

# South Hams Licensing Sub-Committee



<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Thursday, 24th March, 2016</b>
<b>Time:</b>	<b>11.30 am</b>
<b>Venue:</b>	<b>Cary Room - Follaton House</b>
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b></p> <p style="text-align: center;"><b>Vice Chairman</b></p> <p><i>Members:</i>                      Brown                      Holway     Cuthbert</p>
<b>Substitutes:</b>	Named substitutes are not appointed
<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>	Member.Services@swdevon.gov.uk

**1. Appointment of Chairman**

**2. Division of Agenda**

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

**3. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

- |  |                |
|--|----------------|
| <b>4. Application to Vary the Premises Licence of The Cove, Hope Cove</b>  | <b>1 - 52</b>  |
| <b>5. Application for new Premises Licence for Ashburton Football Club</b> | <b>53 - 96</b> |

# Agenda Item 4

Report to: **Licensing Sub-Committee**

Date: **24<sup>th</sup> March 2016**

Title: **Application to vary the premises licence of The Cove, Hope Cove**

Portfolio Area: **Customer First**

Wards Affected: **Salcombe and Malborough**

Relevant Scrutiny Committee:

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

Author: **Naomi Wopling** Role: **Specialist – Licensing**

Contact: **01803 861268 / naomi.wopling@swdevon.gov.uk**

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## **Recommendations:**

**That the Sub-Committee considers the application to vary the Premises Licence and makes 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 reject the whole or part of 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.**

**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 the variation to the Premises Licence at **The Cove, Harbour Lights, Hope Cove, Kingsbridge, TQ7 3HQ** in accordance with Section 34 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application for the variation to the premises licence of the above on 2 February 2016. A copy of the application is attached at **Appendix A**. The application is for provision of live and recorded music Monday to Sunday from 10am to midnight, indoors and outdoors. Also to provide live and recorded music on New Year's Eve until 1am. Section 16 of the application contains the steps the applicant proposes to take to promote the four licensing objectives.
- 1.3 The current premises licence permits the sale of alcohol for consumption on and off the premises Monday to Sunday from 10am to midnight and with no restriction on New Year's Eve. The opening hours are Monday to Sunday from 10am to 12.30am, with no set closing time on New Year's Eve. A copy of the current licence is at **Appendix B**.
- 1.4 Under the Live Music Act 2012, and subsequent deregulatory changes, any premises licensed for the sale of alcohol for consumption on the premises are permitted to provide live or recorded music for an audience of up to 500 persons, between the hours of 8am and 11pm (providing the premises are open for the purposes of being used for the sale or supply of alcohol at this time). Any conditions relating to live or recorded music are unenforceable during these hours. However, should music provided cause a public nuisance, it is possible for the premises licence to be reviewed and restrictions imposed at this stage. Therefore if the variation application is granted, any conditions relating to live or recorded music may only be enforced between the hours of 11pm and midnight, there is no route to dis-apply the Live Music Act through the variation process.
- 1.5 Seven relevant representations were received during the consultation period. Copies of these can be found at **Appendix C**. Issues raised mainly concern the prevention of public nuisance licensing objective, particularly relating to potential noise disturbance from music being played at The Cove and noise from people sitting outside the premises. Reference has been made to previous experience of noise disturbance from the premises during past live music events.
- 1.6 In addition, a representation was received from Environmental Health in relation to the prevention of public nuisance licensing objective. The Environmental Health Specialist has recommended that if the variation application is granted, further conditions should



be included on the premises licence to prevent a public nuisance being caused. These additional conditions are at **Appendix D**. We have received confirmation in writing from the Applicant agreeing to the inclusion of these conditions.

- 1.7 The premises is located in close proximity to residential properties, although many are not permanently inhabited throughout the year. There is a location plan at **Appendix E** and some photographs of the immediate vicinity of the premises at **Appendix F**.
- 1.8 We have not been able to mediate between all parties and so a satisfactory conclusion has not been possible. The Licensing Sub-Committee will now need to consider this application.

## **2. Background**

- 2.1 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 March 2015).
- 2.2 Section 2.1 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).
- 2.3 The four licensing objectives are:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 2.4 Section 2.2 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.
- 2.5 Section 2.3 of the Policy lists the kind of measures the Licensing Authority will be expecting to see taken into account to promote the objectives.
- 2.6 Sections 2.5 & 2.6 of the Policy set out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard. Section 4 of the policy sets out what the Sub-Committee should consider before imposing conditions on a licence.

2.7 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in March 2015 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).

2.8 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)

Out of the above responsible authorities, representations were only received from Environmental Health and amendments have been agreed with the Applicant.

2.9 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application, including District Councillors and Parish Councils. District Councillors and Parish Councils are notified of every application for a premises licence application, no representations from District Councillors have been received in relation to this 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 2.18 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. There is no presumption within the legislation for longer opening hours.

- 3.4 Section 6.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 3.5 Paragraph 10.14 of Guidance issued under Section 182 of the Licensing Act 2003 states: where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this 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 7.1 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.
- 3.7 Section 7.2 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.

- 3.8 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, and 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 issues, and any other relevant ones, 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 variation to Premises Licence and make a determination in respect of this application, namely to:

- a) grant the application as submitted, subject to any Mandatory Conditions required;
- b) modify the conditions of the licence;
- c) reject the whole or part of 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.

in line with the licensing objectives 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 34) that in dealing with an application to vary a premises licence, the sub-committee may take any of the following steps it considers appropriate for the promotion of the licensing objectives:</p>

		<p>(a) to modify the conditions of the licence; (b) to reject the whole or part of 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.</p> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> <li>a) dismiss the appeal;</li> <li>b) substitute for the decision appeal against another decision which could have been made by the Licensing authority;</li> <li>c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.</li> </ul>
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 within 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 – variation to premises licence application

Appendix B – current premises licence

Appendix C – copies of representations

Appendix D – conditions agreed between Applicant and Environmental Health

Appendix E – location plan

Appendix F – photographs

### **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

Agreement from Applicant to Environmental Health conditions

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes/No</b>
SLT Rep briefed	<b>Yes/No</b>
Relevant Exec Director sign off (draft)	<b>Yes/No</b>
Data protection issues considered	<b>Yes/No</b>
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	<b>Yes/No</b>

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## Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Toby

\* Family name

Robinson

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is your business registered in the UK with Companies House?

☒ Yes ☐ No

\* Registration number

08791026

\* Business name

Robinson Major Ltd

If your business is registered, use its registered name.

\* VAT number

GB 195022805

Put "none" if you are not registered for VAT.

\* Legal status

Private Limited Company

**Continued from previous page...**

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

3,750

### Section 3 of 17

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

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.

Our premises remains the same as under our current license.

We would like to extend the hours of live music and recorded music from 23.00 to 00.00 daily.

We would also like to extend the hours of live and recorded music to 01.00 on New Year's Eve/New Years Day.

This will include amplified and unamplified music.

We do not believe that this would have any adverse effect on the promotion of the licensing objectives as our licensed hours are until 00.00 and we adhere to all objectives. This change would allow us some flexibility to allow diners to enjoy music following their meal and would bring us in line with the other establishments in the area.

We are in the centre of Hope Cove, next door to a large St Austell pub and surrounded by holiday lets and a post office. I believe the only resident is the landlord of The Hope and Anchor pub Mr & Mrs Roberts who is a tenant of a St Austell Brewery owned apartment. The Hope and Anchor pub is next door to us and also offers live music. I therefore feel that this change would have no negative impact as us and the landlord of The Hope and Anchor are the only residents affected. We are licensed to serve alcohol until 00:00 with a 30 minute drink up time so the proposed variation would bring the entertainment in line. We cater for private parties etc so it would make sense to be able to offer entertainment within our licensed hours and put us on a fair playing field with the other businesses in close proximity.

