

- 1. Division of Agenda**
- 2. Declarations of Interest**
- 3. Application for a new Premises Licence at The Stannary Arms, 2 King Street, Tavistock. PL19 0DS** **1 - 42**

Report to: **Licensing Sub-Committee**

Date: **19th January 2021**

Title: **Application for a new Premises Licence at
The Stannary Arms, 2 King Street,
Tavistock, PL19 0DS**

Portfolio Area: **Customer First**

Wards Affected: **Tavistock**

Relevant Scrutiny Committee:

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

Author: **Tara O'Keefe** Role: **Senior Case Manager –
Licensing**

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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 **The Stannary Arms, 2 King Street, Tavistock, PL19 0DS** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application from M&C Beech Ltd for a new Premises Licence on 19th November 2020. The purpose of the application is for:
- The supply of alcohol for consumption on and off the premises Monday to Saturday 12:00pm to 12:00am, and Sunday 12:00pm to 11:00pm.
 - The provision of recorded music indoors Monday to Saturday 12:00pm to 12:00am.
 - The provision of late night refreshment indoors Monday to Saturday 11:00pm to 12:00am.
 - Opening hours of the premises is Monday to Saturday 08:00am to 12:30am, and Sunday 08:00am to 11:30pm.

A copy of the application is attached at **Appendix A**.

- 1.3 The premises is described as a 'public house, with a function room on the 2nd floor, offering food and beverages.' A copy of the plan of the premises is attached at **Appendix B**.
- 1.4 2 King Street, Tavistock currently has a premises licence, named The Tavy Club, for the supply of alcohol for consumption on the premises which was suspended in 2018 due to non-payment of the annual fee.
- 1.5 During the consultation period, in liaison with the Police, the applicant has agreed to include additional conditions to address the licensing objectives. A copy of the additional conditions is attached at **Appendix C**.

2. Background

- 2.1 The premises is located on King Street in Tavistock Town Centre. It is in close proximity to both residential properties and other businesses. A map of the location is attached at **Appendix D**.
- 2.2 During the consultation period, seven relevant representations were received from local residents in objection to the application. No representations were received from any of the Responsible Authorities or local Councillors. Copies of the representations are attached at **Appendix E**.
- 2.3 There are concerns raised in relation to the prevention of public nuisance, prevention of crime and disorder, and public safety licensing objectives. Issues include noise and disturbance from

amplified music and customers, with particular concern about noise from customers leaving the premises or standing outside to smoke. Also mentioned is the potential increase of anti-social and drunk and disorderly behaviour in the local area should there be another drinking establishment.

- 2.4 Other concerns is the safety of customers when leaving the premises due to the narrowness of the pavement on King Street, which is adjoined to a main road and may result in traffic related incidents.
- 2.5 Some of the representations have made reference to the 'need' for another licensed premises in the area. These are not matters which can be considered under the Licensing Act 2003 which must only take into account issues relating to the four licensing objectives.
- 2.6 The Live Music Act 2012 and subsequent amendments, allow the provision of live and recorded amplified music at any premises licensed for the sale of alcohol for consumption on the premises between the hours of 08:00 and 23:00. There is no way to restrict these activities through the premises licence during these hours other than through the review process once a licence has been granted. Music played in the background (at a level where a conversation can be easily held) is never licensable.
- 2.7 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 2017).
- 2.8 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).
- 2.9 The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.10 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.

- 2.11 Section 4.1 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.12 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).
- 2.13 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
 - West Devon Borough Council Planning Department
 - West Devon Borough Council Environmental Health (Health & Safety)
 - West Devon Borough Council Environmental Health (Pollution Control)
- 2.14 No representations have been received from any of the responsible authorities.
- 2.15 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 Section 6.1 & 6.2 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 6.4 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 10.1 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 10.2 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 takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> (a) to grant the licence subject to:- <ul style="list-style-type: none"> 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 ii) any conditions which must under section 19, 20 or 21 be included in the licence; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to reject the application <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> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
Financial	N	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.
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> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
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 - amendments agreed between the Police and the Applicant

Appendix D – map of location

Appendix E – representations

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

The Tavy Club premises licence

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 M&C Beech Ltd

(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 Stannary Arms 2 King Street			
Post town	Tavistock	Postcode	PL19 0DS

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£17,500 – Band B

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as appropriate

- 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 (B) 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 (B) 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 hospital in Wales please complete section (B) an independent
- ga) a person who is registered under Chapter 2 of please complete section (B) Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England
- h) the chief officer of police of a police force in please complete section (B) England and Wales

* 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname			First names	
Date of birth		I am 18 years old or <input type="checkbox"/>		
Please tick yes over				
Nationality				
Current residential address if different from premises address				

Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or		<input type="checkbox"/>	
Please tick yes over					
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(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 M&C Beech Ltd
Address 2 King Street Tavistock Devon PL19 0DS
Registered number (where applicable) 12667446

Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) n/a
E-mail address (optional) n/a

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

A	S	A	P				
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If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY

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Please give a general description of the premises (please read guidance note 1) Public house, with a function room on the 2 nd floor, offering food and beverages.

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

n/a

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					

Fri			<p><u>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</u> (please read guidance note 6)</p>
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"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<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						

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						

C

Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		

D

Thur			<p><u>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</u> (please read guidance note 6)</p>
Fri			
Sat			
Sun			

<p>Live music Standard days and timings (please read guidance note 7)</p>			<p><u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			<p><u>Please give further details here</u> (please read guidance note 4)</p>	
Tue				
Wed			<p><u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)</p>	
Thur				
Fri			<p><u>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</u> (please read guidance note 6)</p>	

E

Sat		
Sun		

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon	12:00	00:00	<u>Please give further details here</u> (please read guidance note 4)			
Tue	12:00	00:00				
Wed	12:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Thur	12:00	00:00				
Fri	12:00	00:00	<u>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</u> (please read guidance note 6)			
Sat	12:00	00:00	An additional hour Monday to Saturday and until 00:00h Sunday for every Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.			
Sun						

Performances of dance	<u>Will the performance of dance take place indoors or outdoors or both – please tick</u>	Indoors	<input type="checkbox"/>
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F

Standard days and timings (please read guidance note 7)			(please read guidance note 3)	Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>

G

Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>
Wed			
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>
Fri			
Sat			<p><u>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</u> (please read guidance note 6)</p>
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 4) The provision of hot food/drinks (teas or coffees) after 11pm.		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>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</u> (please read guidance note 6) An additional hour for every Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.		
Sat	23:00	00:00			
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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12:00	00:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue	12:00	00:00			

Wed	12:00	00:00	
Thur	12:00	00:00	<u>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</u> (please read guidance note 6) An additional hour for every Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.
Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	12:00	23:00	

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 Martyn Roy Beech	
Date of birth	
Address	
Postcode	
Personal licence number (if known) Awaiting issue	
Issuing licensing authority (if known) Awaiting issue	

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). None

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) Opening hours for the store will be as follows:-
Day	Start	Finish	
Mon	08:00		
Tue		00:30	
	08:00		
Wed		00:30	
	08:00		
Thur		00:30	
	08:00		
Fri		00:30	
	08:00		
Sat		00:30	
	08:00		
Sun		00:30	
	08:00	23:30	

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)
An additional hour for every Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.

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)
Please see attached.

b) The prevention of crime and disorder

Please see attached.

c) Public safety

Please see attached.

d) The prevention of public nuisance

Please see attached.

e) The protection of children from harm

Please see attached.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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 (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.

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, if appropriate (please see note 15)
Signature	

Date	12.11.2020
Capacity	DIRECTOR.

For joint applications, signature of 2nd applicant or 2nd 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	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Paul Uren TLT LLP One Redcliff Street			
Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:

**Stannary Arms, 2 King Street, Tavistock, Devon PL19 0DS
Proposed Licensing Conditions**

Hours

To permit the sale of alcohol as follows;

From 12.00 h to 00.00 h Monday to Saturday and from 12:00 hours until 23:00h Sunday

To permit late night refreshment as follows;

From 23.00h to 00.00h Monday to Saturday

The premises to open to the public from 08.00 hours every day

To allow for thirty minutes drinking up time following the last permitted sale of alcohol.

For the above, an additional hour for every Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.

General – all four licensing objectives

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

The Prevention of Crime and Disorder

CCTV will be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system will record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to GDPR) throughout the 31-day period following any incident. A member of staff with knowledge of the CCTV system will be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised Officer requiring recent CCTV recordings with the minimum of delay when requested.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Any stock of alcohol that is not on display for service to customers will be secured safely in a designated area.

A security alarm is fitted at the premises.

Any alcohol sold for consumption off the premises will be served in sealed containers only.

An incident log will be in place at the premises and available to view on upon reasonable request from the Police.

Public Safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying the application.

Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.

Public areas will be maintained free from obstruction and trip hazards.

All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

The Prevention of Public Nuisance

All highway and public spaces within the vicinity of the premises will be kept litter free to the satisfaction of the licencing authority.

Refuse such as bottles will be placed into receptacles outside the premise at times that will minimize the disturbance to nearby property.

No deliveries will take place between 10pm and 6am.

No collection, including refuses and recyclable food waste shall take place between 10pm and 6am.

Customer notice is to be displayed at all exits asking patrons to leave the premises quietly and respect the needs of the local residents.

No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration will be transmitted through the structure of the premises which gives rise to a nuisance.

No fumes, steam or odours shall be emitted from the licence premises so as to cause a nuisance to any person living or carrying on business in the area where the premises are situated. The premises licence holder shall ensure that any patrons drinking and or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance or disruption of the public highway.

During the hours of operation of the premises the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area will be swept and or washed and litter and sweepings collected and stored in the accordance of the approved refuse storage arrangements by close of business.

The Protection of Children from Harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, military identification, EU identity card, or proof of age card with the PASS Hologram.

Appropriate signage will be in place at the point of sale.

A refusal to serve log will be maintained and made available for inspection to officers upon request.

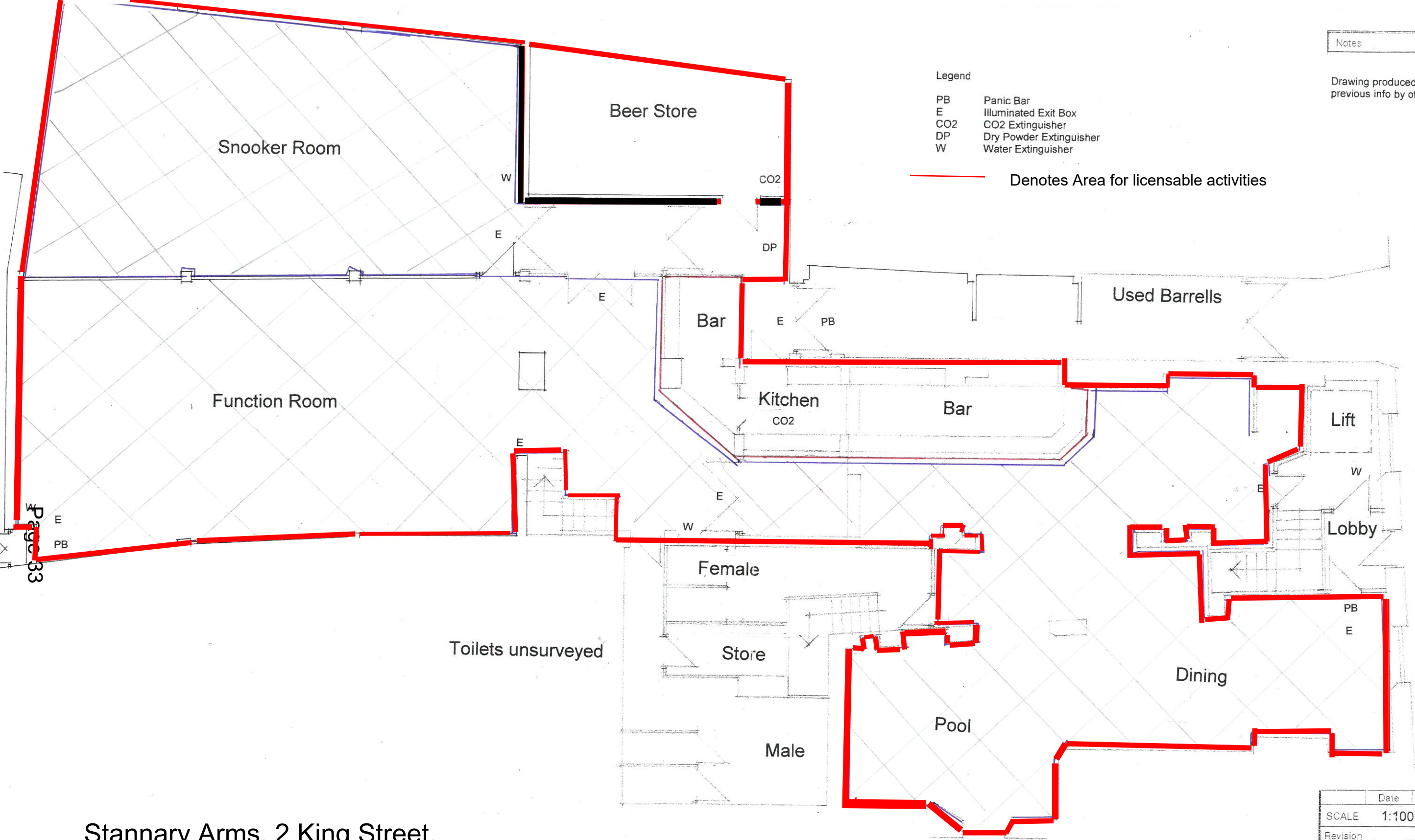
This log shall include the date, time, name and signature of the staff member who refused the sale.

