

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Thursday, 22nd June, 2023
Time:	1.30 pm
Venue:	Council Chamber - Follaton House
Full Members:	<p style="text-align: center;">Chairman Cllr Carson</p> <p style="text-align: center;">Vice Chairman</p> <p><i>Members:</i> Cllr Pannell Cllr Thomas</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. Urgent Business

brought forward at the discretion of the Chairman;

3. 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;

4. Application for a New Premises Licence at Rockbox, Field Adjacent to Golf Club, Thurlestone, Kingsbridge TQ7 3NX

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Report to: **Licensing Sub-Committee**

Date: **22 June 2023**

Title: **Application for a new Premises Licence at Rockbox, Field Adjacent to Golf Club, Thurlestone, Kingsbridge, TQ7 3NZ**

Portfolio Area: **Customer First**

Wards Affected: **Salcombe and Thurlestone**

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

Author: **Naomi Stacey** Role: **Specialist - Licensing**

Contact: **01803 861268 / naomi.stacey@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 **Rockbox, Field Adjacent to Golf Club, Thurlestone, Kingsbridge, TQ7 3NZ (grid reference SX 67629 42169)** in accordance with Section 18 of the Licensing Act 2003.

- 1.2 The Licensing Department have received two representations in objection to the application and therefore the application will need to be determined by the Licensing Sub-Committee.

2. Background

- 2.1 The Licensing Authority received an application from Mr Rupert Stockwell for a new premises licence on 26th April 2023. The application is for:

- Sale of Alcohol for consumption on and off the premises:
 - Monday to Sunday from 11:00 to 22:00.
- Opening hours:
 - Monday to Sunday from 11:00 to 22:30.

A copy of the application form and plan is attached at **Appendix A**.

- 2.2 The premises is within a field located opposite Thurlestone Golf Club. A location plan showing the local area is attached at **Appendix B**. The sale of alcohol will take place from a catering unit, with alcohol being consumed in a designated area on the site (as marked on the plan). Customers will not be permitted to take open containers of beverages from the designated area.

- 2.3 During the consultation period, two relevant representations were received in objection to the application from local residents. Copies of the representations are attached at **Appendix C**.

Representations

- 2.4 Issues raised in the representations relate mainly to the Prevention of Public Nuisance licensing objective. Concerns include potential disturbance to local residents from the noise of customers and cars on the site, as well as light pollution from outdoor lighting. In addition there are concerns that noise will continue after closing time. As the application does not include live or recorded music, objections which relate to noise from music cannot be taken into consideration, see 2.7.
- 2.5 During the consultation period the Police requested that three of the proposed conditions were re-worded and that four additional conditions were included to promote the prevention of crime and disorder licensing objective, which the applicants have agreed to, see **Appendix D**. These include the conditions that the premises will only open during the months of April to September and that the sale of alcohol will only take place when the adjacent food outlets are open for business. The Police have confirmed that with the inclusion of these additional conditions, they have no objection to the application
- 2.6 Any information contained in the representations which is not relevant to the promotion of the four licensing objectives (see 2.16) cannot be taken into consideration when determining the premises licence application.

The Live Music Act 2012

- 2.7 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. Should a licence be granted to include the sale of alcohol for consumption on the premises, live and recorded amplified music will automatically be permitted until 23:00 on any day, or until the end of alcohol sales (whichever is earlier).
- 2.8 Therefore the concerns relating specifically to noise from amplified music cannot be taken into consideration. If the premises licence is granted, amplified music will automatically be permitted to take place at the premises during the hours alcohol can be sold: 11:00 to 22:00.
- 2.9 In addition, any conditions proposed by the Applicant or imposed by the Licensing Sub-Committee which relate to amplified music cannot be enforced when entertainment takes place under the provisions of the Live Music Act 2012.

Temporary Event Notices

- 2.10 Rockbox have previously operated at several locations in the South Hams over the last few years, including this location in Thurlestone, using temporary event notices (TENs). Last year a premises licence was granted for their South Milton location.
- 2.11 There is a restriction on how many days TENs can be used in any one location of 21 days per calendar year (maximum of 15 TENs). This has temporarily been increased to 26 days (maximum 20 TENs) for 2022 and 2023 due to changes brought in following COVID restrictions. It is not known whether these changes will be extended.
- 2.12 A premises licence would not restrict the number of days during which licensable activities can take place, unless conditions were placed on the licence. The Applicant has agreed with the Police to include the condition that the premises will only be open between the months of April and September.
- 2.13 However, the site does not have formal planning permission to carry out these activities at this location, so it has been operating under planning regulations which allow the temporary use of land for no more than 28 days per calendar year. If a premises licence is granted, the premises would not be able to operate at this site for more than 28 days per calendar year, until such time formal planning permission were granted. The usual planning application

process would need to be followed which is completely separate to the premises licence application process. The fact that the Applicant has not obtained planning permission for this location cannot be taken into consideration when determining the premises licence application.

2.14 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 December 2022).

Policy and Statutory Guidance

2.15 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.

2.16 The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.17 Section 3.2 of the Policy states: 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. Each objective is of equal importance. A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

2.18 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

2.19 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in December 2022 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).

2.20 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)

- 2.21 No representations have been received from responsible authorities.
- 2.22 The Police have agreed to additional conditions with the applicants (see **Appendix D**).
- 2.23 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. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. 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 5.5.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules in order to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.5 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

appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.7 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 in respect of children would 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 those under 18 years
 - where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
 - where there are unsupervised areas (for example toilets, beer gardens, play zones).
- 3.8 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 an 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>
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		<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 2.9). 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(i) – premises licence application

Appendix A(ii) – premises licence application (Section M)

Appendix A(iii) – premises licence plan
Appendix B – location plan
Appendix C – representations
Appendix D – additional conditions agreed with Police

Background Papers:

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



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	Rupert Stockwell
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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			
Field Adjacent to Golf Club Carpark			
Thurlestone			
Post town	Kingsbridge	Postcode	TQ7 3NZ

Telephone number at premises	
Non-domestic rateable value of premises	£

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 Stockwell			First names Rupert		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality British					
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
Address
Registered number (where applicable)

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

Part 3 Operating Schedule

When do you want the premises licence to start?	DD MM YYYY 0 1 0 4 2 0 2 3
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)

Catering Venue with bar

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)
- 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)			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	Please give further details here (please read guidance note 4)		
Mon					
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)	Both	<input type="checkbox"/>
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"/>
				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 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								
Wed						State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur								
Fri								
Sat						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)		
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	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
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			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur			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)		
Fri					
Sat					
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 type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11:00	22:00						
	AM	PM						
Tue	11:00	22:00						
	AM	PM						
Wed	11:00	22:00						
	AM	PM						
Thur	11:00	22:00				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)		
	AM	PM						
Fri	11:00	22:00						
	AM	PM						
Sat	11:00	22:00						
	AM	PM						
Sun	11:00	22:00						
	AM	PM						

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 Rupert Stockwell	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

<p>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).</p>

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)	
Day	Start	Finish		
Mon	11:00	22:30		
	AM	PM		
Tue	11:00	22:30		
	AM	PM		
Wed	11:00	22:30		
	AM	PM		
Thur	11:00	22:30		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)
	AM	PM		
Fri	11:00	22:30		
	AM	PM		
Sat	11:00	22:30		
	AM	PM		
Sun	11:00	22:30		
	AM	PM		

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)

See attached

b) The prevention of crime and disorder

See attached

c) Public safety

See attached

d) The prevention of public nuisance

See attached

e) The protection of children from harm

See attached.