### Section 4 of 17

#### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

### Section 5 of 17

#### PROVISION OF FILMS

*Continued from previous page...*

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 6 of 17

### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 7 of 17

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 8 of 17

### PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

**Continued from previous page...**

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are not looking to increase our live music, we are looking to have the flexibility on days that we offer it and a small extension to the cut off time within our licensed hours.  
For example we currently run a monthly open mic night on a Tuesday once a month but that potentially could need to be another night subject to musicians availability so we would want the potential to offer that flexibility on each evening.  
If we stage music outside on our terrace it is likely to be acoustic but we would like the potential to offer live music outside during Hope Cove Weekend alongside the other businesses in the village.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Please see above.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Following our successful TEN application for 2015, we would like to have the ability to stage live music until 1am on New Year's Eve.

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

*Continued from previous page...*

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors      ☐ Outdoors      ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are looking for the ability to have background music playing inside the venue for that final hour of trading.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

**Continued from previous page...**

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

We would like to extend this to 1am on New Year's Eve.

#### Section 10 of 17

##### PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 11 of 17

##### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 12 of 17

##### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 13 of 17

##### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 14 of 17

##### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

#### Section 15 of 17

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

*Continued from previous page...*

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As existing license

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As existing license



**Continued from previous page...**

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 17

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As existing license

b) The prevention of crime and disorder

As existing license

c) Public safety

As existing license

d) The prevention of public nuisance

Alongside our existing license, we would pledge the following steps to prevent public nuisance during the extra hour we are seeking to provide live/recorded music (23:00-00:00).  
  
Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.  
  
Suitable signage will be provided at relevant exits requesting patrons make as little noise as possible when leaving the premises and vicinity as quietly and quickly as possible.

**Continued from previous page...**

All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise are taking place. Sufficient ventilation will be provided so that doors and windows can be kept closed.

The volume of amplified sound used in connection with the entertainment will at all times be under the control of the management.

A senior member of staff will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.

**e) The protection of children from harm**

As existing license

**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

100.00

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

**Continued from previous page...**

The information provided will be held securely by this Council in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information provided to prevent and detect fraud. We may also share this information with other organisations that handle public funds. Information provided may also be used to check the accuracy of records held elsewhere in the council. See [www.southhams.gov.uk](http://www.southhams.gov.uk) for further information.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-hams/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Licensing Act 2003  
**Premises Licence**

**PL0092**

LOCAL AUTHORITY



**Licensing Section  
South Hams District Council  
Follaton House  
Plymouth Road  
TOTNES  
TQ9 5NE**

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**The Cove**

Hope Cove, KINGSBRIDGE, Devon, TQ7 3HQ.

Telephone 01548 561376

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	Midnight
	New Year's Eve		
	From the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	12:30am
New Year's Eve		
From the end of opening hours on New Year's Eve to the start of opening hours on New Year's Day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Robinson Major LTD

Frederick House, Beam Heath Way, Nantwich, Cheshire, CW5 6PQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE  
AUTHORISES THE SUPPLY OF ALCOHOL

Toby ROBINSON

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR  
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 11091051

Issued by Cheshire East

ANNEXES

**ANNEX 1 - MANDATORY CONDITIONS**

**Supply of alcohol**

No supply of alcohol may be made under the premises licence:-

1. at a time when there is no designated premises supervisor in respect of the premises licence, or
2. at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Registered door staff**

Each individual carrying out a 'security activity' must be licensed by the Security Industry Authority other than

1. in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
2. in respect of premises in relation to any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
3. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section

- "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**Irresponsible drinks promotions**

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible drinks promotions in relation to the premises.

ANNEXES continued ...

- (2) In this paragraph, an irresponsible drinks promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**No alcohol to be dispensed directly into the mouth of another person**

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**Free drinking water**

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Age verification policy**

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18

ANNEXES continued ...

years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Minimum measures for alcoholic beverages**

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Minimum permitted price for the sale or supply of alcohol**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) “permitted price” is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).



## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **General**

There must be sufficient table and chairs maintained within the premises to accommodate all customers to be seated.

The total occupancy of the premises at any one time must be in agreement with the Licensing Authority and Devon & Somerset Fire and Rescue based on risk assessment regarding fire safety issues, available floor space and the sanitary accommodation available.

The method employed for checking the number of people in the restaurant must be by a physical head count.

### **The prevention of crime and disorder**

The premises primary function must be to operate as a Restaurant/Cafe and substantial meals must be available.

Beverages other than intoxicating liquor must be equally available for consumption on the premises.

Alcohol sold for consumption off the premises must be supplied in sealed containers only.

Customers must not be permitted to take open containers of alcoholic drinks from the premises or outside seating area as marked on the plan.

Glasses must be removed from public areas as soon as they are finished with or empty.

An incident book must be kept to record the details of all instances of refused sales together with the description of the customer and reason for refusal must be recorded. The incident book must be made available to the Police and Weights and Measures (Trading Standards).

### **Public safety**

The electrical system, including portable appliances, must be inspected visually annually by a competent person to ensure safety.

The gas system including appliances must be inspected and tested by a Gas Safe Registered engineer annually and a satisfactory gas safety certificate must be obtained, all safety certificates and inspection reports must be kept on site and made available for inspection by officers of relevant statutory bodies.

ANNEXES continued ...

When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency.

Gangways, exit routes and steps must be maintained in good order with non-slippery and even surfaces, edges of steps and stairways must be conspicuously marked.

There must be adequate arrangements for first aid provision. A first aid box with an adequate and appropriate supply of first aid equipment and materials must be available for the use of patrons. Suitable protective equipment will be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures must be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable disease.

**The prevention of public nuisance**

Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.

Suitable signage must be provided at relevant exits requesting patrons make as little noise as possible when leaving the premises and vicinity as quietly and quickly as possible.

Any rubbish stored outside and produced by the premises awaiting collection for disposal must be stored securely in a designated area or in a bin with a tight fitting/lockable lid, to prevent litter being blown around.

The delivery of goods must be restricted to between 07:00 and 19:00.

Rubbish bins outside the premises must be kept to a minimum and only be emptied during opening times.

Ventilation equipment must be regularly cleaned and maintained to minimise the levels of odour generated by the premises.

**The protection of children from harm**

There must be a "Challenge 21" proof of age policy. Any person who appears to be under the age of 21 years must have to provide valid identification before they are permitted to purchase alcohol. The only forms of identification accepted are a valid UK Photo Driving Licence, Passport or recognised Pass Scheme ID.

There must be no gaming machines installed.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None

**ANNEX 4 - PLANS (AS EXISTING)**

ANNEXES continued ...

**Graham Munson**  
**Licensing Manager**  
**On behalf of the Licensing Authority**

Licensing Act 2003  
**Premises Licence Summary**

**PL0092**

**LOCAL AUTHORITY**



**Licensing Section  
South Hams District Council  
Follaton House  
Plymouth Road  
TOTNES  
TQ9 5NE**

**Premises Details**

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**The Cove**

Hope Cove, KINGSBRIDGE, Devon, TQ7 3HQ.

Telephone 01548 561376

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday New Year's Eve From the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.	10:00am	Midnight

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday New Year's Eve From the end of opening hours on New Year's Eve to the start of opening hours on New Year's Day.	10:00am	12:30am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption ON and OFF the premises

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Robinson Major LTD

Frederick House, Beam Heath Way, Nantwich, Cheshire, CW5 6PQ.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Toby ROBINSON