This log will be countersigned by the DPS of the premises on a monthly basis.

Staff will be appropriately trained to counter under age sales and records will be kept for up to 6 months to view upon reasonable request from an authorised responsible authority officer.

- Legend
- PB Panic Bar
 - E Illuminated Exit Box
 - CO2 CO2 Extinguisher
 - DP Dry Powder Extinguisher
 - W Water Extinguisher

— Denotes Area for licensable activities



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Stannary Arms, 2 King Street,
~~The Royal British Legion~~ – Tavistock
 Ground Floor Layout Plan

Licensing Dept	
Date received	24.03.11
Date completed	
Input by	

Date	Description
SCALE 1:100	
Revision	
Project ID	Royal British Legion
Filename	
Drawn By	MSH
MIKE HOOPER ARCHITECTS	
2 Drake Road, Tavistock, Devon, PL19 0AU	
	
<small>RIBA CHARTERED ARCHITECTS</small>	<small>Architects Registration Board</small>

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

All staff shall be suitably trained in the requirements of the Challenge 25 policy, the operating procedures for refusing service to any person who is drunk or is underage or appears to be underage.

Training will be repeated at least every **6 months** and will be recorded in documentary form that will be kept at the premises and be available for inspection at the time of request by a member of any relevant authority. The records will be retained for at least 6 months.

The premises licence holder must risk assess the requirement for door supervisors at the premises and use door supervisors in such number and at such times as deemed necessary by the risk assessment.

There will be no admissions or re-admissions to the premises after 00:00 hrs.

The provision of off sales shall terminate at 23.00hrs.

Restrictions on external smoking areas

Patrons will be asked not to stand at the front of the premises to smoke or consume alcohol.

Public use of the **ground floor external area** – (the area shown on the plan as the outside area to the rear of the kitchen). This area will be used as the ground floor designated smoking area. There must be no use of this area for the consumption of food and/or drink. The area will have adequate lighting and monitored by CCTV.

The first-floor external area marked **Outdoor Smoking Area** - There must be no public use of this area and no lighting except in the case of emergency between the hours of 2200 and 0800. The area will be monitored by CCTV.

CCTV

Proposed: **CCTV will be installed, operated and maintained in agreement with the Police.** - Police request removal of the condition as offered by the applicant.

The CCTV will cover areas of the premises to which the public have access including any outside areas.