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

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	
Date	30/03/2023
Capacity	Owner Of Rock Box

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	
Capacity	

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APPENDIX A(ii) – Section M Premises Licence Application – proposed conditions

Rockbox, Thurlestone – Premises Licence Application Section M

General

All staff will be trained in the requirements of the licensing act 2003 as soon as they are recruited, long with regular training and updating.

1. The challenge 25 scheme will be in operation at the premises, including the forms of identification that are acceptable.
2. The hours permitted by the premises license issued under the licensing act 2003 and conditions attached to the license.
3. How to complete and maintain the refusal register in operation at premises
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 purchase for under age persons.
6. Action to be taken in the event of an emergency including reporting an incident to the emergency services.

All staff will be trained in the operating procedures for refusing service to any person who is drunk or is under age or appears to be under age.

Training shall be recorded in documentary form and shall be regularly refreshed and updated every 12 months. The training records will be made available for inspection on request.

All records will be retained for 12 months.

All staff will be trained in the Challenge 25 policy.

The Prevention of Crime & Disorder

Customers will not be permitted to take open containers of alcoholic or soft drinks from the curtilage of the premises are marked on the plan.

An alcohol sales of refusal register shall be kept and maintained to include, the date and time of refusal, reason for refusal, details of the person refusing the sale, description of customer and any relevant observations. The refusal register will be made available for inspection. All entries must be made within 24 hours.

An incident book shall be maintained to record any activity of a violent, criminal or anti-social behaviour. The record will contain the time and date, the nature of the incident, the people involved, the action that was taken and the details of the people or persons responsible for the premises at the time of the incident.

CCTV, the premises will install, operate and maintain colour CCTV of all public areas that are licensed including the entry and exit points. The system will continuously record whilst the premises is open to the public.

Copies of the recordings will be provided on request to the police or local authorities as soon as possible and in accordance with the data protection act 2018.

All recordings will be kept for a minimum of 30 days.

Public Safety

Bottles and litter will be removed from the public areas as soon as they are finished with or empty. Gangways, exit routes and steps must be maintained in good order with non slippery and even surfaces and edges of steps must be conspicuously marked. There will be adequate arrangements for first aid provisions. A first aid box with adequate supply of first aid equipment will be available for use of the patrons.

The Prevention of Public Nuisance

The handling of beer kegs, bottles and other similar products will not take place in the late evening, at night or early morning, when the noise generated could cause a nuisance. Deliveries and collections will not take place during these times. Bottle skips and bins containing cans or bottles will not be emptied outside at 7pm but will be dealt with the next day during office hours. Flashing or bright lights will only be used in positions that do not cause a nuisance to neighbouring properties. Any rubbish will be stored in a bin or secure area to prevent litter being blown around.

The Protection of Children from Harm

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify the challenge 25 policy.

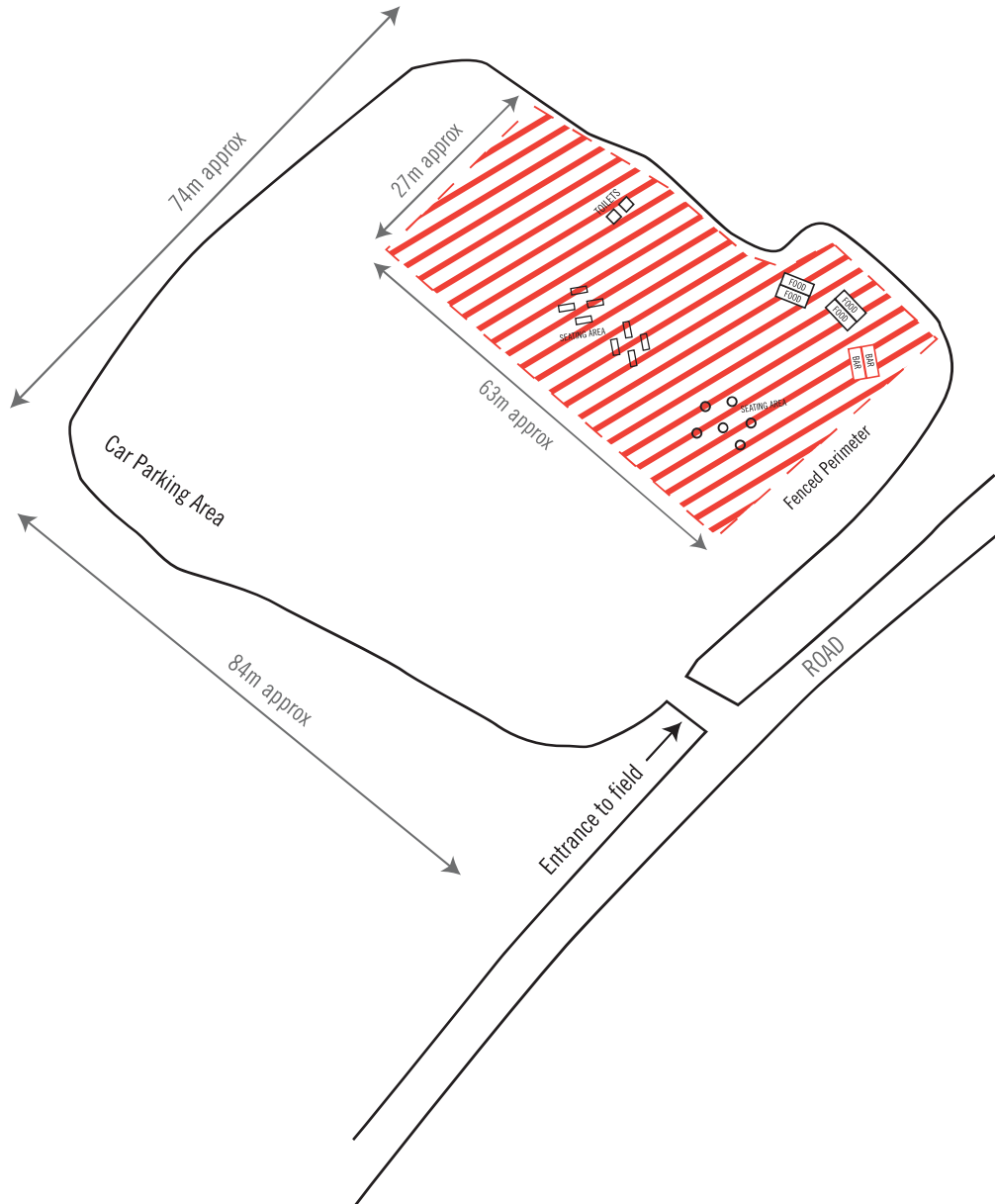
All staff will ask individuals who appear to be under the age of 25 attempting to purchase alcohol to produce accepted form of ID. The premises will display prominent signage indicating that a challenge 25 policy is in place.