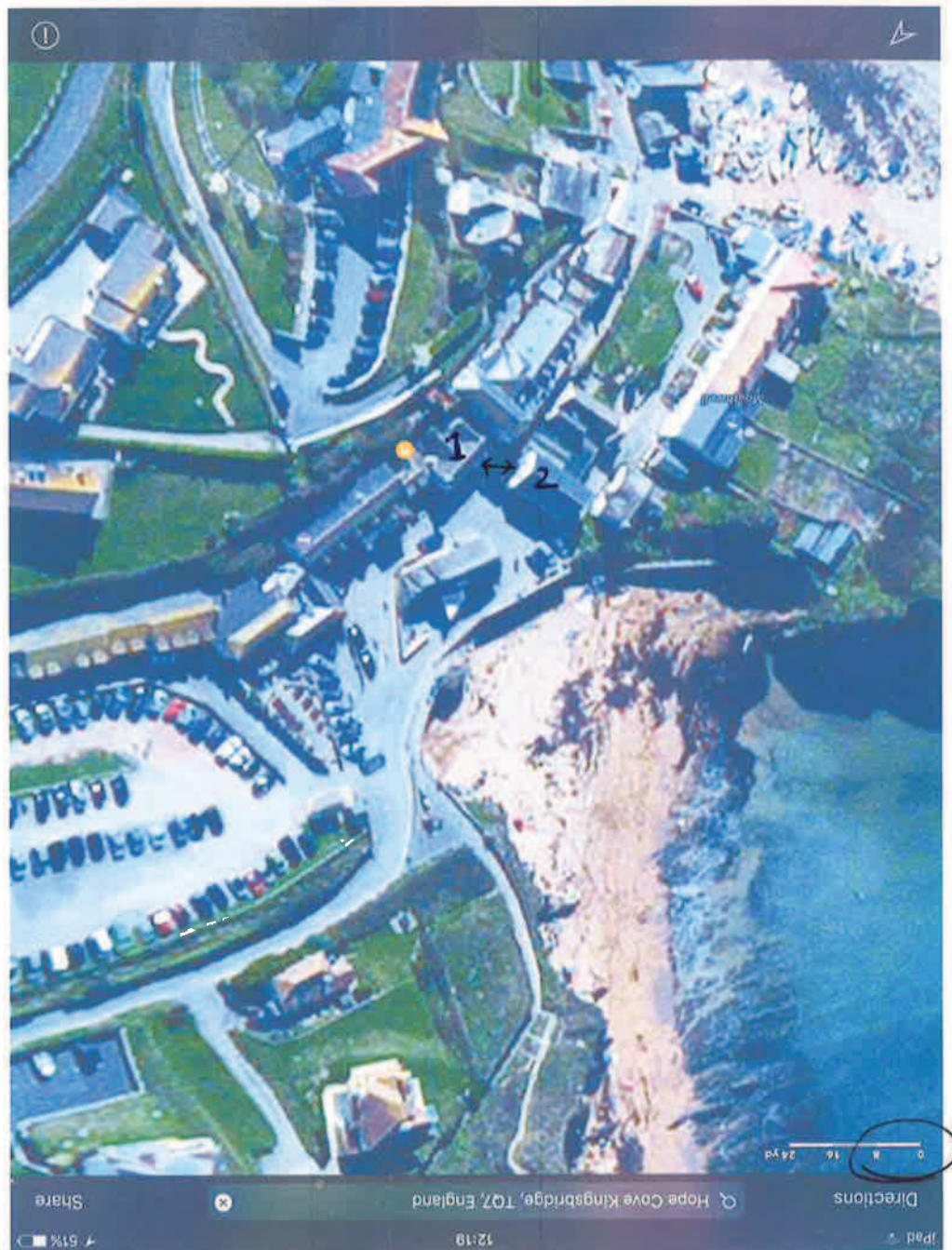
Licensing Act 2003  
**Premises Licence Summary**

**PL0092**

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

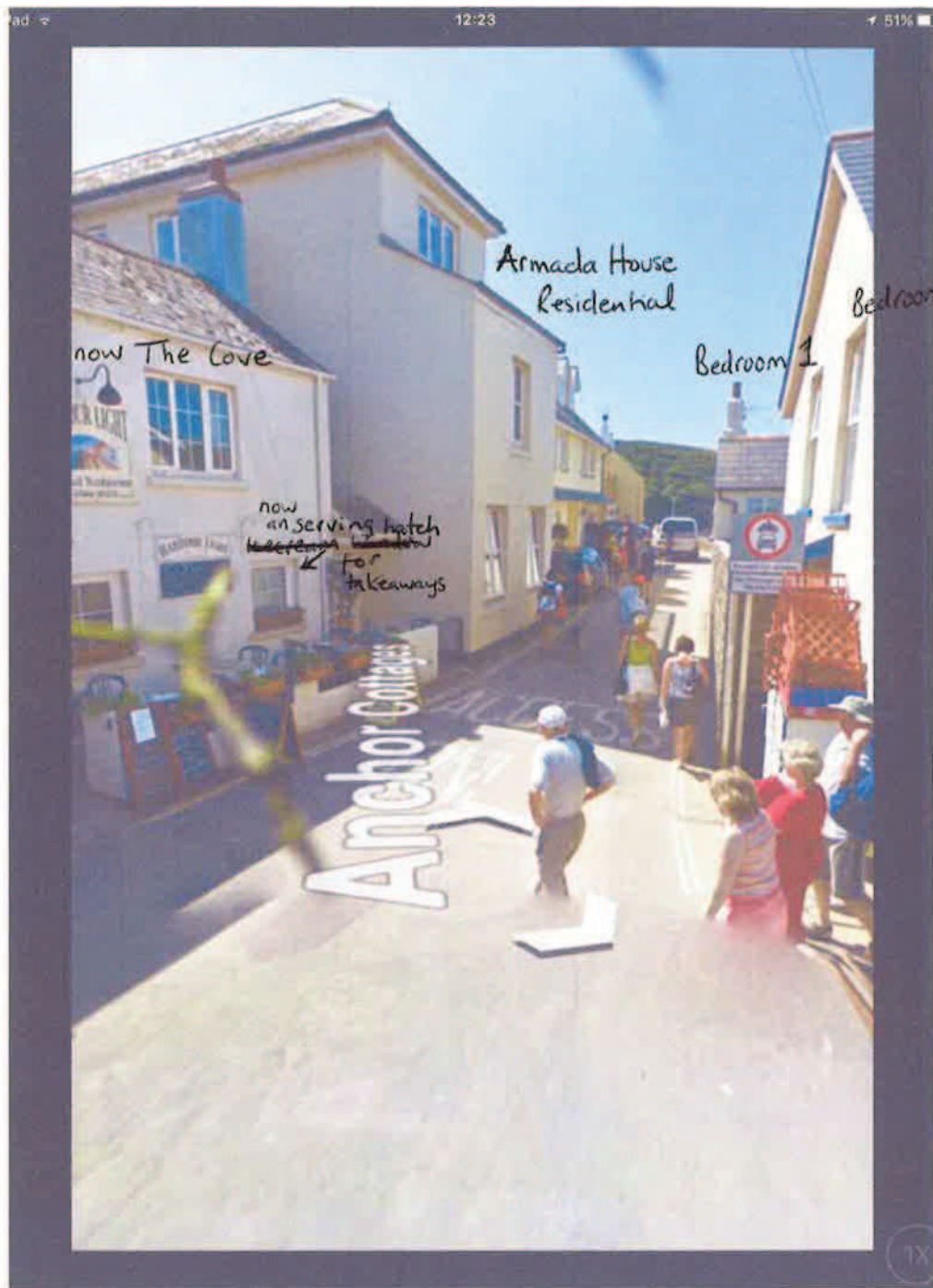
There are no restrictions on Children

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- 1 The Cove
- 2 The Haven Holiday Apartment







## Naomi Wopling

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**From:** Mr Stephen Williams [REDACTED]  
**Sent:** 10 February 2016 11:43  
**To:** SH-Licensing  
**Cc:** [REDACTED]  
**Subject:** Harbour Lights (The Cove) - Premises Licence Variation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

Firstly I wish to point out that I am not a resident in the South-hams Council Area, however I have been visiting and staying in Outer Hope Cove for 16+ years. At least twice a year and sometimes three times a year. My family and friends have also visited The Haven (above the Post Office), regularly also. Although I am not a resident but a frequent visitor, I feel that my views should be considered when considering the premises Licence Variation to the Harbour Lights (The Cove).

I notice that the variable licensing request is to allow live music from 10:00am inside and outside the premises until midnight and recorded music indoors from 10:00am until midnight. I am opposed to this for reasons I have given below in the main part of my letter. I would also like to point out that Outer Hope Cove is residential and to have a noisy business (The Harbour Lights (The Cove)) in such close proximity to holiday homes and other residences is unacceptable. I believe being allowed to stay open until 11:00 pm is adequate and to stop all live music after 10:00pm. I am also opposed to any live music outside The Harbour Lights (The Cove) as I believe that it would contribute to the noise pollution and the nuisance value.

Outer Hope Cove is a safe holiday location for many families with young children and like ourselves have always found the noise levels to be kept to a minimum during the late evenings. The Hope & Anchor has always been considerate to noise levels which has made Outer Hope Cove to be seen as a family friendly holiday resort.

The Harbour Lights (The Cove) has since the summer of 2014 started holding live music gigs and seem to operate more like a public house/Club than a simple cafe and bar. With variable closing times seeming to suit the proprietor and his rowdy customers. My visits and those of family and friends have in the last two years been significantly affected by noise pollution that emanates from the Cove Bar. I am not unreasonable about noise and people enjoying themselves but when that enjoyment has a serious affect on mine and others sleep, particularly after midnight. I feel that something needs to be done.

I and others have complained to the proprietor of The Harbour Lights (The Cove) but he has been unsympathetic and said that he had a business to run. He did on one occasion begrudgingly apologise to me personally after his wife had spoken to him, but after closing at 11pm for one night, things reverted back to the way they are now. I am always happy to support local businesses both at home where I live and in Hope Cove when on holiday. I believe that understanding should flow both ways. My daughter and son-in-law have two young children who have been woken up on more than one occasion by the rowdiness of the customers that frequent The Harbour Lights (The Cove). The Cove is just feet away from the bedroom windows of The Haven.

We have complained to Mr and Mrs Adrian Masters who own the Haven a number of times and they have spoken to the owner of The Harbour Lights (The Cove). Once again things go quiet for a day or so and then revert back to the usual rowdiness. Unfortunately The Cove seems to be frequented by large numbers of young men at night who are looking for fun and a laugh but this fuelled with copious amounts of alcohol increase the noise level to an unacceptable volume. If The Harbour Lights (The Cove) was situated away

from holiday accommodation it would probably be less of a problem, however having a reasonable proprietor in first instance would make for an easier relationship.

Up until last year we have been recommending people to come and stay at the Haven but since the problems with The Harbour Lights (The Cove), we have had to inform Mr and Mrs Masters that we can no longer recommend staying at the Haven because of the erratic noise levels and closing times. I wish to support Mr and Mrs Master's objection to the proposed application. They have been proprietors of the Hope Cove Post Office and The Haven holiday apartment for many years and I feel that the new owners of The Cove and their noisy behaviour is unfair on Mr and Mrs Master's business.

I would simply ask that you bear in mind the points above, that I have made in this email.

Yours sincerely

Mr Stephen Williams  
6 Vicarage Court  
Egham, Surrey  
TW20 8NS.

*Stephen Williams*

---

---

**Mr Stephen Williams**

RECEIVED  
12 FEB 2016

1 Springfield House  
24 Surley Row  
Emmer Green  
Reading  
Berks RG4 8LY

February 8th 2016

Dear Sir

I am writing to object to the application from The Cove - Hope Cove - to vary the Premises License - "for the provision of Live music indoors and out doors from 10am to midnight and added music indoors for the same time"

I have been a visitor to Hope Cove for more than 60 years and the one reason I keep returning to this beautiful -

unspoilt and quiet village -  
is that it is a haven and  
wonderful place for rest  
and recuperation.

The village is too small to  
take such intrusion by the  
noise and disruption this  
music will cause to villagers  
and holiday makers. many people  
come with young children -  
who's sleep will be very upset  
if this license is granted.

Yours Sincerely

R.J. Nissey (Mrs)

3

RECEIVED

12 FEB 2016

**VILLAGE SHOPS LTD**

**The Haven  
Hope Cove  
Kingsbridge  
TQ7 3HQ**

**Registered No 4525961**

9 February 2016

Licensing Manager  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

Dear Sir

I wish to register my objection to the application from Robinson Major Ltd to vary the Premises Licence at Harbour Lights, Hope Cove, Kingsbridge TQ7 3HQ known as The Cove.

My wife and I own a holiday apartment adjacent to The Cove Cafe. The bedroom windows are approximately 5 meters from the premises and the application, if approved, would impact seriously with peaceful enjoyment of the property.

We acknowledge that the applicants have worked hard to improve their business. They appear to be making it more of a bar and music venue rather than just a restaurant. They have brought in musicians and bands for music nights and put on a four day music festival in May 2015 with great success.

With this success, however, has come an increase in the noise from customers and the music and this is increasingly causing a disturbance to our guests. The noise from The Cove, both inside and outside, can go on until past midnight particularly in the summer months. We have had guests complaining to us about the level of noise and we have lost a very loyal visitor, who, together with her family has been staying with us for many years but who has decided to go elsewhere because of the



disturbance they experienced. Other guests have advised us that if the situation continues or worsens then they will have to consider booking their holidays elsewhere.

We believe that if this application is approved, it would only exacerbate the situation with the potential for music to be played until midnight every night and the subsequent noise from customers dispersing very late at night. This will inevitably cause further complaints and loss of bookings for our apartment and increased disturbance for surrounding properties.

We understand the applicant wishes to increase revenue, but when this has a detrimental impact on the revenue for our business, it is both unfair and unreasonable.

Please see attached evidence of The Cove's proximity to our property and residential / holiday accommodation nearby.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'A.J.M.' or similar, written in a cursive style.

Adrian J Masters

RECEIVED  
12 FEB 2016

(4)

Owen Masters MBE  
10 Crabshell Heights  
Embankment Road  
Kingsbridge  
Devon TQ7 1FE

The Licensing Manager  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
South Devon TQ9 5NE

10 February 2015

*Dear Sir/Madam*

**Premises Licensing – Harbour Lights Hope Cove**

I wish to object to the application in respect of licensing for music in the evenings at the above premises, recently known as The Cove Inn.

The Harbour Lights has previously conducted business as a charming Tea Rooms or Restaurant. It now appears to be changing into a Bar/Music Venue.

My objection to the granting of such a license is that it is the wrong location for music events, particularly when performed into the evening and until midnight.

Hope Cove is a beautiful and a tranquil holiday destination. The above premises are located in an area where there are nearby residential properties. Residents quality of life will be seriously affected, should a license to be granted for music into the late evening.

Yours faithfully,

*Owen Masters*

5

Dear Sir or Madam,

I wish to object to the proposed variation of the premises licence covering The Cove, in Hope Cove.

My family and I love visiting Hope Cove every year (my daughter has Hope as a middle name) and have recommended it as a picturesque, family friendly holiday destination to our friends.

However, we will no longer be able to recommend it if The Cove is granted this amendment to its Premises Licence. In fact we would be very unlikely to return ourselves.

Our last two visits to Hope Cove have been blighted by loud music and shouting from this establishment often well into the early hours of the morning.

We have always stayed at The Haven and two of the bedroom windows back on to this pub. Having live or recorded music being played so close to this and other residential properties is clearly inappropriate, inconsiderate, selfish and anti-social.

It is simply not an appropriate venue for this type of activity and is clearly out of keeping with the rest of the village.

In my view it is a poorly managed business in stark contrast to the considerate people who run and frequent the Hope & Anchor. Complaints about the noise have either fallen on deaf ears (presumably caused by the loud music) or met with remarks such as 'we have a business to run'. The owners display no concern for the fact that young children are trying to sleep.

In my experience people come to Hope Cove to enjoy peaceful and relaxing family holidays – not to be subjected to the sort of loud music and rowdy drunken behaviour you might expect to see in Blackpool.

I sincerely hope you reject this application otherwise my family's love affair with Hope Cove is likely to draw to a sad and premature close.

Yours sincerely

Adam Fisher

43 Charterhouse Close,

Bracknell

RG12 0XF



6

Dear Sir or Madam,

I wish to object to the proposed variation of the premises licence covering the Harbour Lights (or The Cove) at Hope Cove.

My wife and I are not residents of Hope Cove or, indeed, South Hams. But we have been having holidays in Hope Cove virtually every year since 1999 in Hope Cove, where we stay in the flat (The Haven) above the village shop and post office.

In the past couple of years our enjoyment of Hope Cove has been significantly impaired by late-night noise from The Cove. This has come both in the forms of music and the chatter of customers sitting outside the establishment.

The latter – which takes place only a few feet from the windows of the main bedrooms in The Haven – has continued until 1.30am on more than one occasion in our holidays.

The lack of consideration shown for us and other holidaymakers or residents in nearby properties was underlined when we raised the issue with the owner of The Cove in May 2014 and were told by him that “That I have a business to run.” Empathy for our sleepless plight was conspicuous by its absence – even though he was aware that we had a young grandchild staying with us.

I might add – though they can speak for themselves – that the owners of The Haven also have a business to run, and that it is liable to be harmed by the attitudes and ambitions of the owner of The Cove. Over the past year or so, my wife and I have seriously thought about ending our long relationship with Hope Cove; we have not yet done so because we have lived in hope – if you’ll excuse the pun – that the problem at The Cove would be resolved.

Until a couple of years ago, the site of The Cove was occupied by a quiet restaurant that was in keeping with the character of Hope Cove. We greatly regret that it has become a sort of substitute pub.

It is too close to residential properties to have such activity extending to midnight (plus the extra time taken in clearing up and ending raucous conversation immediately outside the premises).

At the most, The Cove should have a licence running until 11pm. And the terms of such a licence should be properly enforced.

Yours faithfully,

Chris Fisher

8 Limes Road, Egham, Surrey, TW20 9QT

7

Naomi Wopling

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**From:** Ashleigh Roberts [REDACTED]  
**Sent:** 26 February 2016 12:19  
**To:** SH-Licensing  
**Subject:** LICENSE VARIATION OBJECTION - Robinson Major Ltd for The Cove, Harbour Lights, Hope Cove, Kingsbridge, TQ7 3HQ

To Whom It May Concern:

REGARDING LICENSE APPLICATION: **Robinson Major Ltd for The Cove, Harbour Lights, Hope Cove, Kingsbridge, TQ7 3HQ**

I wish to object to the application to vary the licensing hours and entertainment at The Cove Café, Hope Cove, Devon.

As a residential neighbour, the extension of licensed music hours till Midnight - including outside the premises will disrupt our life immensely. We have two children aged 1 and 3, and another child on the way. Our bedroom is immediately next door to the Cove's bar area and external seating.

My objection can be referenced against the following licensing objectives:

**THE PREVENTION OF CRIME AND DISORDER:** The Cove never employ security during live music. There have been at least two fights outside the business that has needed to be dealt with - on both occasions The Cove did nothing. The disturbances were only sorted by the intervention of the Manager of the pub next door.

**PUBLIC SAFETY:** By enabling live music to be played outside the venue, it will encourage the public to stand in the middle of a public highway. There is not adequate seating available or external space to quantify an external music license. This is highlighted by the fact that The Cove Café currently have seating positioned on a public highway anyway with disregard to public safety.

**THE PREVENTION OF PUBLIC NUISANCE:** With little soundproofing and ventilation, The Cove Café need to have doors and windows open during live music. The music carries throughout the village - we would be incredibly inconvenienced as neighbours, but also the neighbouring properties are holiday lets and provide income for many people that could be impacted. Immediately adjacent to The Cove Café is also a business that has letting rooms, who may be financially impacted if their customers are unable to sleep at night due to noise levels. The noise levels would not be limited to the music, but also to the lively customers that would be leaving the premises late at night, and also the musicians themselves that would need to pack away their instruments etc leading to car engine noise and car door noise well after midnight. I have recordings of the level of noise from inside our property for reference if required.

The current license extends to 11pm for music indoors, which is perfectly adequate for the location of the business. Any extension to this will seriously impact the quiet nature of the village. No other business has licensable activity at this time - or would be so crass as to request it as a daily requirement. Obviously there are special occasions, but that is what a Temporary Event Notice is for.

I have also sent this same message through your website, but not sure if that was the correct route.

If you require any further comment or information, please do not hesitate to contact me. Equally, if you require a different form completed, please let me know. I called the council office this morning and they said that a simple email would suffice.

Regards,

Ashleigh Roberts

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## **Response from Environmental Health with proposed amendments**

I would like to see the following conditions added to those already listed by the applicant.

I believe that if all these conditions are not included on the licence there is the potential for a public nuisance to be caused by music noise from the Hope Cove café.

- All amplified music shall take place indoors only, except during Hope Cove weekend when amplified music will be permitted outside from 10:00 to 23:00.
- Any music after 23.00 hours shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation (see note)
- Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
- An announcement will be made prior to closing requesting customers' co-operation in leaving the premises and vicinity as quickly and quietly as possible.

### **Note**

The requirement of inaudibility is given in guidance by The Noise Council in the 'Code of Practice on Environmental Noise Control at Concerts'. That guide suggests that control can be exercised in that situation by limiting the music noise so that it is just audible outside the noise sensitive premises. When that is achieved it can be assumed that the music noise is not audible inside the noise sensitive premises.

Sarah Harcombe

Environmental Health Specialist, South Hams District Council

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Pin = The Cove

● = Premises referred to in representations

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Report to: **Licensing Sub-Committee**  
Date: **24<sup>th</sup> March 2016**  
Title: **Application for new premises licence for Ashburton Football Club**  
Portfolio Area: **Customer First**  
Wards Affected: **Eastmoor / Staverton**  
Relevant Scrutiny Committee:

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

Author: **Naomi Wopling** Role: **Specialist – Licensing**  
Contact: **01803 861268 / naomi.wopling@swdevon.gov.uk**

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**Recommendations:**

**That the Sub-Committee consider the application for a new Premises Licence and makes 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 refuse to specify a person in the licence as the premises supervisor**
- v reject the application**

**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 **Ashburton Football Club, Chuley Hill, Ashburton, TQ13 7RW** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application for a new Premises Licence for the above on 30 January 2016. A copy of the application is attached at **Appendix A**. The application is for the provision of live music Friday and Saturday from 7pm to midnight; recorded music daily from 7pm to midnight; late night refreshment daily from 11pm to 12.30am; sale and supply of alcohol for consumption on and off the premises daily from midday to midnight; an additional hour for all licensable activities on New Year's Eve. Section 18 of the application contains the steps the applicant proposes to take to promote the four licensing objectives.
- 1.3 A representation was received from a District Councillor during the consultation period, also representing the views of Staverton Parish Council. A copy can be found at **Appendix B**. Several issues have been raised including concern about public safety due to the narrow lanes and condition of the road should more people be attracted to the area. There is also concern that noise from customers and music will cause a disturbance to a residential property in close proximity to the premises and that the premises could potentially become a 'pub' and therefore cause a nuisance to those living in and using the surrounding area.
- 1.4 Under the Live Music Act 2012, and subsequent deregulatory changes, any premises licensed for the sale of alcohol for consumption on the premises are permitted to provide live or recorded music for an audience of up to 500 persons, between the hours of 8am and 11pm (providing the premises are open for the purposes of being used for the sale or supply of alcohol at this time). Any conditions relating to live or recorded music are unenforceable during these hours. However, should music provided cause a public nuisance, it is possible for the premises licence to be reviewed and restrictions imposed at this stage. Therefore if the premises licence application is granted, any conditions relating to live or recorded music may only be enforced between the hours of 11pm and midnight.
- 1.5 During the consultation period the Police visited the premises to discuss the application. Following this meeting, the Police requested amendments to the wording of three of the conditions listed in Section 18 of the application form. These have been agreed in writing by the Applicant and are listed at **Appendix C**.
- 1.6 There is a location plan at **Appendix D** and photographs of the football club and surrounding area at **Appendix E**.

- 1.7 We have not been able to mediate between parties and so a satisfactory conclusion has not been possible. The Licensing Sub-Committee will now need to consider this application.

## **2. Background**

- 2.1 As a relevant representation in respect of this application has been received, which has 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 March 2015).
- 2.2 Section 2.1 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).
- 2.3 The four licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 2.4 Section 2.2 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.
- 2.5 Section 2.3 of the Policy lists the kind of measures the Licensing Authority will be expecting to see taken into account to promote the objectives.
- 2.6 Sections 2.5 & 2.6 of the Policy set out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard. Section 4 of the policy sets out what the Sub-Committee should consider before imposing conditions on a licence.
- 2.7 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in March 2015 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).

2.8 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)

Out of the above responsible authorities, representations were only received from the Police and amendments have been agreed with the Applicant.

2.9 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 2.18 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. There is no presumption within the legislation for longer opening hours.

3.4 Section 6.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not

adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.

- 3.5 Paragraph 10.14 of Guidance issued under Section 182 of the Licensing Act 2003 states: where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this 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 7.1 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.
- 3.7 Section 7.2 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.
- 3.8 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, and 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 issues, and any other relevant ones, 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:
- a) grant the licence as submitted, subject to:
    - i) any Mandatory Conditions required;
    - ii) conditions consistent with the operating schedule and any modifications the authority considers appropriate for the promotion of the licensing objectives;
  - b) exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c) refuse to specify a person in the licence as the premises supervisor;
  - d) 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"> <li>(a) to grant the licence subject to:- <ul style="list-style-type: none"> <li>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</li> <li>ii) any conditions which must under section 19, 20 or 21 be included in the licence;</li> </ul> </li> <li>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</li> <li>(c) to reject the application</li> </ul>

		<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"> <li>a) dismiss the appeal;</li> <li>b) substitute for the decision appeal against another decision which could have been made by the Licensing authority;</li> <li>c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.</li> </ul>
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 within 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 – copy of premises licence application

Appendix B – copies of representations

Appendix C – amendments agreed between the Police and the Applicant

Appendix D – location plan

Appendix E – photographs

#### **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

Agreement from Applicant to Police amendments

Consent to be DPS form

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes/No</b>
SLT Rep briefed	<b>Yes/No</b>
Relevant Exec Director sign off (draft)	<b>Yes/No</b>
Data protection issues considered	<b>Yes/No</b>
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	<b>Yes/No</b>

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## Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

ASHBURTON FC

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

DAVID

\* Family name

SETHERTON

\* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is the applicant's business registered in the UK with Companies House?

☐ Yes ☒ No

\* Is the applicant's business registered outside the UK?

☐ Yes ☒ No

\* Business name

ASHBURTON FOOTBALL CLUB

If the applicant's business is registered, use its registered name.

\* VAT number

-

NONE

Put "none" if the applicant is not registered for VAT.

**Continued from previous page...**

\* Legal status

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Applicant Business Address**

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

**Continued from previous page...**

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

### Section 3 of 19

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☒ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

### Section 4 of 19

#### NON INDIVIDUAL APPLICANTS

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

##### Non Individual Applicant's Name

Name

##### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



**Continued from previous page...**

**Address**

Building number or name	<input type="text" value="CHULEY HILL"/>
Street	<input type="text"/>
District	<input type="text" value="ASHBURTON"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="TQ13 7RW"/>
Country	<input type="text" value="United Kingdom"/>

**Contact Details**

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

This application is the natural progression following the construction of a new clubhouse . The Football club , established more than 100 years ago in the 1890's , moved to its present location 25 years ago , plays in the South Devon league . The facility occupies an elevated position above Ashburton , with very few neighbours. The area is surrounded by hills & large trees . The aim is to utilise the new facility for Football Matches . But also to expand its use to allow Private lets for Meetings , Functions , and any other suitable event. The clubhouse has a maximum capacity of 60 . All events will be vetted & supervised by the club management. In addition to selling alcohol from the new bar servery we wish to license an area on the hard standing adjacent to allow the sale of alcohol at pitch level . Alcohol may be consumed anywhere within the ground . & sold as a sealed container to take home .

**Continued from previous page...**

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

## Section 6 of 19

### PROVISION OF PLAYS

Will you be providing plays?

☐ Yes ☒ No

## Section 7 of 19

### PROVISION OF FILMS

Will you be providing films?

☐ Yes ☒ No

## Section 8 of 19

### PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes ☒ No

## Section 9 of 19

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

## Section 10 of 19

### PROVISION OF LIVE MUSIC

Will you be providing live music?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

**Continued from previous page...**

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

This music will be contained within the clubhouse . This will be occasional use .

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years eve until 01.00 the next day

## Section 11 of 19

### PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Continued from previous page...

☒ Yes

☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

This is allow the facility to be used every day and the management the flexibilty required for external events.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

**Continued from previous page...**

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years eve until 01.00 the next day

## Section 12 of 19

### PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes ☒ No

## Section 13 of 19

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

## Section 14 of 19

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

**Continued from previous page...**

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

This is to allow the sale of Hot food & drinks after the sale of alcohol has finished , prior to departure.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years eve until 01.30 the next day

## Section 15 of 19

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

*Continued from previous page...*

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises    ☐ Off the premises    ☒ Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

**Continued from previous page...**

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years eve until 01.00 the next day

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

DAVID

Family name

SETHERTON

**Enter the contact's address**

Building number or name

Street

District

City or town

ASHBURTON

County or administrative area

NEWTON ABBOTT

Postcode

Country

United Kingdom

Personal Licence number  
(if known)

TBC

Issuing licensing authority  
(if known)

TEIGNBRIDGE DISTRICT COUNCIL

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**



**Continued from previous page...**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

**Continued from previous page...**

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years eve until 01.30 the next day

## **Section 18 of 19**

### **LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

This clubhouse is located on the outskirts of the town . It is very much stand alone & surrounded by Hills & Trees . Any events will either be Football Club related or strictly vetted & supervised. Whereas the application is for 7 days a week , this is to allow flexibility of use. The likelihood is this will be 2-3 days a week.

b) The prevention of crime and disorder

CCTV is being installed covering the external & internal areas . This will be recordable in line with Police requirements. Sign will be displayed notifying visitors.  
All sales sold for consumption outside the clubhouse bar will be in either sealed containers (for consumption off the premises) or Polycarbonate glasses for consumption at pitch level & surrounding visitor areas.  
All external event bookings will be supervised by a member of the Football Club Management.  
An Incident & refusals log will be maintained.

c) Public safety

The premises enjoys full fire certification and relevant fire safety equipment.  
The clubhouse bar has a legal limit of 60 persons  
First Aid facilities will be available in the clubhouse.  
All sales sold for consumption outside the clubhouse bar will be in either sealed containers or Polycarbonate glasses.  
Car Parking is supervised on match days to ensure the local lanes are not impeded.  
All equipment will be tested in line with current legislation & certification kept.

d) The prevention of public nuisance

This premises enjoys an elevated position above the town surrounded by trees & hills , hence the nearest neighbour is over 800 mtrs away . Noise & vibration will be kept to a minimum to respect all neighbours .  
Rubbish bins & bottle skips will only be emptied at reasonable times  
A dispersal policy will be displayed to reduce late night noise issues.  
Car Parking is supervised on match days to ensure the local lanes are not impeded.

e) The protection of children from harm

**Continued from previous page...**

A "Challenge 25" policy will be strictly enforced (copy attached)  
NO under 18's will be permitted to consume alcohol on any part of the facility.  
All staff selling alcohol will be fully trained in their responsibilities , this training will be recorded & refreshed 6 monthly.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non&nbsp;domestic rateable&nbsp;value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

100.00

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

The information provided will be held securely by this Council in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information provided to prevent and detect fraud. We may also share this information with other organisations that handle public funds. Information provided may also be used to check the accuracy of records held elsewhere in the council. See [www.southhams.gov.uk](http://www.southhams.gov.uk) for further information.



