

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Thursday, 30th June, 2022
Time:	11.00 am
Venue:	Council Chamber - Follaton House
Full Members:	<p style="text-align: center;">Chairman Cllr Brown</p> <p style="text-align: center;">Vice Chairman</p> <p><i>Members:</i> Cllr O'Callaghan Cllr Sweett</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Democratic.Services@swdevon.gov.uk

1. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

2. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

3. Application for a new Premises Licence at Venus Café, Ferry Steps, Millbay Road, East Portlemouth, TQ8 8PU

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Agenda Item 3

Report to: **Licensing Sub-Committee**

Date: **30th June 2022**

Title: **Application for a new Premises Licence at Venus Café, Ferry Steps, Millbay Road, East Portlemouth, TQ8 8PU**

Portfolio Area: **Customer First**

Wards Affected: **Stokenham**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Author: **Mollie Deimert** Role: **Licensing officer**

Contact: **01822 813404 / Mollie.deimert@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a new Premises Licence and make determinations in respect of this application, namely to:

- i) grant the application as submitted, subject to any Mandatory Conditions required;**
- ii) modify the conditions of the licence;**
- iii) exclude any of the licensable activities to which the application relates;**
- iv) to refuse to specify a person in the licence as the premises supervisor;**
- v) reject the application,**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Venus Café, Ferry Steps, Millbay Road, East Portlemouth, TQ8 8PU** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application from Venus Company Limited for a new Premises Licence on 10th May 2022. The purpose of the application is for supply of alcohol for consumption on the premises Monday to Sunday 10am to 5.30pm. A copy of the application is attached at **Appendix A**.
- 1.3 The premises is intended to be used as a cafe, with a small seating area outside for alcohol and food consumption. A copy of the plan of the premises is attached at **Appendix B**.

2. Background

- 2.1 The premises is located at the top of ferry steps overlooking the estuary. A map of the location is attached at **Appendix C**.
- 2.2 During the consultation period, sixteen relevant representations were received from local residents and Town/Parish Council's in objection to the application. No representations were received in support of the application. No representations were received from any of the Responsible Authorities. Copies of the representations are attached at **Appendix D**.
- 2.3 Concerns have been raised in relation to all four of the licensing objectives; prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm, with particular concern about issues arising from customers taking alcohol from the premises to consume on the beach. There is also concern about the potential increase in litter and noise nuisance.
- 2.4 The Licensing Team have consulted with the Police regarding the application and they have confirmed with the applicant conditions they would like imposed, to which the applicant has agreed. A copy of the Police's comments is attached at **Appendix E**.
- 2.5 Any reference within the representations to the 'need' for the supply of alcohol at the premises cannot be taken into consideration.
- 2.6 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised April 2018).

- 2.7 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives).
- 2.8 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.9 Section 3.2 of the Policy states: A licence (or club premises certificate) will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 2.10 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.11 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in April 2018 state: The Licensing Authority may not impose conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).
- 2.12 The following responsible authorities are statutory consultees under the Licensing Act 2003:
- Devon and Cornwall Police
 - Devon and Somerset Fire and Rescue Service
 - Devon Safeguarding Children's Board
 - Devon County Council Trading Standards
 - Devon Drug and Alcohol Action Team, NHS Devon
 - South Hams District Council Planning Department
 - South Hams District Council Environmental Health (Health & Safety)
 - South Hams District Council Environmental Health (Pollution Control)
- 2.13 Two representations have been received from East Portlemouth Parish Council and Salcombe Town Council.
- 2.14 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

- 3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:
- 3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.19 of the guidance).
- 3.3 Sections 5.5.1 and 5.5.1 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or other persons on the basis of the licensing objectives. However, when dealing with licensing hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.4 Section 5.5.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 3.5 Section 3.8.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.
- 3.6 Section 3.8.6 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern and warrant restrictions in the operating schedule include premises: -
- ❑ where entertainment of an adult or sexual nature is provided
 - ❑ where there is a strong element of gambling taking place
 - ❑ with a known association with drug taking or dealing

- where there have been convictions of the current management for serving alcohol to minors
 - with a reputation for allowing underage drinking
 - where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.
- 3.7 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the

normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:
- i) grant the application as submitted, subject to any Mandatory Conditions required;
 - ii) modify the conditions of the licence;
 - iii) exclude any of the licensable activities to which the application relates;
 - iv) to refuse to specify a person in the licence as the premises supervisor;
 - v) reject the application, in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee</p>

		<p>takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <p>(a) to grant the licence subject to:-</p> <p>i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as extent as the authority considers necessary for the promotion of the licensing objectives, and</p> <p>ii) any conditions which must under section 19, 20 or 21 be included in the licence;</p> <p>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>(c) to reject the application</p> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <p>a) dismiss the appeal;</p> <p>b) substitute for the decision appeal against another decision which could have been made by the Licensing authority;</p> <p>c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.</p>
Financial	N	<p>There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.</p>
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p>

		Decisions may be appealed (see financial and legal/governance sections above).
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the ‘protection of children from harm’ licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including ‘public safety’ and ‘protection of children from harm’.
Other implications		

Supporting Information

Appendices:

Appendix A – premises licence application

Appendix B – plan of premises

Appendix C – map of location

Appendix D – representations

Appendix E – Police email

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council’s Statement of Licensing Policy

Responses to Notices of Hearing

Consent to be DPS form

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No

Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

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Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We	The Venus Company Ltd
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(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Venus Cafe, Ferry Steps, Millbay Road,			
Post town	East Portlemouth	Postcode	TQ8 8PU

Telephone number at premises	01548 843558
Non-domestic rateable value of premises	£ 3050

Part 2 - Applicant details

Please state whether you are applying for a premises licence as:

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) Individual Applicants (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

Second Individual Applicant (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth			I am 18 or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address					

(B) Other Applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	The Venus Company Ltd
Address	Melverley, Ravensbourne Lane, Stoke Fleming TQ6 0QR
Registered number (where applicable)	3514375

Description of applicant (for example, partnership, company, unincorporated association etc.) Company Ltd
Telephone number (if any) 01803 712648 option 4
E-mail address (optional) lee@venuscompany.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?	DD MM YYYY 0 1 0 5 2 0 2 2
If you wish the licence to be valid only for a limited period, when do you want it to end?	DD MM YYYY □ □ □ □ □ □ □ □

Please give a general description of the premises (please read guidance note 1)

A brick built building at the top of ferry steps with a garden overlooking the estuary (ria) and towards the town of Salcombe on the opposite shore.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A - Plays

Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B - Films

Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C - Indoor sporting events

Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			
Fri			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat			
Sun			

D - Boxing or wrestling entertainments

Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E - Live music

Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur					
			Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F - Recorded music

Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G - Performances of dance

Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H - Anything of a similar description to that falling within (e), (f) or (g)

Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I - Late night refreshment

Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J - Supply of alcohol

Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10	17.30	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	10	17.30			
Wed	10	17.30			
Thur	10	17.30		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) Merlin Week Racing 3rd - 8th July till 20.00 At Salcombe Regatta 30th July to 6th August till 20.00	
Fri	10	17.30			
Sat	10	17.30			
Sun	10	17.30			

e) The protection of children from harm

A proof of age policy

Checklist:

Please tick to indicate agreement

- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

It is an Offence, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an Offence under Section 24B of the Immigration Act 1971 for a person to work when they know or have reasonable cause to believe that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act will be committing an Offence where they do so in the knowledge or with reasonable cause to believe that the employee is disqualified

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Geraldine Porter	
Date of birth 14th May 1947	
Address The Venus Company, Unit A, Halwell Business Park, Halwell, Nr. Totnes	
Postcode	TQ9 7LQ
Personal licence number (if known) TQ90380	
Issuing licensing authority (if known) South Hams District Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None10

L - Hours premises are open to the public

Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) At Salcombe Regatta 30th July to 6th August to remain open till 20.00 hours Merlin Week Racing 3rd -8th July open till 20.00 hours
Day	Start	Finish	
Mon	10	17.30	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	10	17.30	
Wed	10	17.30	
Thur	10	17.30	
Fri	10	17.30	
Sat	10	17.30	
Sun	10	17.30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

No customers carrying open or sealed bottles or glasses may be admitted to the premises at any time.
Irresponsible drinks promotions not permitted
Incident book kept with details of any instances of public disorder

c) Public safety

Free drinking water available at all times
Adequate arrangements for disabled people to enable safe evacuation
First Aid Box with adequate supplies available

d) The prevention of public nuisance


All litter attributable to the business to be removed

Part 4 – Signatures (please read guidance note 11)

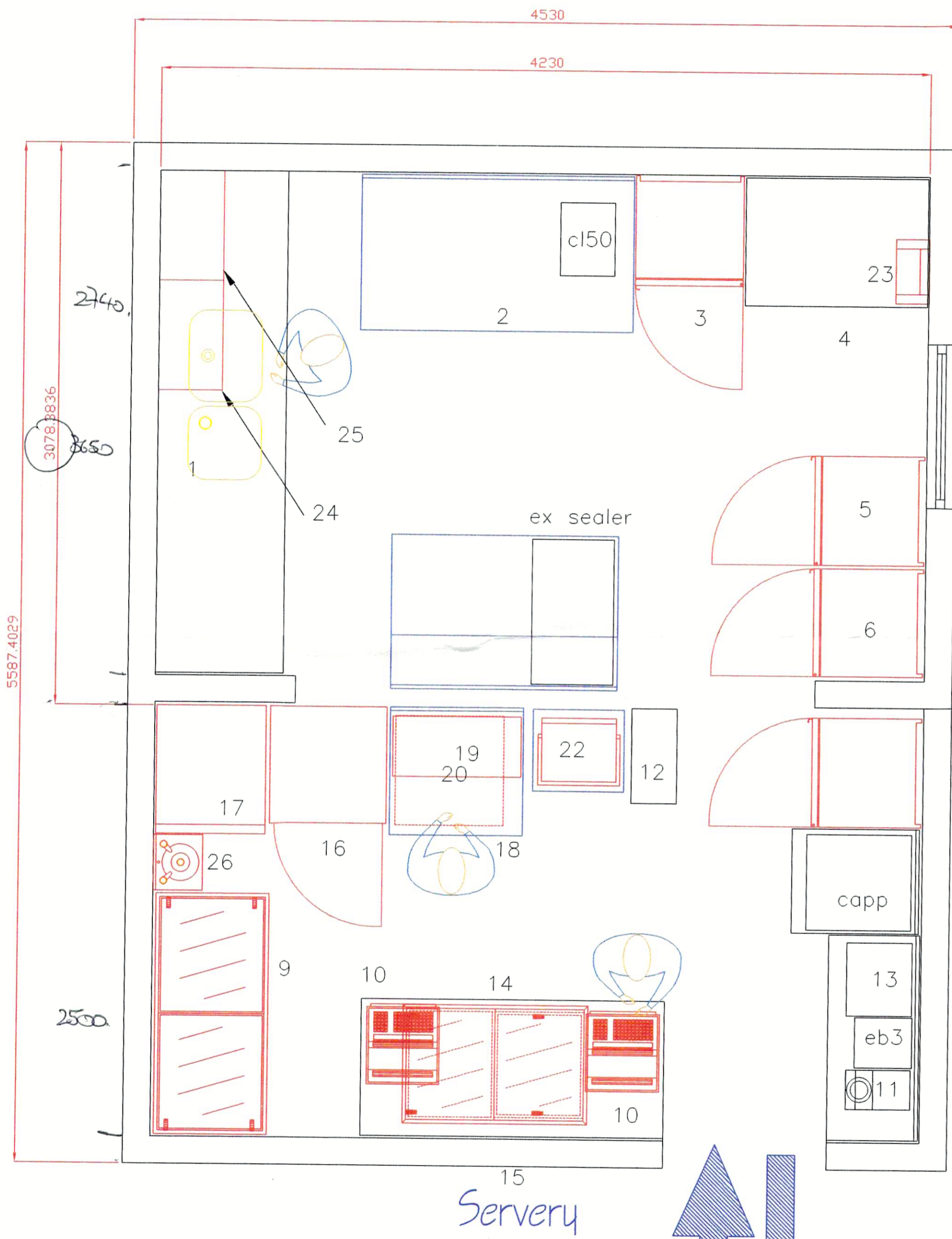
Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	G. Lee Porter
Date	28th April 2022
Capacity	Senior Manager and personal license holder

For joint applications, signature of Second applicant or Second applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	09/05/2022
Capacity	MANAGING DIRECTOR

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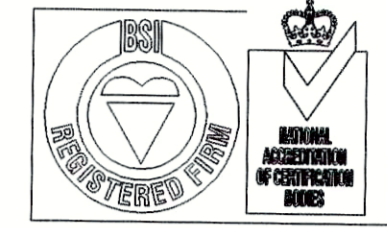
BLDG TO
4th 3370.

I HEREBY CONFIRM MY ACCEPTANCE
OF ALL INFORMATION ON THIS DRAWING
AND UNDERSTAND THAT ANY SUBSEQUENT
CHANGES TO THIS PLAN MAY BE SUBJECT
TO ADDITIONAL CHARGES

CUSTOMER SIG.....

PRINT.....

DATE:.....



