

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON THURSDAY 25 MAY 2017**

Present: Cllrs Basil Cane, Kathy Cuthbert and Tom Holway
Sue Nightingale, Solicitor
Naomi Stacey – Specialist, Licensing
Darryl White, Senior Specialist – Democratic Services

Also in attendance and participating:

Cllr Keith Baldry – a local Ward Member
Tamara Costin – applicant

LSC.04/17 **APPOINTMENT OF CHAIRMAN**

RESOLVED

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

LSC.05/17 **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. These were recorded as follows:-

Cllrs B F Cane, P K Cuthbert and T R Holway each declared a personal interest in Item 4: 'To Determine an Application for a New Premises Licence for the Old School Teahouse, Mothecombe, Holbeton PL8 1LB' (Minute LSC.06/17 below refers) by virtue of each knowing of one of the individuals who had submitted an objection to this application. All three of the Members remained in the meeting and took part in the debate thereon.

LSC.06/17 **TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE FOR THE OLD SCHOOL TEAHOUSE, MOTHECOMBE, HOLBETON PL8 1LB**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at the Old School Teahouse, Mothecombe, Holbeton.

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 agenda report).

In addition, the Licensing Specialist specifically outlined the amendments that were illustrated at Appendix B of the presented agenda report that had been agreed between the applicant and the Police.

The attention of the Committee was also drawn to the letters of objection (as outlined at Appendix C of the presented agenda report) and summarised that the main areas of concern related to the likely noise and disturbance arising from the closing time and the likelihood of increased traffic movements in narrow lanes.

1. Address by the Applicant

In her address, the representative made specific reference to:-

- the intention being that the core business of the premises would be food (and not alcohol) related;
- alcohol sales would be a very small proportion of the business;
- the recommendations of the Police. The applicant highlighted that she was agreeable to the proposed amendments that had been suggested by the Police;
- the nearby car park. It was confirmed that an agreement was in place whereby staff would close the car park once the restaurant had been closed;
- the bulk of the business. It was anticipated that the bulk of the business would be to serve customers who wished to have an early evening meal and it was felt unlikely that many customers would remain after 10.00pm;
- the popularity of the nearby beach. Such was its popularity, that the restaurant was primarily aiming to provide a service to those using the beach;
- the live music aspect of the application. The applicant informed that she did not envisage much live music being played at the premises;
- the environmental impact arising from on-site lighting. When questioned, the applicant advised that there would be no on-site floodlights and staff were well versed in the use of head torches (e.g. when vacating the premises after closure or when disposing of litter).

2. Address by the Local Ward Member in Attendance

In his address, the local Ward Member made the following points:-

- The Live Music Act provided no restrictions on live amplified and live recorded music being played until 11.00pm;
- Mothecombe was a small Hamlet (and not a village) and residents lived in the area because of the peace and quiet;
- His submitted formal response to the application reflected the views of both local residents and the local parish council;
- He was totally supportive of the business venture and his sole concern related to the additional noise impact arising from these proposals. As a consequence, the Member felt it to be reasonable (in order to minimise the noise impact) for the closing hours to be brought forward to 11.00pm, with the last alcohol sale then being at 10.30pm.

(At 11.55am, the Sub-Committee then adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 12.10pm).

3. The Decision

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

“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 the Police and accepted by the Applicant.

It is our decision to grant this application, subject to the following changes being incorporated into the operating schedule and to include the additional conditions requested by the Police. We have determined the changes to be appropriate to achieve the licensing objectives:

- *To close at 11.30pm, with the last alcohol sale being at 11.00pm on Monday to Saturday. This change is considered appropriate in the interests of preventing public nuisance; and*
- *To include each of the remaining conditions proposed by the Police.*

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

Chairman