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

\* Full name

Bill Mercer

\* Capacity

Agent

\* Date

25

/

01

/

2016

ddmmyyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-hams/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

OFFICE USE ONLY

Applicant reference number

ASHBURTON FC

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

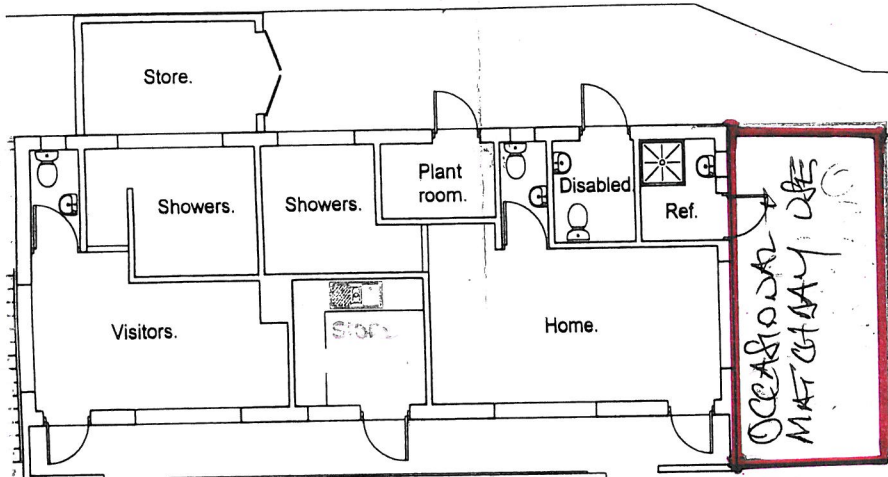
Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐



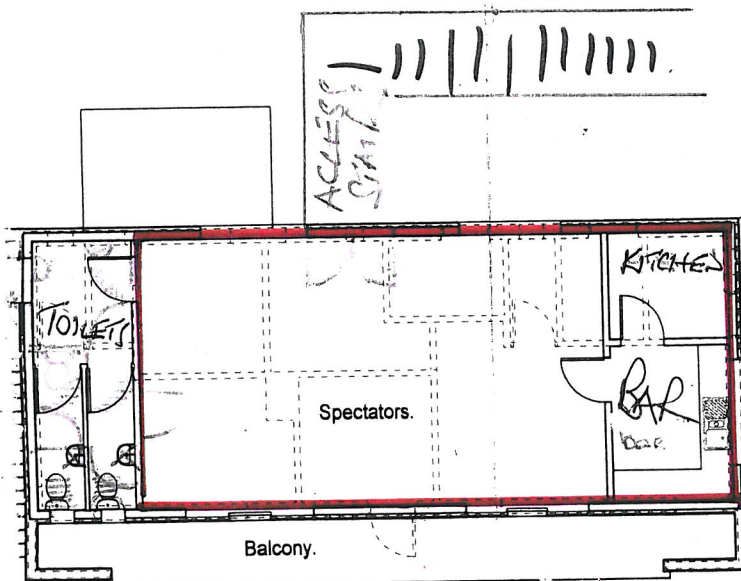
Existing bank and shrubs retained and protected during construction.

HARD STANDING  
→ TO CAR PARK

ground floor plan.

**AREA ALONG  
TO BE SOLD**

# ASTBURY FOOTBALL CLUB THE PITCH



first floor plan.

PITCH

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AREA ASHBTOL  
POTENTIALLY CONTAINED



Imagery ©2016 Getmapping plc, Map data ©2016 Google 20 m



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# **ASHBURTON FOOTBALL CLUB**

## **SALE OF ALCOHOL**

### **AGE RECOGNITION POLICY**

**IF YOU ARE LUCKY ENOUGH TO**

**LOOK UNDER 25**

**WE ARE GOING TO ASK YOU FOR  
I.D. TO PROVE YOU ARE 18**

**THE ONLY MEANS OF I.D. WE ACCEPT  
IS ;**

**PHOTO DRIVING LICENSE (PROV  
& FULL)**

**OR VALID PASSPORT**

**No UNDER 18's MAY DRINK  
ALCOHOL IN ANY PART OF THIS  
FOOTBALL CLUB**

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## Naomi Wopling

---

**From:** Jacqi Hodgson <[REDACTED]>  
**Sent:** 26 February 2016 16:29  
**To:** SH-Licensing  
**Cc:** Cllr J. Hodgson  
**Subject:** Re: New premises licence application - Ashburton Football Club

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Naomi,

I wish to raise concerns regarding the application for a new premises licence for Ashburton Football Club, Chuley Hill, Ashburton, Newton Abbot, TQ13 7RW.

The main concern that has been raised with regard to the four criteria for comment is safety. In view of narrow lanes, the condition of the road and dangerous unbarriered drop at top of hill the granting of a licence in this location is considered potentially hazardous. Similarly the issue of safety due to the narrow lane where cars would park to access this premises would be hazardous.

The premises are in very close proximity to a dwelling that has very recently been granted planning permission, therefore public nuisance could ensue from late night revelry that would be detrimental to the quality of life of nearby residents.

These concerns are echoed by Members of Staverton Parish Council which adjoins Ashburton and the parish boundary is in very close proximity to the location of these premises. Councillors also raise the issue of limiting the licence to a members only facility with opening hours that would clearly relate to usage of the club premises for associated sport activities rather than more general opening hours, the former arrangement would be far more acceptable to them. I would support this view in preferring such restrictions to be included if a licence is granted.

For your reference I have included the views of the Parish Councillors below.

Yours sincerely

Jacqi  
Cllr Jacqi Hodgson  
SHDC Ward Member for Dartington & Staverton

**FROM Cllr Ray Hill**  
**Date:** Monday, 8 February 2016 14:38

Hi All,

Sorry for late response, just returned from a couple of nights away.

I feel this application should be opposed or at least be requested that the licence be severely restricted for the following reasons :-

The premises are on the edge of our Parish boundary but very close to Ashburton's. There are many licenced premises in Ashburton the nearest being probably only about a quarter of a mile from the proposal premises.

No proven need especially with so many Public Houses in nearby Ashburton, some of which are struggling for survival.

The premises are extremely close to a barn where the applicants have recently been granted permission for conversion to a residential dwelling.

**FROM Cllr Bruce Thorogood:**

From: Bruce <[REDACTED]>

**Subject: Re: Notification of new premises licence application - Ashburton Football Club, Chuley Hill, Ashburton**

**Date:** 6 February 2016 at 15:46:12 GMT

I believe what they should be applying for is a 'club premises licence' which restricts sale of alcohol to members and guests.

If they are applying as a club, then presumably their application will be treated accordingly - but worth checking.

The club premises licence application info is at: <http://www.southhams.gov.uk/article/3463/Club-Premises-Certificate>.

There is also a general licence application form at <http://www.southhams.gov.uk/article/3515/Premises-Licence> which looks much the same and has provision for a club to apply on this form, in which case I'd assume they'd only be granted a club premises licence.

I don't know enough about current licencing law and its application or the club concerned to make an informed comment, but Sacha's concerns do seem valid. Maybe the licence should be restricted to weekends and other match days - I believe that is possible.

**FROM Cllr Sacha Hubbard:**

On 6 Feb 2016, at 13:52, Sacha <[REDACTED]> wrote:

I have very strong reservations about this as a daily use licence. It's virtually a pub. If they restrict it to week ends only, or after matches until midnight, that would be more acceptable. Daily from noon onwards is far too much and totally unnecessary for a football club when matches are not being played. In any case, a barrier is needed urgently at the top of Chuley Hill, where it joins Cabbage Hill. Driving that way the other day, the earth bank (which is very steep) was scarred and rutted, showing that yet another vehicle had got into trouble there. I would think the people who are converting the barn at the bottom of Chuley Hill might have very strong reservations about this application, as the football clubhouse is virtually on their doorstep.

I should have said, also, that parking there is absolutely appalling, especially when a match is on. At times it's a close shave to get through and if something is coming towards you, one of you has to back up almost to the top or bottom of the hill, as the lay-bys are full of parked cars, too. If the club opens daily as a social venue, Chuley Hill might as well be closed to through traffic.

I may be wrong but I think that, as they've applied for a Premises Licence and not a Club Licence, they can sell alcohol to anyone, whether member of that Club, or not. A Club licence requires membership of the club for at least two days before being able to buy alcohol on those premises.

They've applied for a licence for 7 days a week, match or not. It's a football club, not a social club, so I don't understand the need for a permanent licence, allowing them to sell alcohol for 12 hours a day, 7 days a week. Surely this becomes a commercial venture then, not a sports club amenity on days the sport is played.

**FROM Cllr Michael Loverock:**

On 6 Feb 2016, at 09:18, Michael Loverock <[REDACTED]> wrote:

I am not as well acquainted of the problems in that area as Sacha - I think her concerns are very valid, but it seems an odd venue to go for a licence in this way - is it that they want a bar open on match days only? and that needs flexibility.

Does anyone know someone on the committee there?

**From Cllr John Forte:**

[REDACTED]

Date : 05/02/2016 - 14:21 (GMT)

Subject : Re: Notification of new premises licence application - Ashburton Football Club, Chuley Hill, Ashburton  
From what Sacha says there are clearly several serious issues that must be addressed before any licence is granted.