Substance misuse - The Premises Licence holder will have and retain a written drugs policy detailing the actions to be undertaken to minimise the opportunity to use or supply illegal substances within the premises. The drugs policy will be the subject of training for all members of staff.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

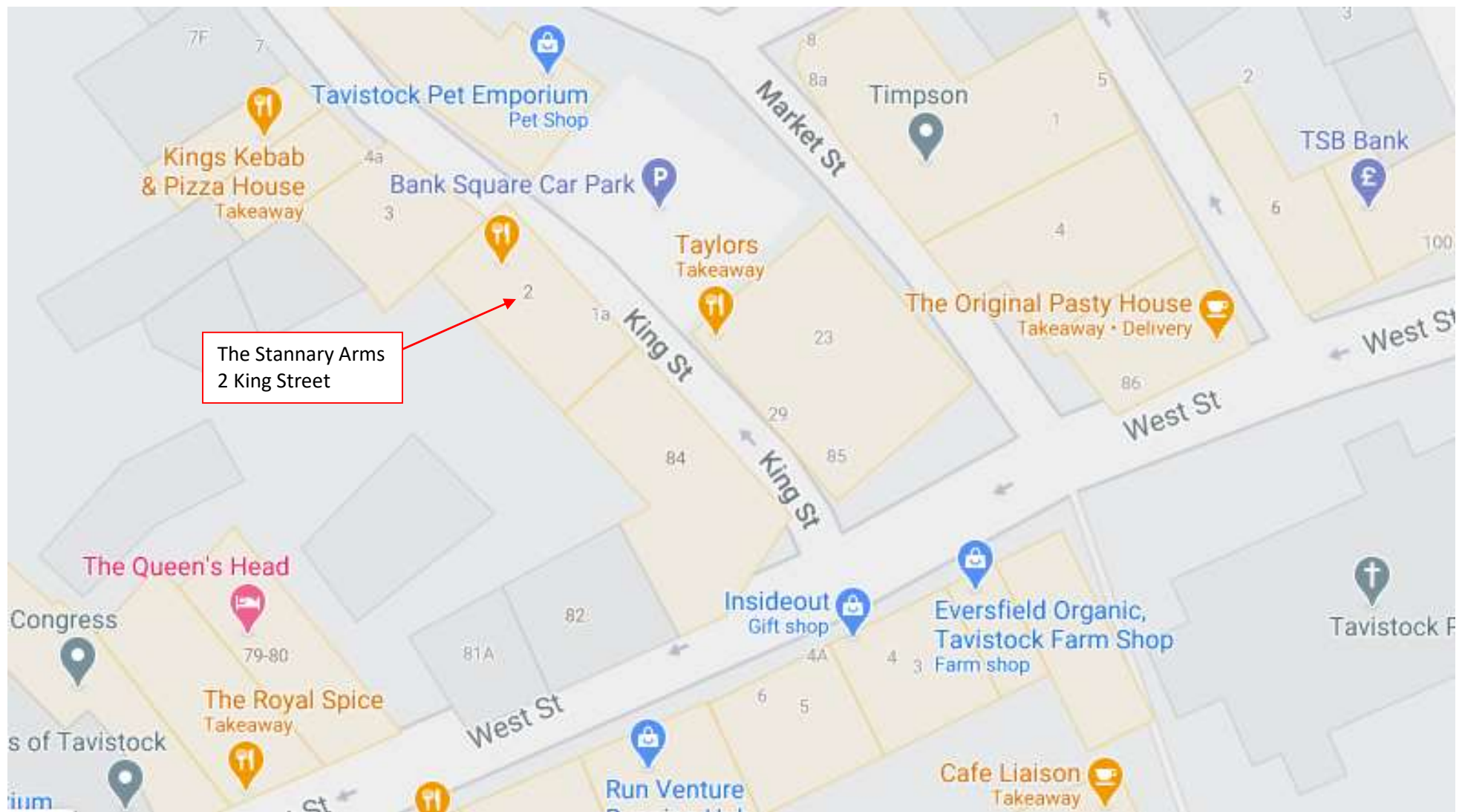
Prominent, clear and legible notices shall be displayed at all exits requesting that patrons respect the needs of local residents and to leave the premises and the area quietly.

Proposed:

The premises licence holder shall ensure that any patrons drinking and or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance or disruption of the public highway.- Police request the remove the condition as offered by the applicant.

The Licence holder and Designated Premises Supervisor will ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area(s) has on the surrounding community.

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Representations to Premises Licence Application **The Stannary Arms, Tavistock**

Objection 1

I would like to object to the new license times being sought for the stanary arms 2 king street Tavistock, as a close neighbour of 10 years I have had to endure the noise from both the British legion and the tavy club over the years, as I'm sure you can see there are historical documents relating to the licensing of this premises and I can see that nothing has changed since the last application so therefore I urge you not to allow this late license to be approved, I fear it will have a huge impact on my mental state if I'm to be subject to late night music and noise, as a social health worker and a key worker I need my rest as Im Sure you can appreciate.

Objection 2

I am writing to object to the application for extended alcohol licensing in connection with the Stannary Arms 2 Kings St Tavistock.

I am a current resident of Wessex Court just behind the aforesaid property and feel the noise and disruption that will be created by the application and the music mentioned in the application will undoubtedly be unacceptable.

We are a small community made up of predominantly older members of society who has to put up with the disgusting amount of noise, aggravation and vile language generated by the extended opening hours of the Whitherspoons establishment and feel with the new application to the Stannary Arms will be subjected to more of the same pollution. I was informed today that I was supposed to have received a letter appertaining to the above application but have never received said letter

Objection 3

We wish to object to the application for the grant of a new Premises Licence at the British Legion building, 2 King Street, Tavistock, Devon by M & C Beech Limited.

We are objecting as the adjoining owner of The Cornmarket and 82-84 West Street as well as on behalf of the occupiers of the seven residential flats at Wessex Court. This company owns all the land to the south of the British Legion building whom we have a common boundary. Part of our ownership includes Wessex Court which comprises seven residential units which directly abut and overlook the premises for which the Licence is sought and which are very much affected by the potential public nuisance coming from this building.

As you will be aware there is a long history of late night problems with noise etc.,emanating from this building in the licensing history of these premises, and in particular I would refer you to the two previous public hearings before your Licensing Committees of your Council on the 14th November 2008 and 7th December 2004. Whilst we appreciate this is a new application, the Conditions imposed by your Council following Public Hearings on previous Licences are still relevant for these premises to prevent public nuisance and crime and disorder, as the location is unsuitable for the proposed late night/early morning use

The British Legion building is surrounded by residential properties to both the North and South together with hotel rooms on the West side and a proposal for the supply of alcohol on and off the premises, together with music up to midnight together plus an additional 30 minutes drinking up time until 12.30 am every night is unacceptable.

Unfortunately the notice on the building, which is undated, wasn't posted for the requisite time, and during lockdown we are unable to inspect a plan of the areas for which the Premises Licence application is being sought, so would like a copy.

We therefore object to the proposal most strongly and would like to have the opportunity to address your Licensing Committee and explain our objections when the matter comes up before them.

We would also be grateful if you could confirm safe receipt of this objection and keep us informed as to the progress of the Licence application, so that it can be carefully monitored and would appreciate a plan showing the floor areas for which the application was submitted.

We are copying this email to the three local Ward Members of your Council, Tavistock Town Council as well as the Vice Chair of your Planning Committee, so that they are aware of our objection to this proposal.

Objection 4

I wish to object to the late hours applied for by M&C Beech for for Stannary Arms 2 King Street PL190DS. I live at 5 King Street PL190DS and have experienced late Hour licensing in the past in particular when the Kebab shop had late closing some years ago, this caused large groups of youngsters to hang around in the street until the early hours. the police were called out almost every weekend to brawl's in the street. The residence did bring the license to successfully to review with the backing of The police and west Devon homes. The hours were cut back and the problem was solved. There are many residents in king street not least of all those who live in Pinter court who are al over 55 and often ailing and venerable. We the residence also objected to the late license when Wetherspoons applied for Late hours a few years ago , hours were amended accordingly and although we do hear the drinkers leave it is not too late and fairly short lived. I ask that you take this into consideration and have sympathy for the residence In their right under the 1982 Act for 'a peaceful Family life'.

Objection 5

The reasons I would like to raise an objection against the licensing are on the grounds of:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

Allowing licensing hours for the sale of alcohol and the playing of recorded music to [midnight Mon-Sat](#) and [until 11pm](#) on Sundays is unfortunately quite likely to increase the possibility of alcohol related crime and disorder, increase dangers to public safety and cause further incidents of public nuisance.

Crime and disorder:

We live above the Oxfam shop on West Street and prior to the COVID related lock down restrictions, we would normally see some sort of drunken disorder on a weekly basis, most often from the neighbouring Wetherspoons. At it's lowest level this includes shouting and swearing, littering, as well as more serious incidents such as fighting in the street, and vandalism of parked cars and shop fronts. Opening another pub serving alcohol and playing music adjacent to the nearby Wetherspoons will likely increase these incidents of crime and disorder even further as many customers will move between the two establishments,

especially if they denied serving in one establishment to continue drinking further in the other.

Public safety:

The premises of the Stannary Arms are straight off a very narrow pavements onto King Street, therefore permitting a late drinking / music license to midnight for serving alcohol in this area could increase traffic related accidents. When customers are leaving the premises in the dark, in an inebriated state, this could make them very vulnerable to cars, bikes or other pedestrians. It's hard to safely cross this road even when you're perfectly sober during the day, let alone when it's dark and raining and you just want to get somewhere dry quickly!

Public nuisance:

This brings me onto the final point of our objection to the licensing hours - granting this establishment a license for playing music and serving alcohol [until midnight](#) will cause significant disruption to our sleep. Our bedroom faces directly across to the pub and as the establishment usually has their windows open in the summer, causing noise, music and shouting to echo loudly across the stone courtyard and ruin our sleep. Even during the winter with the windows shut, I still have to wear ear plugs due to the amount of noise from traffic, bins getting emptied and other disruptions.

Because - in keeping with the area - our bedroom windows are only sash windows (single pane glass), they hardly block out any noise at all, even when they are shut. If we want to have the windows open in the summer months, or use this room when the noise from the traffic on the living room facing West Street is too much, we would not be able to get any respite from noise at all.

Permitting the licensing hours for the Stannary Arms to serve alcohol and play music until midnight would mean that our bedroom would be facing noise disruption from across two different sides of the courtyard (the other side of the courtyard adjoins the Wetherspoons outdoor seating / smoking area when we already have significant amounts of noise disruptions from customers drinking, smoking and shouting).

Having noise disruption from two pubs facing our bedroom would make sleep almost impossible for us in the summer months until well after [00:30am](#), when all the customers in the Stannary Arms or Wetherspoons would have drunk up and finally left these premises.

Studies into the long term health / psychological affects of sleep disruption have made links with many negative health outcomes, such as high blood pressure, heart disease, weight gain, stress, diabetes and so on. A short selection of these affects can be found on the Sleep Foundation website here: <https://www.sleepfoundation.org/bedroom-environment/how-does-noise-affect-sleep>

We have previously raised an objection to noise nuisance from the Stannary Arms as the previous licensees frequently used to ignore their licensing limit of playing music, often having lock ins and continuing to play music and sing karaoke [until 1am](#) on weekends and Bank Holidays.

Objection 6

This is a formal letter opposing the extended licensing hours for the Stannary Arms 2 Kingstreet Tavistock PL190ds. We as a group (1,2,3,4,5&6 Wessex Court West Street Tavistock PL198AQ) oppose this extended licensing hours as we feel this will Disrupt the Area and cause undue noise and the potential for vandalism and drunk behaviour causing the potential to encroach on our peace and quiet, as a set of apartments with everybody

being over the age of 65, we feel this is unfair, this also could impact on the value of our properties and potential safety of our flats and outside property.

We as a group look forward to a reply to this email, and a potential meeting so we can air our concerns! Im sure we are not the only ones in this area with concerns.

Objection 7

I have been made aware of the recent application by M&C Beech Ltd to sell alcohol and play recorded music at the above address, from 12 noon - 0.00 Monday-Saturday, plus additional drinking up hour each night. Should this application be approved, it will undoubtedly cause significant disturbance and discomfort to the residents at multiple addresses at this location - including myself and my 3 young children residing at Flat 4a, King Street, Tavistock PL19 0DS. I, along with other members of local community, strongly object to late night opening (music/drinking until 1 am!) on every night. Please take the safety and comfort of local residents into account when considering this application.