

SOUTH HAMS LICENSING SUB-COMMITTEE



Minutes of a meeting of the **South Hams Licensing Sub-Committee** held on **Thursday, 22nd June, 2023** at **1.30 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Carson
Vice Chairman

Cllr Pannell

Cllr Thomas

Officers:
Solicitor
Principal Environmental Officer –Licensing
Specialist –IT
Senior Democratic Services Officer

Also in Attendance and Participating
Rupert Stockwell
Katie Jones

1. **Declarations of Interest**
LSC.01/23
Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. There were none.

2. **Application for a New Premises Licence at Rockbox, Field Adjacent to Golf Club, Thurlestone, Kingsbridge TQ7 3NX**
LSC.02/23
The Sub-Committee considered a report that sought to determine an application for a new premises licence at the Rockbox, Field Adjacent to Golf Club, Thurlestone, Kingsbridge TQ7 3NX in accordance with Section 18 of the Licensing Act 2003.

The Principal Environmental Officer – Licensing introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), A(iii), B, C and D of the presented agenda report). The Principal Environmental Officer –

Licensing reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

1. Address by the Applicant

The Applicant reported that the business was started during lockdown at South Milton and the business had grown now employing 6 full time staff and 35 additional staff. They were working with the Parish Council to address any issued and agreed to have no live music. The Parish Council support the application for the premise license but did raise a number of issues:

- A pager system would be implemented rather than calling out food orders to reduce noise levels;
- 5 CCTV cameras identify any problems;
- The use of low voltage lights to reduce light pollution issues.

They were working with an acoustic engineer to address any background music and noise issues and wanted to ensure a safe environment for children and working families.

(The Sub Committee then adjourned, in the presence of the Lawyer, and Senior Democratic Services Officer at 13:55 pm to consider the application and reconvened at 14:25 pm.)

2. The Decision

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

The Licensing Sub-Committee considered an application to grant a premises licence submitted by Mr Rupert Stockwell for Rockbox, Field Adjacent to Golf Club Car Park Thurlestone Kingsbridge TQ7 3NZ. The Sub-Committee have carefully deliberated the application, representations from the Applicant, the Objectors who have submitted representations in writing and the Council's Statement of Licensing Policy and statutory guidance.

It is noted that the Police did have initial objections to the application, but those conditions were subsequently agreed between the Applicant and Police. This led to the Police withdrawing their objections. This is documented at Appendix D of the report.

The Sub Committee have therefore decided **unanimously to grant the application subject to the operating schedule at Appendix A(ii) alongside conditions at Appendix D.**

The Sub Committee received legal advice in terms of:

1. The licensing objectives
2. The legal test to be applied
3. The options available to the Committee
4. Section 182 Guidance

The reasons for the decision are as follows:

1. The committee have noted the applicant has answered questions on public nuisance, noise disturbance and light pollution and has provided suitable mitigations.

2. Music will only be played at background levels.
3. No objections have been received from environmental health.

In granting this application, we ask you to be mindful of the concerns of neighbours and the public and should there be complaints about your operation, Environmental Health and Licensing Officers may investigate. This could potentially lead to your license being reviewed.

Any persons aggrieved by this decision has a Right of Appeal to the Magistrates Court no later than 21 days from the date of receiving the Decision Notice.

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

The Meeting concluded at 2.31 pm

Signed by:

Chairman