Reg. No. FM26534

- IMPORTANT INFORMATION**
- ALL DIMENSIONS MUST BE CHECKED ON SITE & NOT SCALED FROM THIS DRAWING. IT IS THE RESPONSIBILITY OF THE CLIENT TO SUBMIT ANY DRAWING TO THE ENVIRONMENTAL HEALTH OFFICERS AS REQUIRED.
 - ALL SOCKET OUTLETS INDICATED TO BE SUPPLIED BY OTHERS.
 - ALL EARTH BONDING BY OTHERS.
 - ALL TO IEE REGULATIONS.
 - ALL SERVICE TO BE PROVIDED TO WITHIN 1 METRE OF FINAL FIXED POSITION.
 - FINAL CONNECTION BY 'ALLSOP & PITTS'.
 - NO ELECTRICAL DETAILS HAVE BEEN SHOWN FOR GENERAL USER REQUIREMENTS SUCH AS TILL LINES, PRINTERS ETC.
 - A CONSTANT GOVERNED GAS FEED PRESSURE OF 8" WG FOR NAT GAS & 14" FOR LPG IS REQUIRED UNLESS OTHERWISE STATED.
 - A FRESH AIR INPUT SUPPLY OF 85% IS REQUIRED BY THE E.H.O.
 - ALL WATER SUPPLIES MUST BE SUPPLIED COMPLETE WITH AN ISOLATION VALVE.
 - ALL REMOTE CABLE OUTLETS, WHERE REQUIRED TO BE OF METAL SURFACE MOUNTED TYPE SET TO 300MM AFL UNLESS OTHERWISE STATED.
 - ALL 2/3 PHASE SUPPLIES, UNLESS OTHERWISE SPECIFIED TO BE 2/3 PHASE & NEUTRAL.
 - ALL CATERING EQUIPMENT WHEN POSITIONED UP AGAINST WALLS, UNLESS OTHERWISE SHOWN ARE SITED TIGHT TO WALL FINISHES, WE ASSUME NO SURFACE MOUNTED SERVICES WILL FOUL THIS EQUIPMENT.
 - ALL SS TO BE TYPE 304 GRADE TOPS AND 430 GRADE LEGS.
 - ALL SS WALL SHELVES AND BRACKETS WILL BE POSITIONED AT A HEIGHT OF 1600 MM F.F.L OR AS SITE CONDITIONS DICTATE.
 - A FREE AIR FLOW DIRECT TO OUTSIDE MUST BE PROVIDED BY CLIENT TO MEET CORGI REGULATIONS IF GAS EQUIPMENT IS TO BE INSTALLED/USED.
 - A VRC APPROVED TYPE A AIR GAP MUST BE PROVIDED BY CLIENT TO MEET WATER REGULATIONS THIS MUST BE PROVIDED TO ALL WATER SUPPLIES TO BE USED WITHIN THE KITCHEN AREA.

Allsop & Pitts
The Catering Equipment Specialists

- Sales & Service of:
- Catering Equipment
- Food Preparation Machinery
- Refrigeration
- Stainless Steel Fabrication
- Kitchen Sundries



REV	ALTERATIONS	DATE

© COPYRIGHT OF:
Venus Catering & Gifts
Melverley
Ravensbourne Lane
Stoke Fleming
Bournemouth
T06 00R

CLIENT:
Venus Company Ltd
EAST PORTLEMOUTH

SCALE: 1:20

DRAWN BY: PW CHECKED BY: AL

DRAWING NO: P1502A-AL

ITEM	DESCRIPTION
1	STAINLESS STEEL DOUBLE BOWL, SINGLE DRAINER SINK UNIT O/S 1500 X 600mm
2	STAINLESS STEEL GARNISH TABLE 1500 X 600mm
3	GRAM FS330 UP RIGHT FREEZER
4	BIB RACK EQUIPMENT
5	GRAM K400 UP RIGHT REFRIGERATOR
6	GRAM K400 UP RIGHT REFRIGERATOR
7	LINCAT J12 FREE STANDING FRYER
8	VISU FRY DUMP STATION ON STAINLESS STEEL WALL TABLE
9	EXISTING SCOOP FREEZER
10	TILLS - BY OTHERS
11	BRAVILOR THA20 COFFEE MACHINE
12	EXISTING HOT CHOCOLATE MACHINE
13	EXISTING MILK MACHINE
14	EXISTING ICE CREAM FREEZER UNDER COUNTER
15	COUNTER
16	EXISTING PEPSI REFRIGERATOR
17	STAINLESS STEEL WALL TABLE C/W 2 X ANGLED OVER SHELVES WITH PROVISION FOR (DRINKS MACHINE - BY OTHERS) O/S 600 X 700mm
18	2 X EXISTING PARRY CPC PIE CABINETS (STACKED)
19	STAINLESS STEEL WALL TABLE O/S 1200 X 700mm
20	EXISTING WIRLPOOL COMBINATION OVEN
21	STAINLESS STEEL WALL TABLE WITH PROVISION FOR INEM 20 UNDER O/S 1200 X 700mm
22	EXISTING CONTACT GRILL ON STAINLESS STEEL WALL TABLE
23	P&L STSTEMS EX16 FLY KILLER
24	EXISTINGSTAINLESS STEEL WALL SHELF O/S 600 X 300mm
25	EXISTING STAINLESS STEEL WALL SHELF O/S 600 X 300mm
26	SISSONS 'MODEL A' WASH HAND BASIN

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New 100mm soil drain to connect to the existing soakaway.

dashed line shows 150mm upvc duct below slab running from shed to base of drinks tower item 17 for services by others. allow to raise edge of duct by 100mm above finished floor level.

Supply from the counter of the kitchen

Consumption outdoor seating in the garden

New ALULINE 200 litre floor standing grease trap below the worktop with detachable connections to allow removal for regular maintenance. drain run below floor level.

reposition the existing water pressure vessel under the new sinks, new sinks 1000mm above floor level.

Remove the existing door and frame and replace with v-jointed vertical t & g boarding on 19 x 38mm battens on 19 x 38mm counter battens on TYVEK 1056B breathable felt on 20mm wbp ply on 100 x 50mm treated sw studwork finished internally with moisture resistant plasterboard and skim.

Lay York paving slabs, removed from front of the existing cafe, on concrete base, to form new roadside path.

DEMOLITION.

Remove existing entrance door and frame.
 Remove existing window and frame.
 Remove existing serving hatch doors and frame.
 Demolish wall below hatch cill to form new opening as shown. (keep stone for reuse.)
 Remove the timber handrails and balustrading to the existing steps.
 Carefully remove the existing paving and store for reuse. Grub up the concrete ground slab.
 Carefully remove existing fixtures and fittings and store for reuse as directed.
 Cut back the existing plumbing, cap off and leave ready for connection to the new fittings.
 Cut back the existing drainage as necessary, cap off and leave ready for reconnection to the new fittings.
 Cut back the existing electrical wiring and leave ready for connection to the new fittings.
 Cut out trench in the existing floor to accept the new 100mm soil drain.
 Carefully remove the existing Store roof and store for reuse and reduce the heights of the existing timber frame walls as shown.

Generally:
 Clear and cart away and make good to all surfaces disturbed to match the existing.

FOUNDATIONS

Edge thickening of the new concrete floor slab all to the engineer's details.

GROUND FLOOR

150mmsq quarry tiles and skirting tiles supplied by client on 75mm sand/cement screed on min 1200 gauge VISQUEEN dpm on 150mm reinforced and cantilevered concrete slab on 150mm sand blinded hardcore.

DAMP PROOF COURSES

Dpc's to be built into all walls. Horizontal dpc's to be min 150mm above external ground level and to be continuous with dpm. Vertical dpc's at window and door openings. Vertical dpc at junction of new wall and new studwork wall. Vertical dpc cut into existing wall and joint between new and existing to be sealed with pre compressed sealing strip or polymer sealant all as agreed with the Local Authority.

1.8mm lead flashings and soakers.

WALLS EXTERNAL

225mm external wall comprising 225mm natural stonework (reuse stone from site) to match the existing on dpc on 225mm dense blockwork plinth. Finished internally with two coat plaster and gypsum skim on VANDEX waterproofing render.

WALLS EXTERNAL continued.

20mm shiplap treated softwood boarding painted with water based opaque stain colour to be advised, on 19 x 38mm treated, vertical sw battens on TYVEK 1056B breathable felt on 20mm wbp plywood on 100 x 50mm treated sw studwork @ 400mm c/c, with head and sole plates on 300 x 75mm pcc cill and finished internally with 12mm moisture resistant plasterboard and gypsum skim on 1000 gauge VISQUEEN vapour barrier.

Walls to be tied to the existing with stainless steel wall connectors installed strictly in accord with the manufacturer's instructions and recommendations. Vertical dpc cut into the existing wall. New wall junction to be sealed with pre compressed sealing strip or polymer based sealant all as agreed with the Local Authority.

WINDOWS AND DOORS

New stained softwood window with hardwood cill, as shown in the existing opening.
 New stained hardwood vertical boarded entrance door and frame.

Window to have casement lock to BS3621.

ROOF

Second hand slates to match the existing on 19 x 38mm treated sw battens on TYVEK B Pro breathable roofing felt on 50 x 100mm rafters @ 400mm c/c, on 75 x 150mm wrot sw purlins. Soffit to be finished with 12mm plasterboard and skim on 1000 gauge VISQUEEN vapour barrier. Wrot softwood truss on 150 x 150mm wrot sw posts, with bevelled edges, all to the engineer's details.
 Truss to be min: 75 x 150mm rafters.
 75 x 150mm tie.
 75 x 125mm king post.

DRAINAGE

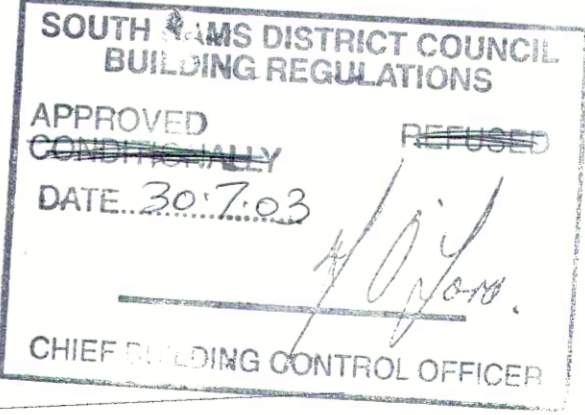
38mm basin wastes with deep seal traps to discharge to the existing soakaway via new ALULINE Ltd. (01670 544340), 200 litre, floor standing grease converter with removable connections, below worktop. Grease converter to have . All to discharge to 100mm stub stack with air admittance valve.

100mm underground foul drainage to have flexible joints and where passing under building to be encased in granular material and be protected with pcc lintels where passing through walls.

100mm rw gutters and 63mm downpipes to match the existing to discharge to the existing rw system via new rw gullies.

NB.

Electrical layout by others.



rev a june 2003 pre tender revisions

REV	DATE	DESCRIPTION

JOE
 Venus Cafe,
 Ferry Steps,
 East Portsmouth.

TITLE
 Ground Floor Plan.

SCALE
 1:50.

DRAWING N°
 0254 10a.

Michael Stopher

STOPHER DESIGN PARTNERSHIP
 82 Fore Street,
 Kingsbridge,
 Devon. TQ7 1PP.
 Telephone. 01548 853844
 Facsimile. 01548 854571
 e mail.michael.stopher@btinternet.com

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Venus Café- list of Objections

Objection 1

East Portlemouth P. C., and SW Devon Licensing With regard to the application for a license to sell alcohol from the Venus Cafe in East Portlemouth.

I believe this would be detrimental to the village for multiple reasons.

The Cafe has no toilet facilities and depends upon the public facilities.

The cafe can be exited through gaps in its hedge so there would be no control of alcohol and glass being taken to the beach.

There is no police presence in the area and when alcohol induced bad behaviour occurs there is no restraining possibility or control within any reasonable time scale.

The site is potentially unsafe given the drop to the rocks along its western boarder and any intoxicated individual would be vulnerable.

The venue is not enclosed thus there is the likelihood of noise nuisance.

If it attracts more vehicles the lower road will become even worse during those busy weeks than it currently is already, being a serious hazard when emergency vehicles require access to any of the properties / beaches.

There would be no additional parking facilities, existing parking being inadequate.

Objection 2

I would like to **object to this application being granted**, for the following reasons:

1. **NOISE:** I object to this application. There is no indoor accommodation at Venus Café and as an open air venue they have no control over noise, which could occur after excessive alcohol consumption. . This could be a public nuisance.
2. **PUBLIC SAFETY:** As everything else Venus Cafe sells is either to be consumed on the premises or taken away I don't see how they can stop alcoholic drinks being taken to the beaches. This could potentially affect the safety of the public, and in particular children, if it results in rowdy behaviour and disorderly conduct. . Beaches are used particularly by families with children and their use should not be prejudiced by any potential disorderly conduct, which might result from alcohol use..
3. **PREVENTION OF CRIME & DISORDER:** This licence would also likely allow people to stock up with extra alcohol before last orders and enable them to stay drinking on the **Private Beaches** of East Portlemouth after the licensing hours. Late drinking can lead to drunkenness on the beaches, and also lead to the risks of people trying to cross after the last harbour taxi from Salcombe using borrowed boats or other means.
- 4 **COMMERCIAL EXPLOITATION:** The drinking of alcohol supplied by the Venus Café taken to the beaches would constitute a commercial exploitation of the East Portlemouth beaches which I and the other owners would not allow. The beaches are privately owned, and should be respected.
- 4 **TOILET FACILITIES:** As a licensed premises Venus Cafe should have control of their facilities. ***Venus Café has no toilet facilities on site.***
The public WC in the area would not satisfy this requirement as it is not on their premises or under their control, and could be un-serviceable or closed. These public toilets are

already overused, particularly in the summer, and rubbish often accumulates and overflows.

By comparison, Port Waterhouse's licence to supply alcohol for consumption on the premises does not set a precedent for this application, as they have indoor accommodation and their own WC facilities. Their site area is substantially larger and is able to deal with such matters.

Objection 3

A previous application was refused; there has been no material change in conditions or circumstances since.

I write as a home-owner whose house is within 30m of the Venus Cafe.

I understand that the criteria used to judge an application depend on the following 4 considerations: -

1. Prevention of crime and disorder

The nearest police station is in Kingsbridge, 9 or 10 miles and 35-40 mins drive depending on the state of the tide. Should there be any trouble, the police are a long way away. If alcohol were to be kept on the premises it could become a target for a break-in.

2. Public safety

The Venus Cafe is open air, occupying a narrow strip of land between the road and the cliff edge dropping down sheer over the rocks & concrete to the beach below; the boundary to the road is part wooden pole fencing, part boulder & shrubs; the cliff side is a basic wooden fence, not all in sound condition. The road can be busy especially during school holidays, with beach-goers and fishermen trying to park, and walkers, holiday-makers and locals going to & from the Ferry, the Ferry Steps being immediately adjacent to the Venus Cafe - in the summer the queue often reaches up on to the road.

Litter is already a big problem - this last weekend, for instance, all 3 of the public litter bins were stuffed and overflowing onto road & steps. The addition of quantities of empty drinks cans and bottles (which certainly ought to be re-cycled but won't be), and the possibility of broken glass where many people are walking barefoot, is highly undesirable.

3. Prevention of public nuisance

- More delivery lorries blocking the single track road would be a nuisance.
- The overspill of litter is potentially hazardous, and litter being put in private bins is an irritating nuisance.
- It is likely that some customers will buy alcohol to take onto the beach - it is hard to see how the staff at the cafe could prevent it (they are behind a screen in the kitchen: there is no table service); inevitably from time to time there may be a large party, relaxed on holiday, who make a lot of noise, play loud music, try & light a fire, get drunk, leave litter & broken glass on the beach. This is especially likely in the sailing weeks with later opening hours, crews wanting a drink after an exciting race, having one or two too many, and then sailing back to a mooring through the busy waterway that the estuary is in the summer.
- The Venus Cafe does not have its own toilets. They use - but have no control over - the public lavatories adjacent, which are small, and may be closed without warning for cleaning, maintenance or repair (or the next lockdown or other unforeseen crisis). More drinking either on the premises or on the beach will put further pressure on these facilities. At times when

they are closed, (as before they were built) those 'caught short' resort to urinating (or worse) on the beach, or knocking on doors of local residents to use their loos.

- The beaches are privately owned; their use by the public is under conditions of considerate behaviour. They are a major attraction of the area, but their use by the public is not a right.

4. Protection of children from harm

Alcohol and children don't mix.

The beaches of East Portlemouth attract families in droves, by car from inland, on foot from the village, and by ferry, hired or private boats, paddle boards and dinghies from over in Salcombe. The Venus Cafe would have no possibility of supervising under age drinking, either on or off the premises (there are only 1 or 2 staff and they are behind the counter); or ensuring that adults drink sensibly - most adults drinking there will not have to drive (a car) home, so may be tempted to have more than usual.

Children are frequently barefoot, not just on the beach, but around the road and ferry too, where they might step on broken glass or crushed metal drinks cans, ring pulls or bottle tops.

The above points demonstrate that there are multiple reasons why the sale of alcohol by the Venus Cafe would be deleterious to the neighbourhood, have no benefit for locals, and add nothing to the attractions of the East Portlemouth beaches as a family-friendly resort. I firmly hope this application will be turned down.

Objection 4

I object to this application on the following grounds.

The license application is for the sale of alcohol on the premises, but this cafe does not have any covered premises except for the counter where they serve food and drinks. It is not clear how the cafe can contain those drinking alcohol when their outside facilities border a busy road, beach and foot ferry landing.

The cafe also has no toilet facilities and the owners will have no control over the nearest public toilets, which could therefore be out of service or closed during cafe open hours.

There is an increased likelihood of drunkenness and disorderly behaviour on the beaches, which are often full of families and children, if people can stock up with alcohol close by.

If the last ferry back across the estuary at night to the local accommodation is missed, some may be tempted to "borrow" one of the numerous craft permitted to be kept overnight on the beaches by the beach owners.

The cafe is in Kingsbridge Rural East policing area and if anti-social behaviour is reported it could take a considerable time for police (or an ambulance) to come down the narrow and often busy lanes to attend the incident.

Since the cafe is in the open air it cannot contain noise, increasing the likelihood of this issue becoming a public nuisance.

All the local beaches are privately owned and if alcohol bought from the cafe was taken and consumed on them, the owners would consider this to be unacceptable commercial exploitation.

This application should be refused if the council's objectives of promoting public safety, the protection of children, the prevention of public nuisance and the prevention of crime and disorder are to be followed.

Objection 5

We write as owners and residents of [redacted] in the matter of an application by Venus Company Limited for a premises licence for their Venus Café at The Ferry Steps, East Portlemouth [redacted] is situated at [redacted] which is approximately [redacted] metres south west of the Venus Café. The only vehicular access to [redacted] is on the [redacted] which passes the Venus Café.

It is our understanding that an application has been made to the Licensing Authority to supply alcohol, between the hours 9.00am and 11.00pm (remaining open until 11.30pm), both on and off the premises.

In accordance with the Licensing Act 2003, we are making representations against the above application, on the grounds set out below.

1. Prevention of Crime and Disorder

(a) The Licensing Authority will be aware of the alcohol problems experienced at Salcombe which resulted in the establishment of prohibition zones in the town. We think it reasonable to believe that same problems will migrate to the Portlemouth shore, if alcohol is readily available. If East Portlemouth has no prohibition zones , this may actually encourage the movement of unacceptable behaviour to the Portlemouth shore

(b) The village of East Portlemouth is approximately 9 miles from Kingsbridge, where the nearest Police Station is situated. The journey from Kingsbridge takes a minimum of 25 minutes and it is therefore evident that there will be significant delays if a Police presence is required.

2. The Prevention of Public Nuisance

(b) Whilst the holding of evening beach parties is actively discouraged by the foreshore owners, it is not unusual for such parties to be held at Mill Bay in the summer months, with anti-social behaviour often being the result. Such parties normally end when supplies of alcohol run out. Further supplies of alcohol are not currently available in East Portlemouth, which tends to limit the duration of late night parties. With supplies readily available, we are concerned that anti-social behaviour may become a serious problem.

2. Public Safety

(a) The Venus Café occupies a small building and offers a very limited outside seating area for patrons. Observation of the current trading indicates that many patrons, after having made their purchases, consume their food and drink standing in the road. Whilst this poses a limited danger to patrons and motorists during the current operating hours (9.00am to 5.00pm), we believe that with the possibility of patrons standing in the road and consuming alcohol until 11.30pm, the dangers will severely increase and the chances of a serious traffic accident are high.

(b) There is no off road car parking provided by the Venus Café. The limited car parking in the road opposite the Venus Café was created for those people intending to use the passenger ferry to Salcombe. Since the opening of the Venus Café some years ago, there has been a very significant increase in traffic congestion in the adjacent road. This has resulted in an increased danger for pedestrians, particularly children, when exiting the ferry steps, on to the road.

(c) Whilst some patrons will visit the premises by road, we suggest that in the summer months an even greater number will arrive by water. The Salcombe to Portlemouth ferry runs no later than 7.30pm and it is therefore likely that many patrons will arrive in their own craft which will enable them to return to Salcombe at a later time. It is acknowledged that the harbour taxi may be available but this needs to be booked in advance. The stretch of the harbour adjacent to the Venus Café is the most congested part of the entire estuary, with many ship and yacht movements during the day and night. We would suggest that patrons, after having consumed alcohol, either as passengers or as conductors of small craft attempting to cross the harbour, at night, represents a very dangerous situation. The Harbour bye laws are specific on the subject of intoxication.

For the reasons set out above, we request that the Licensing Committee refuse this application.

Objection 6

As a second home owner in east Portlemouth I would like to raise some concerns about the proposed alcohol licence for the Venus cafe adjacent to the ferry steps.

Firstly there are inherent dangers to drinkers and others by the proximity of the cafe to the road and by its site at the top of a cliff with a fence that is in poor condition. There is much evidence that those who have imbibed alcohol have an increased risk of accidents.

Secondly the increased use of the cafe will increase the amount of litter on the beach thus causing a public nuisance as well a risk of increased rowdiness.

I know that these objections can be countered by the fact that there is nothing to stop people from bringing their own to the beach but I believe that this proposal will lead to such an increase that it will be unacceptable.

Objection 7

Name: East Portlemouth Parish Council

The Parish Council is an interested party in this application, representing members of the community who have homes in the vicinity of the Venus Café and the many hundreds of people who regularly use the adjacent lane, ferry and nearby beaches all year round.

At the Council meeting earlier this evening the overwhelming majority of parishioners and council members raised objections to the granting of the licence. The very few who did not object were in favour of a short trial period followed by a public review and removal of the licence if necessary. The Council understands that this is not something that is within your remit.

East Portlemouth is proud of its tranquil setting. Indeed, it is the peace and quiet of the area which attracts people wishing to avoid the noise and commerciality of Salcombe that lies just a few minutes away by boat. The over-riding concern of the community is that this unique character is not damaged or lost as a consequence of granting the application.

The privately-owned beaches in East Portlemouth are a long-standing haven for residents and family holidaymakers. During the summer the kiosk is used by families for ice creams and snacks and is essentially a small waterside snack bar. A commercial venue offering alcohol at this site has the potential for creating serious consequences for customers, local residents and the public in general. We consider that granting this licence would undermine the licensing objectives in the following ways:

Prevention of crime and disorder

- The consumption of alcohol has been banned in the streets of Salcombe for a number of years in order to counter disorderly behaviour there. Granting a licence to purchase alcohol on the opposite waterfront of East Portlemouth simply moves the problem over to us.
- Due to the open nature of the site, it would be extremely difficult to prevent people from leaving the premises with alcohol once it has been purchased. The only workers stay in the kiosk and tables are cleared by customers. There are no gates at the entrances and customers come and go as they please.
- If people can stock up with alcohol close by, there is an increased likelihood of drunkenness and disorderly behaviour on the beaches, which are often full of families and children.
- If this application were to be granted East Portlemouth would have more generous alcohol consumption rules than Salcombe, as there would be all day sale of alcohol, making East Portlemouth a magnet for excessive alcohol consumption. Should there be a problem with people behaving in a disorderly manner it could well take the Police in excess of an hour to access this remote site, and probably much longer during the summer months.
- The kiosk staff normally employed are young people and students. There would need to be significant management and supervision put in place to ensure compliance with the licensing regulations.
- The kiosk staff would not be equipped or authorised to deal with issues of drunkenness rowdiness and littering outside the perimeter of the site, which is a quiet residential area.

Public safety

- The East Portlemouth Venus Café is an open-air area with a kiosk offering a counter service to customers taking away their food or eating at wooden picnic style tables directly adjacent to a single-track lane. (see pictures 1, 2 and 3). At holiday times the queue of people waiting to be served at the counter spills over into the lane. The additional trade resulting from the licence would make this problem an even more serious public safety issue.
- It is not clear how the kiosk can contain those customers drinking alcohol when their facilities are outside and open-air, border a busy lane, a beach and foot ferry landing (see pictures 1, 2 and 3).
- East Portlemouth is accessible by narrow roads and at the Venus Café site the road is particularly narrow, with cars parked on one side of the road and a constant too-ing and fro-ing of holiday makers either accessing the public toilets, the ferry to Salcombe or queuing to be served. Alcohol consumption would be an additional hazard on an already over-crowded road, particularly as there is an abundance of family holiday makers with children.
- There are inherent dangers to drinkers and others due to the proximity of the tables to the road and due to its site at the top of a cliff with a fence that is currently in poor condition. The site is

potentially unsafe because there is a long drop to the rocks along its western border (see pictures 2 and 4).

- It is likely that many customers will come from the Salcombe side and will need to return after drinking. Unless they come by their own boat, they will depend on the Salcombe ferry services. As a rule, the ferries do not offer their services to weddings and other events on the East Portlemouth side to avoid the liability of inebriated people falling off the jetty which extends over the water (see picture 2). Neither do they want to give their staff the responsibility of conveying a rowdy group safely across the estuary. The weather can turn very quickly which just adds another risk factor to anyone crossing the estuary.
- There are practical problems around water transport during the Merlin Racing Week and Salcombe Regatta. Extending opening licensing hours to 20:00 could result in drinkers being stranded because the ferry is restricted and the harbour taxi is for the use of boat owners.
- An increase in disorderly drunken people aboard boats in Salcombe Harbour would also be a safety issue. This is already becoming a problem for the Harbour Master with boats originating from the Salcombe side of the water.
- The Police need to be able to manage and police the night-time economy effectively and take action against those premises that are causing problems. Due to the remote location of the premises the police could not attend an alcohol fuelled disturbance in East Portlemouth quickly, if at all, in time.
- There is no shelter for customers eating at the picnic tables.
- Vehicle movements along the single-track lane would increase; more customers' cars, suppliers' lorries and Venus Café staff would all add to the congestion. The lane is already 'log-jammed' on a regular basis over the summer; it is a 'no through' lane with limited parking at its termination. This creates a serious problem for emergency vehicles that will only worsen if the licence is granted.
- The kiosk currently has no parking area of its own, unlike the other Venus Café outlets. There would be no additional parking facilities available, existing parking being inadequate.
- There is no street lighting in the area. After sunset, the ferry steps and access to the beach which is adjacent to the kiosk are in complete darkness.
- As a licensed premises Venus Café should have control of their facilities. Venus Café has no toilet facilities on site. The public toilets in the area, which are further along the narrow lane (see picture 3) would not satisfy this requirement as they are not on their premises or under their control and could be un-serviceable or closed. These public toilets are already overused, particularly in the summer, and rubbish often accumulates and overflows.
- The local authority refuse bins beside the Venus Café are already constantly full to overflowing in the summer months and extra rubbish deposits would only add to the risk of attracting vermin.

Prevention of public nuisance

- General rowdiness, particularly at closing time, would undoubtedly be a nuisance.
- Noise nuisance would be generated by late night customers at the café tables and customers taking their drinks with them onto the beaches and along the lane.
- Currently no fires or BBQs are permitted on the beach and foreshore areas which are privately owned. Sales of alcohol all day would encourage people to ignore these restrictions.
- Any street lighting installed at the café to ensure public safety would create lighting nuisance for nearby homes.
- All of the above should be considered in the context of the Venus Café being located in a quiet residential area.

Protection of children from harm

- The inability of staff to prevent customers taking drinks away would lead to alcohol being drunk on the beaches all day. Any rowdy behaviour and disorderly conduct would make the beaches unsafe and unsuitable for children.
- Our beaches, all privately owned, are used primarily by families with children and their use should not be prejudiced by any potential disorderly conduct, which might result from alcohol use.
- Alcohol sales would lead to empty bottles and cans and even more rubbish accumulating on the beaches. This would further pollute the water and create environmental and health and safety hazards, particularly for children playing on the sands and in the water. The applicant could charge a deposit on glasses and bottles, but in practice this would prove difficult to operate, particularly at busy times.

We invite you to visit the site of the kiosk with a small group of representatives from the community before making your decision in order to appreciate fully the issues raised. If you agree, then we should be happy to make the arrangements.

We appreciate that the applicant wishes to develop the business of the various Venus Café outlets but has failed to demonstrate that there is a local need or indeed that benefits to local people here will outweigh the considerable problems created.

The application does not address the fundamental and specific issues associated with the location and character of East Portlemouth that are very different from the sites of the other Venus Cafés.

Essentially, the East Portlemouth site is a kiosk with outside tables, not a café in the general meaning of the word.

The only licence for sales of alcohol along East Portlemouth waterfront is at Port Waterhouse. By comparison, Port Waterhouse's licence to supply alcohol for consumption on the premises does not set a precedent for this application because they have indoor accommodation and their own WC facilities. Further, their site area is substantially larger, is well away from the road with plenty of parking spaces available and is well managed by experienced owners and staff.

Objection 8

The application states that the Venus café in East Portlemouth wishes to sell alcohol to be consumed on the premises all year with extensions for the Merlin Rocket and Salcombe weeks.

We wish to object to the application for an alcohol licence for the Venus Cafe in East Portlemouth on the following grounds:

The prevention of crime and disorder

Due to the open nature of the site it will be extremely difficult to prevent people from leaving the premises with alcohol once it has been purchased, especially if in cans and bottles. The only workers at the café stay in the cabin and tables are cleared by the customers. There are no gates at the entrances and customers come and go as they please.

If incidents do occur there is no police presence in East Portlemouth.

During the summer the café is used by families for ice creams and snacks and is essentially a small waterside snack bar.

Public Safety

The café is situated on a narrow site with the outdoor seated area running alongside a very narrow road with no pavement. Cars are parked on one side and customers regularly spill out onto the road. The café does not have any parking or its own toilet facilities. There is no covered seating.

Public Nuisance

Customers clear their own litter to bins on the premises. How will the café staff ensure that all litter attributable to the café is 'removed'?

The ability to buy alcohol beside the beach will inevitably lead to increased drinking on the beach with the attendant litter and noise disturbance which is already a problem during busy periods.

In conclusion we consider that the venue and location are completely unsuitable for the serving of alcohol at any time.

Objection 9

I object to the above application for a license to sell alcohol on the following grounds.

East portlemouth is accessible by a narrow road and at the Venus cafe site the road is particularly narrow, with cars parked on one side of the road and a constant tooing and froing of holiday makers either accessing the public toilets, the ferry to Salcombe or queuing to be served at the cafe. Alcohol consumption would be an additional hazard on an already over crowded road, particularly as there is an abundance of holiday makers with children .

The Venus cafe has NO toilet facilities . There is a dependence on the public toilets and historically there have been moves to close the public toilets, which would leave the cafe with no facilities.

If this application was granted East Portlemouth would have more generous alcohol consumption rules that Salcombe, as there would be all day sale of alcohol, making East Portlemouth a magnet for excessive alcohol consumption. Should there be a problem with people behaving in a disorderly manner it could well take the Police in excess of an hour to access the site from Kingsbridge , which is the nearest Police station during the busy tourist months.

The Portlemouth side of the Salcombe estuary is a magnet for family holidays, with many children accessing the beaches. On occasions , because of the tides , everybody has to walk on the road to access the beaches. This is no place for the sale of alcohol.

Objection 10

The Venus Cafe applied for a license back in 2006 and I and two other locals attended and spoke at the planning meeting in Totnes.

The license was refused then and as nothing has changed in relation to the four licensing objectives I don't believe it should be granted now.

In terms of the four licensing objectives.

- **Prevention of Crime and Disorder**

The police need to be able to effectively manage and police the night-time economy and take action against those premises that are causing problems

Due to the remote location of the premises the Police could not attend an alcohol fuelled disturbance quickly if at all in time.

- **Public Safety**

The premises does not have a very narrow pavement outside its entrance - people queuing for drinks at busy times would spill out on to the road. See pic 1

The fence above the high cliff down to the beach is "home made" and at least one section has subsiding. See pic 2 & 3

It is likely that all customers will come from the Salcombe side and will need to return after drinking. Unless they come by their own boat they will depend on the salcombe ferry services. As a rule the ferries do not offer their services to weddings and other events on the East Portlemouth side to avoid the liability of inebriated people falling off the jetty which extends over the water. See pic 2.

Neither do they want to give their staff the responsibility of conveying a rowdy group safely across the estuary. The weather can turn very quickly which just adds another risk factor to anyone crossing the estuary.

- **Prevention of Public Nuisance**

The staff could not prevent off-premises drinking resulting in cans and glass bottles being left on the private beaches.

The noise from a rowdy group on the premises or on the beaches would disturb the local houses.

A licence would likely allow people to stock up with extra alcohol before last orders and enable them to stay drinking on the privately owned beaches after the permitted licensing hours.

- **Protection of Children from Harm**

The area is known for its family friendly environment which would not be compatible with an open licensed premises.

Queuing in the road would constitute a danger to children.

According to the "Revised Guidance issued under section 182 of the Licensing Act 2003" the legislation also supports a number of other key aims and purposes. "These are vitally important and should be principal aims for everyone involved in licensing work."

- **Providing a regulatory framework for alcohol which reflects the needs of local communities.**

There is no local need for this licence - it will not be seen as a benefit to the locals only a nuisance.

The only licence for sales of alcohol in East Portlemouth is at Port Waterhouse which is an on-licence within a building with its own toilet facilities. As such it should not set a precedent for this application which does not have toilet facilities under its control.

Public toilets are not suitable for disabled access. see pic 4/5

If the public toilets nearby were to be out of order (which they currently are) there would be no alternative. See pic 6

This licence will only benefit the Venus Cafe business and those from Salcombe who would find it convenient access alcohol near the beaches for consumption on the beaches which are all privately owned.

- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

No doubt there have been enough representations from locals to indicate that the local consensus is against this application.

Objection 11

I would like to object to the proposed alcohol licence application by The Venus Café at East Portlemouth, for the reasons given below:-

1. There is no indoor accommodation and as an open-air venue they have no control over noise.
2. As everything else they do is either to be consumed on the premises or taken away I don't see how they can stop drinks being taken to the beaches.
3. This licence would likely allow people to stock up with extra alcohol before last orders and enable them to stay drinking on the Private Beaches of East Portlemouth after the licensing hours.
4. The drinking of alcohol on the beaches supplied by the Venus Cafe would constitute a commercial exploitation of the East Portlemouth beaches which the owners would not allow.
5. The beaches at East Portlemouth are renowned for their family friendliness and are particularly popular with those with small children. This is not compatible with daytime alcohol sales.
6. Late drinking leading to drunkenness on the beaches lead to the risks of people trying to cross after the last harbour taxi for Salcombe using borrowed boats etc.
7. As a licensed premises they should have control of their own WC. The public WC should not satisfy this requirement as it is not on their premises or under their control and could be un-servicable or closed.
8. Changes to the entrance to Mill Bay Car Park mean that there is no turning place available for delivery vehicles which is already a problem with daily food deliveries to the Café. There is no turning space provided by the Venus Café itself.
9. Port Waterhouse licence to supply alcohol for consumption on the premises does not set a precedent for this application as they have indoor accommodation and their own WC facilities.

We trust that you will use your good offices to reject this proposed application, which can only lead to a significant diminishment of the amenity currently enjoyed by so many families at East Portlemouth. The only beneficiaries will be the Venus Café, to the detriment of the majority of visitors and the residents.

Objection 12

I wish to object to this application on the following grounds

1. There is an inevitability of disorder when mixing alcohol and holidaymakers not only in the hours requested but also amongst any crowd with the extended hours for regattas. The Police rarely are seen in East Portlemouth and would take a ;long time to get there should disorder arise.

2.As to Public Safety you will be aware of the vertical drop from the cafe to the beach and that the low fence is in part weak.

There may be a tendency for the public to venture to the cafe from Salcombe and the ferry is the only access and mixing alcohol and the estuary is not a good idea.. History has shown how deaths can occur twixt boat and land when mixed with alcohol.

3 Public nuisance follows from alcohol consumption particularly amongst the young people on holiday. The beaches are private and there has been occasion in the past for a beer drinking competition on the beach that lead to the inevitable vomiting etc. Not good on a family beach. Whether the beach owners may be forced to close the beach if a nuisance arises I do not know but it could happen

4. As to the protection of children from harm I would hope that this would not be an issue but alcohol does lead to extremes of behaviour and there are normally in Summer a lot of children on the beach and in the cafe

5..The Cafe has no toilet facilities and is reliant on the public toilets adjacent to the cafe.. Surely licensed premises are normally expected to have there own toilet facilities ?

6. All the estuary noise in the evening is currently from Salcombe . Perish the thought that the consequence of a licence is that there is music and noise from the cafe. . It would be a shame to wreck the attraction of the beaches and East Portlemouth by the granting of this licence.

7. If a licence was granted then the cafe would have to be stocked with whatever bottles the Company wishes to sell. But this would mean more traffic and even , perhaps , an extension to the cafe premises

Objection 13

We wish to object to the above license being granted for the following reasons.

1) Being co- owners of we feel that the safety for the neighbourhood is of paramount importance.

Alcohol consumption can create unruly and worrying behaviour, on the beaches, causing considerable distress to residents whose safety may be compromised.

Buying alcohol, from the Venus Cafe, and taking it and drinking it on the beaches can bring with it many problems. For example, broken glass bottles, litter ,boats been

“stolen” to return to Salcombe, the last ferry across from East Portlemouth to Salcombe having left. People shouting and causing alarm to residents

- 2) The drinking of alcohol, supplied by the Venus Cafe, would constitute a commercial exploitation of the East Portlemouth beaches which the owners would not allow
- 3) The Venus Cafe does not have any indoor space and therefore would have no control over the noise.
- 4) The Venus Cafe does not have any toilet facilities, and a licensed venue should have, again it would be distressing for residents if the beaches were used as a toilet!!!!

Objection 14

I may not be a permanent resident of East Portlemouth but I have owned my house there for 30 years and always spend the summer months there. My concern is that alcoholic drinks will inevitably be consumed on the beaches and that litter which is already a problem for those private beaches will increase. Drink cans and bottles are harmful to the environment when left strewn about the countryside. I urge the Council to oppose this application on the grounds of limited space at the cafe for the safe consumption of alcohol, and the harmful impact to the environment of increased litter which the present waste bins at the ferry and Mill Bay struggle to cope with in the summer months.

Objection 15

OBJECTION TO LICENSING APPLICATION

- Prevention of Crime and Disorder

Concern that provision of alcohol may lead to increased incidents of crime with property and beach moored vessels.

- Prevention of Public Nuisance

Venus cafe have limited area for consumption of food and beverages and therefore alcohol bought here will be taken onto the private beaches. This may well lead to behaviour and noise which will be disturbing for residents and holiday makers renting in East Portlemouth both during the day and evening.

Alcohol purchased at Venus cafe will be taken onto the beaches to be consumed long after licensing hours.

The drinking of alcohol on the beaches supplied by the Venus Cafe would constitute a commercial exploitation of the East Portlemouth beaches which the owners would not allow.

The local authority refuse bins beside the Venus Cafe are already constantly full to overflowing in the summer months and extra rubbish deposits could not be tolerated.

As a licensed premises they should have control of their own WC. The public WC should not satisfy this requirement as it is not on their premises or under their control and could be un-serviceable or closed.

Port Waterhouse licence to supply alcohol for consumption on the premises does not set a precedent for this application as they have indoor accommodation and their own WC facilities.

The private beaches in East Portlemouth are a long standing haven for residents and family holidaymakers. A commercial venue offering alcohol has the potential of creating serious problems

Objection 16

Name: Salcombe Town Council

It was AGREED to raise concern that there was no monitoring resource at the premises nor ability to control an on-licence criteria. The issue of storage of alcohol and implementation of Challenge 25 if the seasonal staff were young and how this would be policed.

GENERAL

The licence is only required from the 01st April until the 30th September annually due to the premises only being open during these months.

The supply of alcohol will cease 30 mins prior to the venue closing to the public to allow time for last drinks to be consumed.

1000-1700hrs daily

1000-1930hrs during Merlin racing week and Salcombe regatta week.

PROTECTION OF CHILDREN FROM HARM

CHALLENGE 25

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

1. A photo driving licence
2. A passport
3. An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

1. the date and time of refusal
2. the reason for refusal
3. details of the person refusing the sale
4. description of the customer
5. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

PREVENTION OF CRIME AND DISORDER

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

1. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
2. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
3. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
4. Recognising the signs of drunkenness.

5. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
6. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.