ROCKBOX

Thurlestone Golf Course Overflow
Plan Scale: 1:100

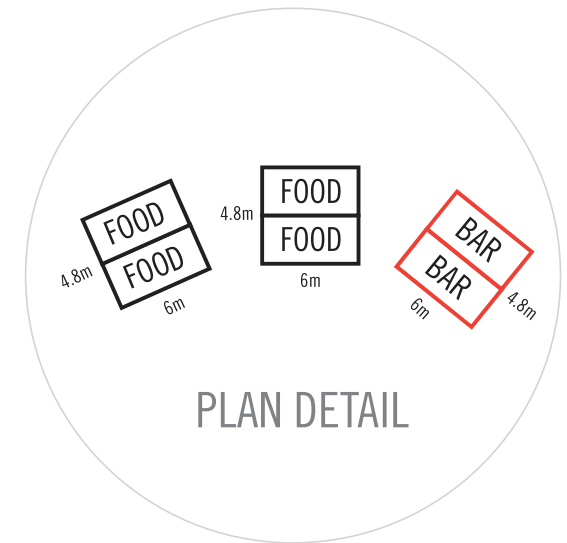
10m

Page 35



0 10 20 30 40 50 metres

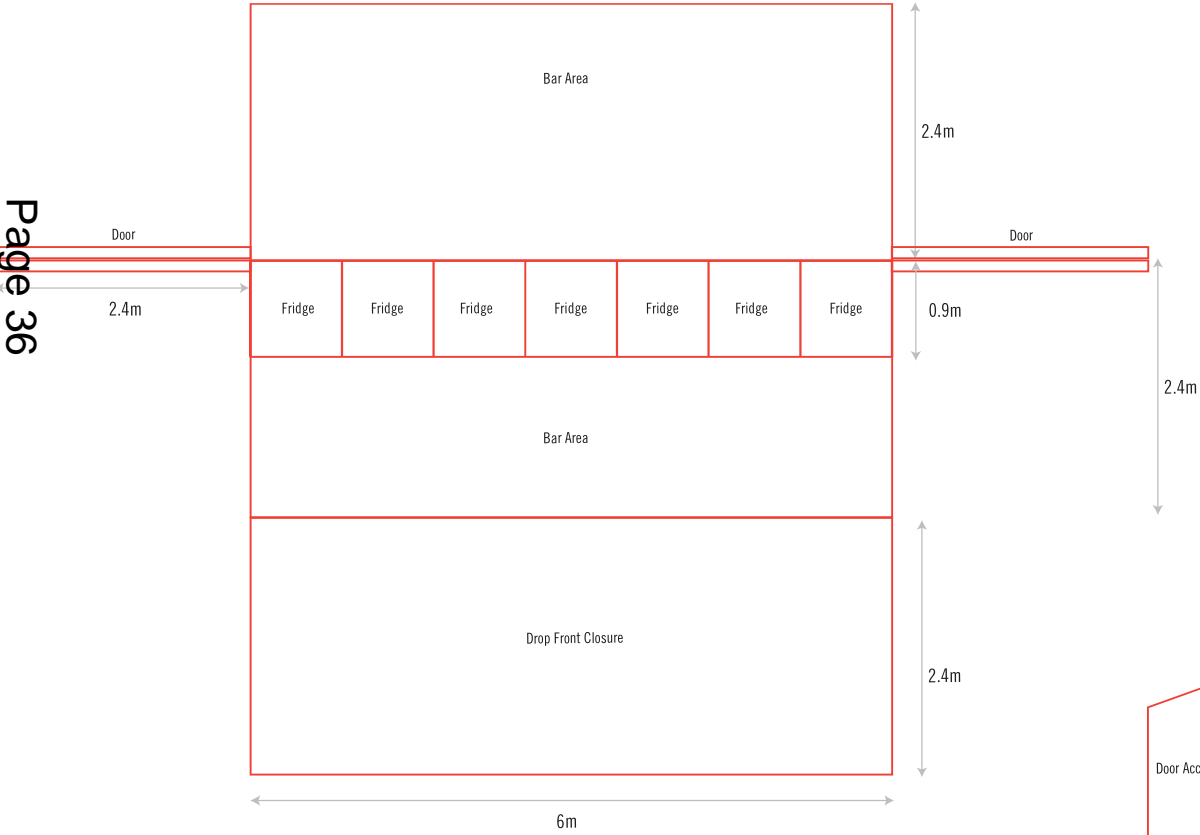
Summer 2023 Layout



ROCKBOX

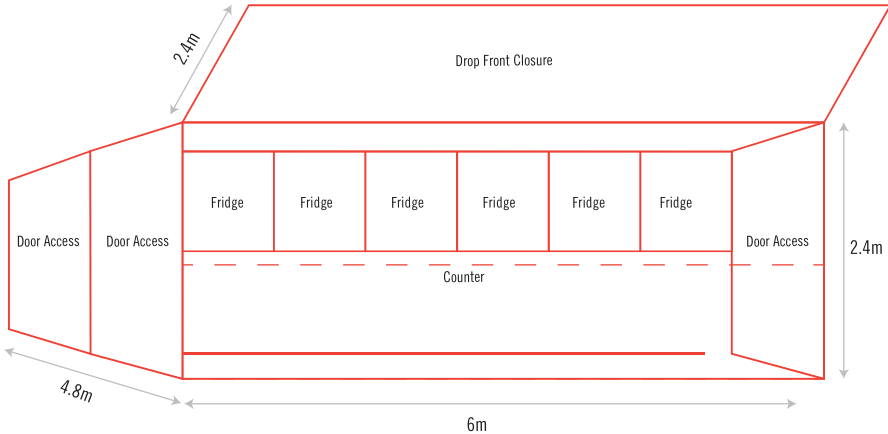
Thurlestone Golf Course Overflow
Rockbox Bar

