

# South Hams Licensing Committee



<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Thursday, 16th May, 2024</b>								
<b>Time:</b>	<b>11.00 am</b>								
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Rake <b>Vice Chairman</b> Cllr Carson</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Abbott</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Penfold</td> </tr> <tr> <td>Cllr Dommett</td> <td>Cllr Presswell</td> </tr> <tr> <td>Cllr Oram</td> <td>Cllr Thomas</td> </tr> </table>	Cllr Abbott	Cllr Pannell	Cllr Allen	Cllr Penfold	Cllr Dommett	Cllr Presswell	Cllr Oram	Cllr Thomas
Cllr Abbott	Cllr Pannell								
Cllr Allen	Cllr Penfold								
Cllr Dommett	Cllr Presswell								
Cllr Oram	Cllr Thomas								
<b>Interests – Declaration and Restriction on Participation:</b>	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.								
<b>Committee administrator:</b>	Democratic.Services@swdevon.gov.uk								

**1. Apologies for absence**

**2. Minutes of last meeting**

**1 - 6**

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 18 January 2024 and the Licensing Sub-Committee meeting held on 18 April 2024;

**3. Division of Agenda**

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

**4. 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;

**5. Determination of whether to grant a Hackney Carriage and Private Hire driver licence**

**7 - 34**

## MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 18 JANUARY 2024

### MEMBERS

- \* Cllr S Rake - Chairman
- \* Cllr J Carson - Vice-Chairman

- |   |   |                  |
|---|---|------------------|
| * Cllr V Abbott                                 | ∅ | Cllr G Pannell   |
| * Cllr G Allen                                  | * | Cllr S Penfold   |
| ∅ Cllr Dommett                                  | ∅ | Cllr A Presswell |
| * Cllr C Oram                                   | * | Cllr D Thomas    |
| * Cllr T Edie (substituting for Cllr G Pannell) |   |                  |

- \* Denotes attendance
- ∅ Denotes apology for absence

Officers in attendance and participating:  
Lawyer (via MS Teams); Licensing Officer; and Senior Democratic Support Officer

#### L.7/23 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 9 November 2023 and the Licensing Sub-Committee also held on 9 November 2023 were confirmed as a correct record subject to the change of membership for the Licensing Sub-Committee which should read Cllr Carson (Chair), Cllr Penfold and Cllr Abbot.

#### L.8/23 **EXCLUSION OF THE PUBLIC AND PRESS**

##### **RESOLVED**

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”

#### L.9/23 **DETERMINATION OF WHETHER TO GRANT A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

Consideration was given to an exempt report that asked the Committee to determine whether an individual was a ‘fit and proper person’ to hold a Hackney Carriage/Private Hire Driver Licence in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report, and the individual was invited to make representations to the Committee. At the conclusion of their address, Members of the Committee asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to

raise, the Committee adjourned at 10.43 am in the presence of the Solicitor.

Having fully considered the matter, the meeting was then re-convened at 11.18 am and the Chairman read the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer's report.
- We have also listened very carefully to what you have told us today.
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you remain a fit and proper person to hold a joint Private Hire and Hackney Carriage drivers licence.

The Committee has decided to GRANT your Joint Hackney Carriage and Private Hire Driver Licence. This decision is based on:

That after consideration of the evidence before us, we believe that you are a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence, notwithstanding the points accrued on your driving licence.

(Meeting commenced at 10:00 am and concluded at 11:20 am).

---

Chairman

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, ON THURSDAY, 18 APRIL 2024,  
2:00 pm**

**Present:** Cllrs Simon Rake (Chair), Julie Carson and Guy Pannell  
Catherine Bowen, Monitoring Officer  
Karen Procter, Principal Licensing Officer  
Harry Lionis, Licensing Officer  
Amelia Boulter, Senior Democratic Services Officer

**Also in attendance and participating:**

Mr Robert Botkai and Jeremy Burton-Dickie (Applicants for Lounge).  
Mr Phipps, Gareth Head and Gareth James (Applicants for The Crabshell).  
Councillor Denise O'Callaghan (on MS Teams).

