reconvened at 2.44 pm.)

2. The Decision

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

We have considered the application for a new 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 all parties, plus additional statements from persons here today. We have also considered the additional conditions proposed by Environmental Health and accepted by the Applicant.

It is our decision to:

Grant the application as amended by the additional conditions agreed with environmental health.

The reasons for our decision are as follows:

We have considered the application and representations from members of the public. We note the amendments to the original application, which are welcome. On balance we believe that the application as amended supports the four licensing objectives and complies with SHDC policies. We note residents' concerns and would remind the applicant that should issues of noise, disturbance or other nuisance arise the licence may be reviewed.

The full written decision would be sent out within five working days.

LSC.09/23

APPLICATION TO VARY THE PREMISES LICENCE OF THE CRABSHELL INN, EMBANKMENT ROAD, KINGDBRIDGE, TQ7 1JZ

The Sub-Committee considered a report that sought to determine an application for a variation to the premises licence of The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ in accordance with Section 35 of the Licensing Act 2003.

The Principal Licensing Officer introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), B(i), B(ii), C and D and additional information. The Principal Licensing Officer reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

1. Address by the Applicant

This was a nicely appointed pub on the water with a relatively small bar at the rear of the premises which gets busy on sunny days. The shepherd's hut would be an additional dispense point serving up to 4 draughts beers, soft drinks, a small selection of spirits and a pizza oven and would not increase the footprint. The pub was owned and operated by St Austell Brewery. They very infrequently had to ask someone to leave, and the responsible authorities did not object to the application. A primary concern was the proximity of the pub to the car park and public safety issues, and it was highlighted that a lot of pubs

were in the proximity of a car park. They were happy to propose a condition to use planters in the car park to protect members of the public. Planning permission for the shepherd's hut had been refused and until this was granted cannot operate. They have an excellent relationship with the neighbour, and they raised no issues or concerns and neighbours across the water raised no objections. The pizza oven was unlikely to cause a public nuisance. This was a significant pub in the area and currently not causing any problems.

(The Sub Committee then adjourned, in the presence of the Monitoring Officer, and Senior Democratic Services Officer at 3.19 pm to consider the application and reconvened at 3.38 pm.)

2. The Decision

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

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 all parties, plus additional statements from persons here today.

It is our decision to:

- GRANT the application subject to the condition proffered by the applicant that operation under this licence will only take place once planning approval has been obtained. Further we would incorporate the inclusion of planters, again as proffered by the applicant, for protection of customers in the immediate vicinity of the servery from vehicles in the car park.

The reasons for our decision are as follows:

We believe that the additional servery facility will result in only limited changes to the existing use of the external areas of the premises and therefore supports the licensing objectives and council licensing policy. We would remind the applicant that should changes in the use of external areas result in additional nuisance, noise or detriment to public safety the council may review the licence or its conditions.

The full written decision would be sent out within five working days.

(meeting closed at 3.40 pm)

Chairman