BAR VIEW PLAN



Page 36


BAR VIEW DETAIL



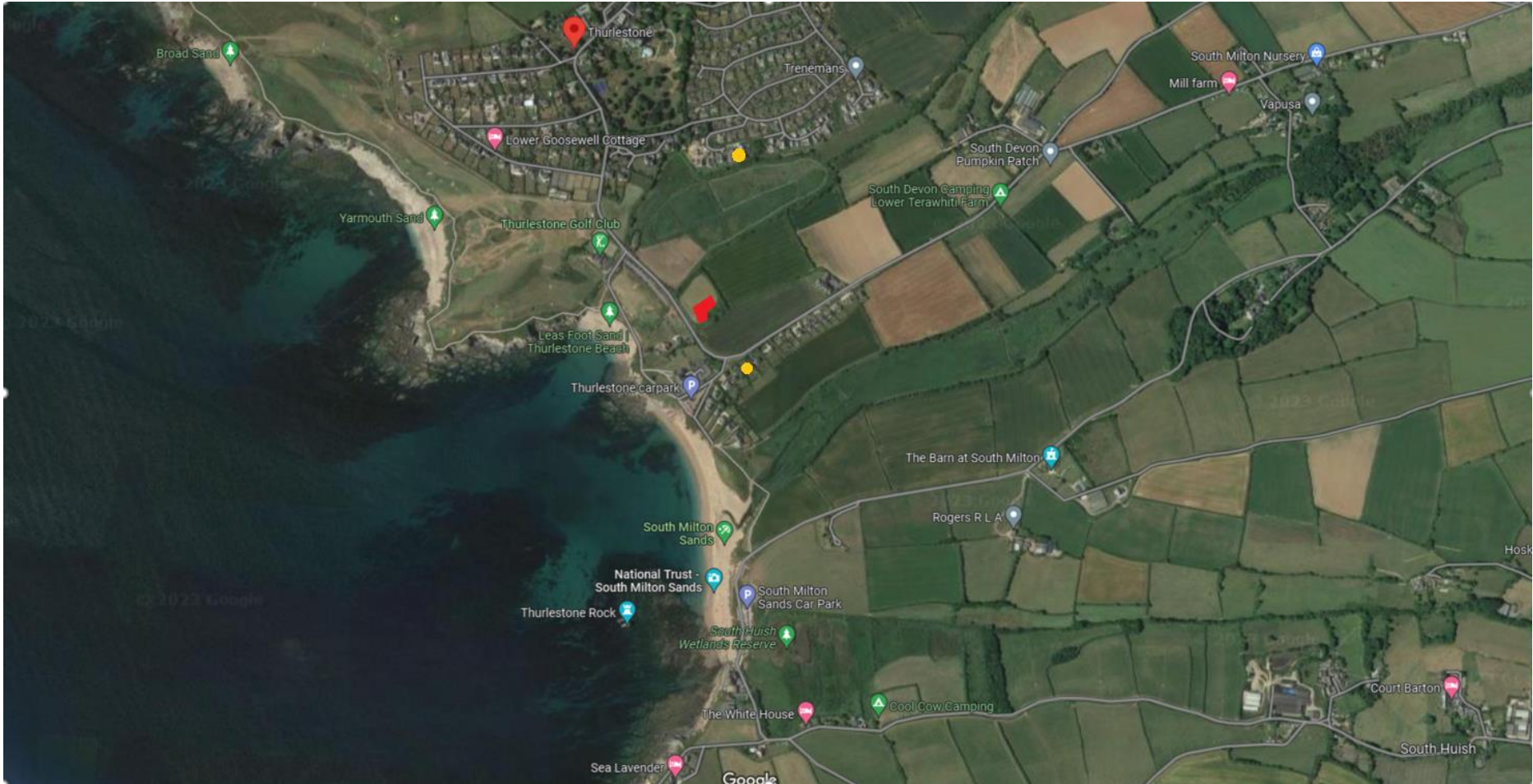
Summer 2023 Layout


APPENDIX B – Location of premises



 = Rockbox

 = Location of rep in objection



 = Rockbox

 = Location of rep in objection

APPENDIX C - Representations

Rockbox, Thurlestone – representations to premises licence applications

Rep 1a)

Dear Licensing Team

I object strongly to this application because of the constant disruption to normal village life caused by their occupation of this site last summer with loud music, and tannoy calls across the field to collect orders. It is an unfortunate fact that this field is situated in Thurlestone (although technically just in South Milton parish) like a stage facing the amphitheatre of a hillside on which the village is situated. This meant that the whole of the Mead, Court Park and the Yarmer estate had to suffer the noise and disruption, let alone the light pollution from all the outdoor lighting they set up. None of us could hear ourselves think sitting out in our gardens and on our terraces as we do on summer evenings. Under the Human Rights legislation we have a right to quiet enjoyment of our properties. People live in Thurlestone for this reason, not to have loud pop music thrust at them for 12 hours a day in high season. I had complaints from families whose children couldn't get to sleep because of the noise. They over-ran their time slots frequently.

Besides all this, the number of containers and other paraphernalia they installed was a blot on the landscape in the AONB.

Please contact me as I would like to attend the hearing.

Rep 1b)

Dear Naomi

Thanks for the phone conversation.