**LSC.07/23 DECLARATIONS OF INTEREST**

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.

**LSC.08/23 APPLICATION FOR A NEW PREMISES LICENCE AT LOUNGE, 6 THE PLAINS, TOTNES, TQ9 5DR**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Lounge, 6 The Plains, Totnes, TQ9 5DR in accordance with Section 18 of the Licensing Act 2003.

The Principal Licensing Officer introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), B and C and additional information. The Principal Licensing Officer 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 there were over 200 lounges across England and Wales. The Lounge concept was a food led operation and not a pub or bar. They engage with the local community and charities and have liaised with the Police and Environmental Health. They were aware of the 4 representations from local residents and hoped the changes made would have negated the need for a hearing. This was a town centre location with residents living close by and did not expect noise breakout because there would be a gradual process for people dispersing from the premises. Music played at the Lounge would be background music. People generally visit the Lounge to eat. There were very few places to eat in Totnes and the Lounge would be a welcomed contribution to the area. The Lounge would be employing 25 local people. The outside area would be used up until 10 pm, the tables and chairs would be rendered unusable after this time.

(The Sub Committee then adjourned, in the presence of the Monitoring Officer, and Senior Democratic Services Officer at 2.24 pm to consider the application and reconvened at 2.44 pm.)

## 2. The Decision

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

We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from all parties, plus additional statements from persons here today. We have also considered the additional conditions proposed by Environmental Health and accepted by the Applicant.

It is our decision to:

Grant the application as amended by the additional conditions agreed with environmental health.

The reasons for our decision are as follows:

We have considered the application and representations from members of the public. We note the amendments to the original application, which are welcome. On balance we believe that the application as amended supports the four licensing objectives and complies with SHDC policies. We note residents' concerns and would remind the applicant that should issues of noise, disturbance or other nuisance arise the licence may be reviewed.

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

LSC.09/23

### **APPLICATION TO VARY THE PREMISES LICENCE OF THE CRABSHELL INN, EMBANKMENT ROAD, KINGDBRIDGE, TQ7 1JZ**

The Sub-Committee considered a report that sought to determine an application for a variation to the premises licence of The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ in accordance with Section 35 of the Licensing Act 2003.

The Principal Licensing Officer introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), B(i), B(ii), C and D and additional information. The Principal Licensing Officer reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

#### **1. Address by the Applicant**

This was a nicely appointed pub on the water with a relatively small bar at the rear of the premises which gets busy on sunny days. The shepherd's hut would be an additional dispense point serving up to 4 draughts beers, soft drinks, a small selection of spirits and a pizza oven and would not increase the footprint. The pub was owned and operated by St Austell Brewery. They very infrequently had to ask someone to leave, and the responsible authorities did not object to the application. A primary concern was the proximity of the pub to the car park and public safety, and it was highlighted that a lot of pubs

were in the proximity of a car park. They were happy to propose a condition to use planters in the car park to protect members of the public. Planning permission for the shepherd's hut had been refused and until this was granted cannot operate. They have an excellent relationship with the neighbour, and they raised no issues or concerns and neighbours across the water raised no objections. The pizza oven was unlikely to cause a public nuisance. This was a significant pub in the area and currently not causing any problems.

(The Sub Committee then adjourned, in the presence of the Monitoring Officer, and Senior Democratic Services Officer at 3.19 pm to consider the application and reconvened at 3.38 pm.)

## **2. The Decision**

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

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from all parties, plus additional statements from persons here today.

It is our decision to:

- GRANT the application subject to the condition proffered by the applicant that operation under this licence will only take place once planning approval has been obtained. Further we would incorporate the inclusion of planters, again as proffered by the applicant, for protection of customers in the immediate vicinity of the servery from vehicles in the car park.

The reasons for our decision are as follows:

We believe that the additional servery facility will result in only limited changes to the existing use of the external areas of the premises and therefore supports the licensing objectives and council licensing policy. We would remind the applicant that should changes in the use of external areas result in additional nuisance, noise or detriment to public safety the council may review the licence or its conditions.

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

(meeting closed at 3.40 pm)

---

Chairman

This page is intentionally left blank



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank