

# SOUTH HAMS LICENSING SUB- COMMITTEE



**Minutes** of a meeting of the **South Hams Licensing Sub-Committee** held on  
**Friday, 23rd March, 2018 at 10.00 am** at the **Cary Room - Follaton House**

Present: **Councillors:**

**Chairman** Cllr May  
**Vice Chairman**

Cllr Holway

Cllr Pringle

**In attendance:**

Councillors:  
Cllr Wright

Officers:  
Senior Specialist – Licensing  
Specialist – Licensing  
Deputy Monitoring Officer

**Also in attendance:**

Corrine Lynn – Applicant  
Amanda Cleaver – Supporter  
Dan Curtis – Supporter  
Colin Nightingale – Supporter  
Julia Bird – Objector  
Pam Bennett – Objector  
Elizabeth Powell – Objector

10. **Appointment of Chairman**  
LSC.10/17

**RESOLVED**

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

11. **Declarations of Interest**

LSC.11/17

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

12. **Application for New Premises Licence at Bearz Bar, The Kidz & Co, Island Street, Salcombe TQ8 8DP**

LSC.12/17

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Bearz Bar, The Kidz & Co, Island Street, Salcombe.

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 and Members noted the restrictions that had been placed on the capacity for both the Ground Floor and First Floor of the premises.

Finally, the Licensing Specialist highlighted that the application had been subject to a number of representations that had been raised both in objection and support to the proposals. These representations were outlined at Appendix C of the presented agenda report and had been circulated to Sub Committee Members in advance of this meeting.

**1. Address by the Applicant**

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

- her intention to respond to a number of the objections raised in her follow up submission. In attempting to do everything possible to mitigate against the concerns that had been raised, the applicant stated that this was reflected in the number of amendments and additional conditions that she had agreed following discussions with representatives from the Council, the Police and the Fire Authority;
- the premises were now fully insulated and the applicant informed that it was her wish to maximise the use of the building that she was leasing;
- the business plan was modelled on the premises being a good quality restaurant that served alcohol, with background music (on occasion live music) being played; and
- there being an unfortunate number of misconceptions associated with the application.

**2. Address by the Supporters**

At this point, the supporters were invited to make their submissions to the meeting. In so doing, the following points were raised:-

- The application (as revised) clearly demonstrated that the four licensing objectives had been met;
- The business was not targeting young people drinking alcohol and the supporters were of the view that the business had the potential to be very successful; and
- It was noted that Temporary Events had previously been held on site and these had been well received and had taken place without any trouble.

### **3. Address by the Objectors**

The objectors each addressed the Sub-Committee and raised the following concerns:-

- Serious reservations over the noise implications on neighbouring properties were highlighted. In particular, the objectors questioned the effectiveness of the sound proofing measures that had been installed, particularly on those occasions when live music was playing;
- With regard to the Temporary Events that had been raised, the representatives felt that these were outside of the peak summer season and, such was the difference at that time of year, that it was difficult to draw comparisons;
- The potential for additional litter and anti-social behaviour arising from customers smoking on the highway outside the premises was also identified as an area for concern;
- In citing a recent instance when the on-site Fire Alarm was beeping, the objectors asked that the applicants provide them with a contact telephone number to let them know should this occur in the future;
- There was a general need for those businesses and residents on Island Street to live alongside each other with mutual respect. In addition, the Island Street highway was particularly narrow and there were safety implications as a consequence;
- Whilst not part of the licensed premises, the objectors did not feel that the 'Kidz & Co' soft play and crèche (that was also on the first floor of the building) mixed particularly well with this application.

### **4. Address by the local Ward Member**

The local Ward Member in attendance informed that he had initially objected to the application. However, he had since visited the site and had spoken to the applicants and the landlord and he was now quite satisfied with the application (as amended). Since the amendments and additional conditions had been agreed, the Member felt that those concerns that were linked to the licensing objections had now been overcome. In particular, the Member felt that the waiter service of alcohol was a welcome improvement and would prevent customers from congregating around the entrance.

Finally, the Member also advised the objectors that, in the event of the licence being granted and there being ongoing associated issues, a review could be invoked into the licence by the Council (in its capacity as the Licensing Authority).

## **5. Sub-Committee Questions**

Having listened to each of the representations, the Chairman asked the Sub-Committee to ask any questions of clarity. In so doing, the following points were raised:-

- (a) Officers confirmed that a review into a licence could be instigated by a complainant or any other third party;
- (b) Members noted that it was within the legal clause of the applicants lease that the building could only be used as a licensed premise because the applicant would be the holder of the licence;
- (c) During the busy summer months, representatives confirmed that Island Street was particularly busy and there were no pavements along the road in this area;
- (d) To minimise the impact of any cooking smells, the Sub-Committee was advised that a condition would be imposed in relation to appropriate ventilation equipment being installed;
- (e) The applicant gave an assurance that a new Fire Alarm Maintenance contract was now in place that should overcome the recent issue referred to by one of the objectors;
- (f) Whilst the Council had previously received noise complaints related to Island Street, officers informed that there had been none received during the last 18 months;
- (g) The applicant gave an assurance that there would be no access to the building through a rear entrance;
- (h) A condition had been recommended to prevent any glasses or bottles from being taken away from the premises.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 10.50am) in the presence of Mrs Nightingale to consider the application and then reconvened at 11.05am.

## **6. 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 Fire Officer and accepted by the Applicant.*

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

- Management of litter including cigarette and smoking debris outside the premises by regular checks in order to prevent public nuisance."*

The Meeting concluded at 11.15 am

**Signed by:**

**Chairman**

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