In addition to my objection below, I would like to also object based on last year's experience to the poor timekeeping so that general noise of people leaving the site, and the lights, continued well after the designated closing time. Looking at the layout, it will be impossible for the lights 'not to be facing towards Thurlestone' since the three main components are at the top of the field facing the village. The cars will park lower down and there will be the noise of people calling each other, car doors banging and cars racing across the field as there was last year, well after the designated closing time. In addition once they have a premises license I feel it's highly unlikely you will revoke it for poor time keeping and light disturbance, and as you know the noise regulations are not designed for outdoor living, but rather for houses near main roads. The disturbance in this case is quite different to that envisaged by the legislation and probably not caught by it, but it does not mean that there is not real disturbance for 28 days, as it remains impossible to get children to sleep if it's hot because of the noise if a bedroom window is open. The enterprise has got too big for its own good and this is not a suitable location due to the acoustics and light disturbance across the valley into significant sectors of Thurlestone village.

Kind regards

Rep 2a)

I am objecting to the granting of a licence to Rock Box for the sale of alcohol for consumption on and off premises between the hours of 11am and 10pm.

By granting the licence, as I understand it, they are permitted to play music during those hours of the licence.

From my experience of last year, both at this site and the one at South Milton Beach, the level of music both for live and recorded music was excessive and created a public nuisance as a result.

If the licence is to be granted it should ideally be conditional on a total restriction on playing music live or recorded.

It should also specify the month in which the activity can take place as per the licence attached granted to the operation sited at South Milton beach.

Please can you keep me apprised of the progress of this application.

Many thanks

Rep 2b)

Further to my conversation today with Naomi and my previous email of May 17 objecting to the proposed licence, I have further concerns based on my experience last year over the operation of Rock Box at both the Thurlestone golf club and South Milton sites.

There was a significant level of light pollution from the array of at least 3 containers which housed the bar, food service and stage. This pollution was experienced from dusk and on several occasions as late as 23.57, 23.16 and 00.30 when the lights were still on and there was significant noise from people shouting and laughing around the seated and lighted areas.

Live and recorded music sessions often went over the scheduled time and closing of the venue was often after the 22.30 deadline.

All these concerns have been documented in my complaint from last years Rock Box activity and are backed up by audio files and photographs.

There should be a facility to allow the licence to be approved but with conditions to limit the anti social aspects of this operation. The sites Rock Box uses in Thurlestone and South Milton are close to residential housing which means that their activities are having a detrimental impact to the peace an enjoyment that residents should be entitled to living in AONB.

I have pasted at the foot of this email an email from Karen Procter in which she says (see section highlighted in red) that conditions could be imposed as a licence is approved which could cover decibel levels. This seems to me a sensible solution to this problem.

If no conditions are applied then if there is a repetition of the nuisance this year then the Environmental Health and Licensing teams at South Hams need to respond very quickly so that the nuisance can be documented and appropriate action taken before the activity closes.

I strongly object to the granting of this licence under the current terms.

Kind regards

From: Karen Procter
Subject: RE: Rockbox
Date: 15 March 2023 at 17:25:24 GMT
To:

Good Afternoon,

I apologise for not responding sooner.

We did hold a meeting with Rupert at Rockbox.

We discussed the complaints regarding the premises last year. With regards to some concerns they received over shouting out of food orders, they have purchased some buzzers which are handed out on ordering and the buzzer will vibrate when the food is ready. We discussed recorded music and it seems that they turned the music up when there were more people around so we have indicated that they need to keep the level the same.

They are looking at having live music on less occasions and up until 8pm at the latest. They are going to let us know when they have arranged the dates.

They are looking to apply for a Premises Licence at Thurlestone Golf Course site. If they do this, then there is a 28 day consultation period where representation (objections or support) can be made. As will all new premises licences, there needs to be a notice displayed on a prominent location at the site as well as it going on our website and local Councillors, parish Councils are informed along with 8 responsible authorities. **If there are representations then it is likely to go to a hearing where it can be approved with additional conditions such as limiting decibel levels or refused.**

If they do not apply for a Premises licence or a licence is refused, they still have the option for a Temporary Event Notice.

In order to add conditions to the Premises Licence at South Milton, the licence will need to be called in for review and there is not at this time enough evidence to do this.

The noise monitoring equipment has been reserved and we will get a list of officers to carry out monitoring of the site during the season.

I am checking with colleagues the best way to report a noise nuisance to us and what information and duration we need.

Although the Anti-social behaviour crime and disorder Act 2014 does mentioned noise nuisance I don't believe we can use it for this case, and we also don't have enough evidence of the noise nuisance at this stage, but I am getting clarity from the noise team on this.

We have agreed to keep communications with Rupert going forward in order to have a better idea of what their plans are for the season.

Many Thanks

Karen

Karen Procter | Principal Environmental Health Officer, BSc (Hons), MCIEH,
AMRSPH
South Hams District Council | West Devon Borough Council

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APPENDIX D – Conditions agreed with the Police

1. CCTV

The premises shall install, operate and maintain comprehensive digital colour CCTV. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 14 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images.

2. 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.

The premises will display prominent signage.

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

3. REFUSALS/INCIDENT 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.

4. The premises will only open during the months of April through to September.
5. There will be monitoring of the perimeter to ensure safety thorough the opening hours of the venue.
6. Sales of alcohol will only take place when the adjacent food outlets are also open for business.

7. Customers will be predominantly seated whilst consuming alcohol unless there is a specific event such as a silent disco when the venue will more closely monitor customers with their drinks.