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## **Amendments agreed between the Police and Applicant**

- CCTV condition under Section 18 b) amended to:

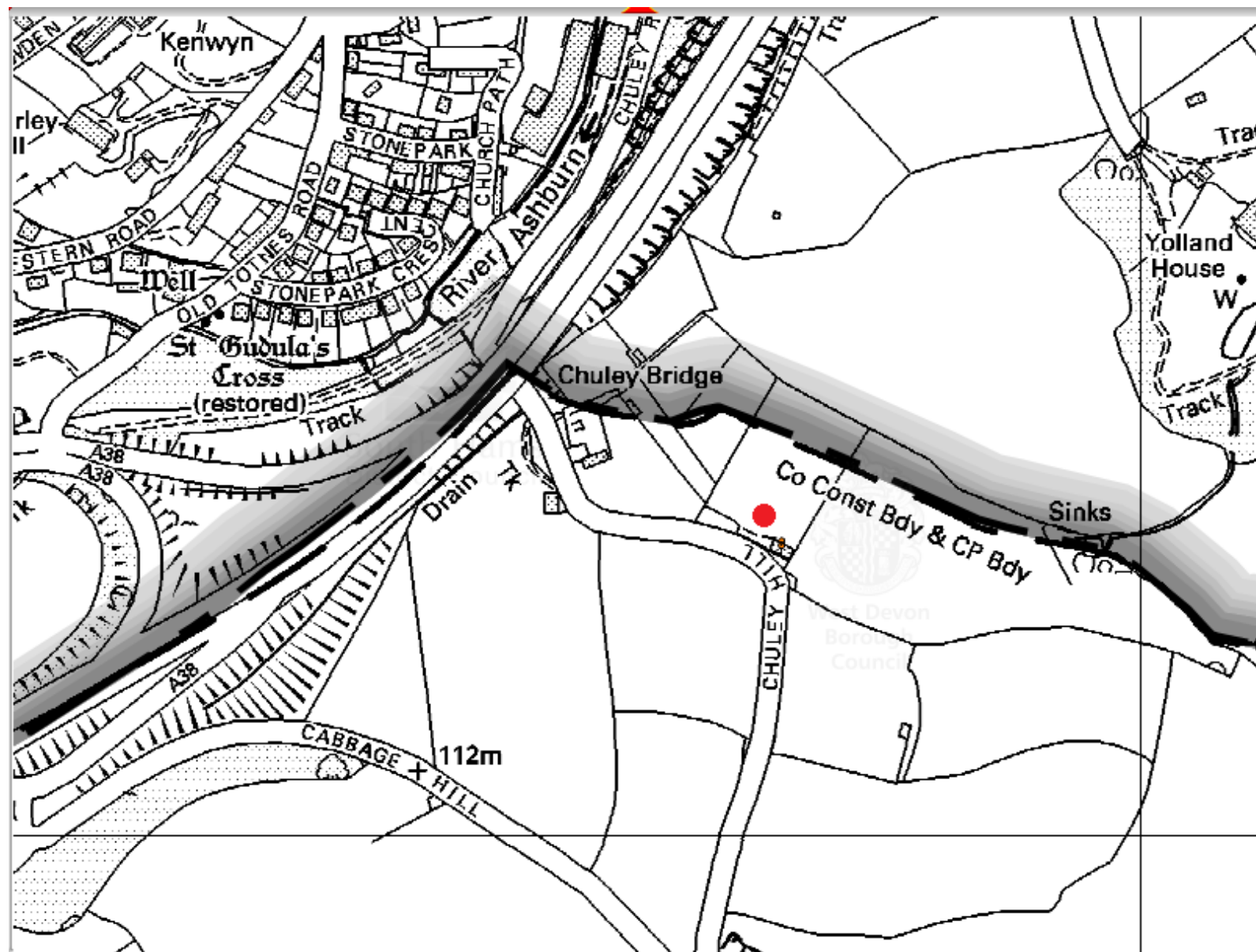
CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police,  
Images will be kept for a minimum of 14 days copies of which will be supplied to the Licensing Authority and Police on request  
This will make it workable and enforceable

- Challenge 25 condition under Section 18 e) amended to:

A challenge 25 policy will be operated. The only acceptable form of ID will be Passport, Photo Driving Licence and Government approved PASS card

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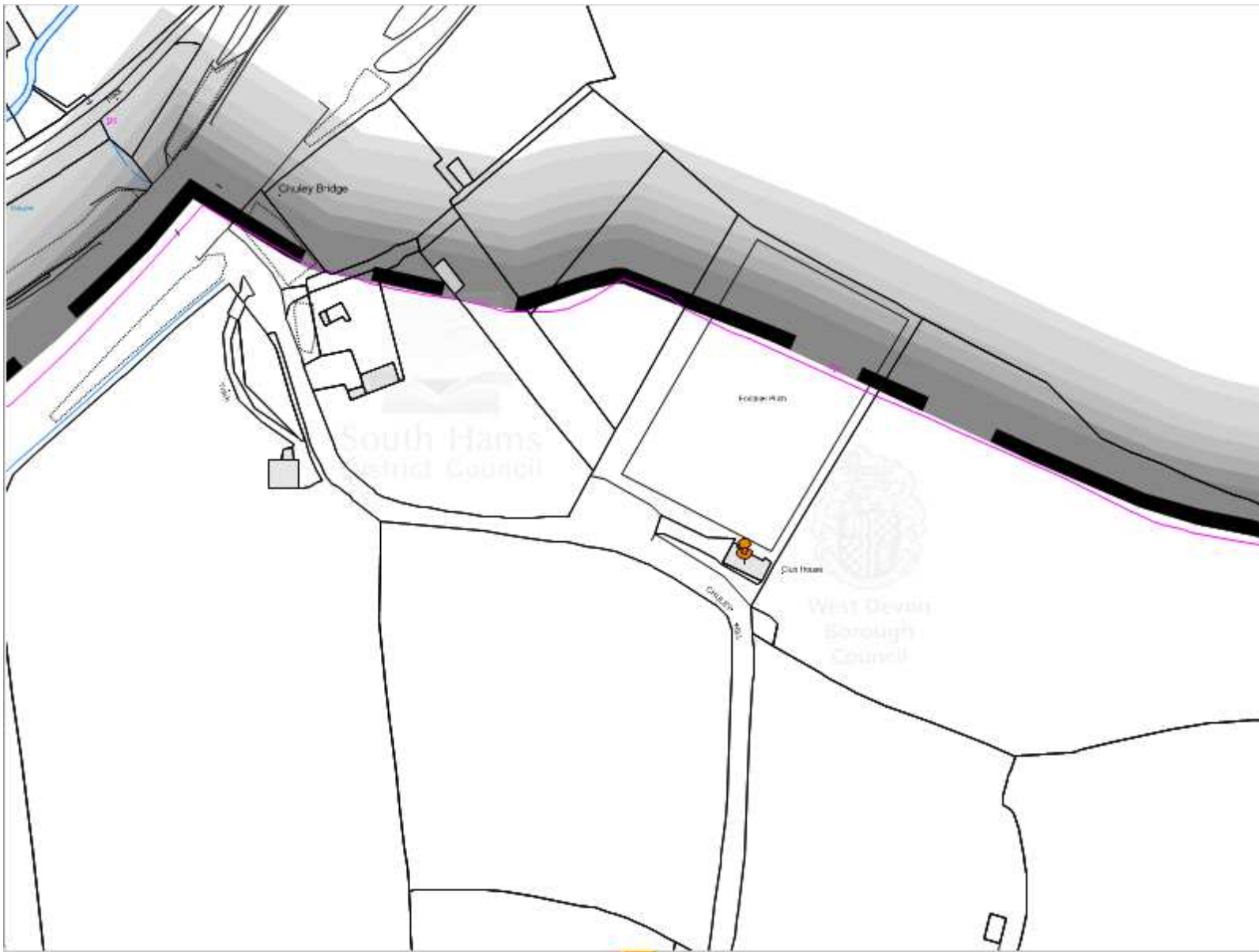
# Key

Pin = Ashburton FC  
clubhouse

● = Ashburton  
FC football pitch

Key

Pin = Ashburton FC clubhouse







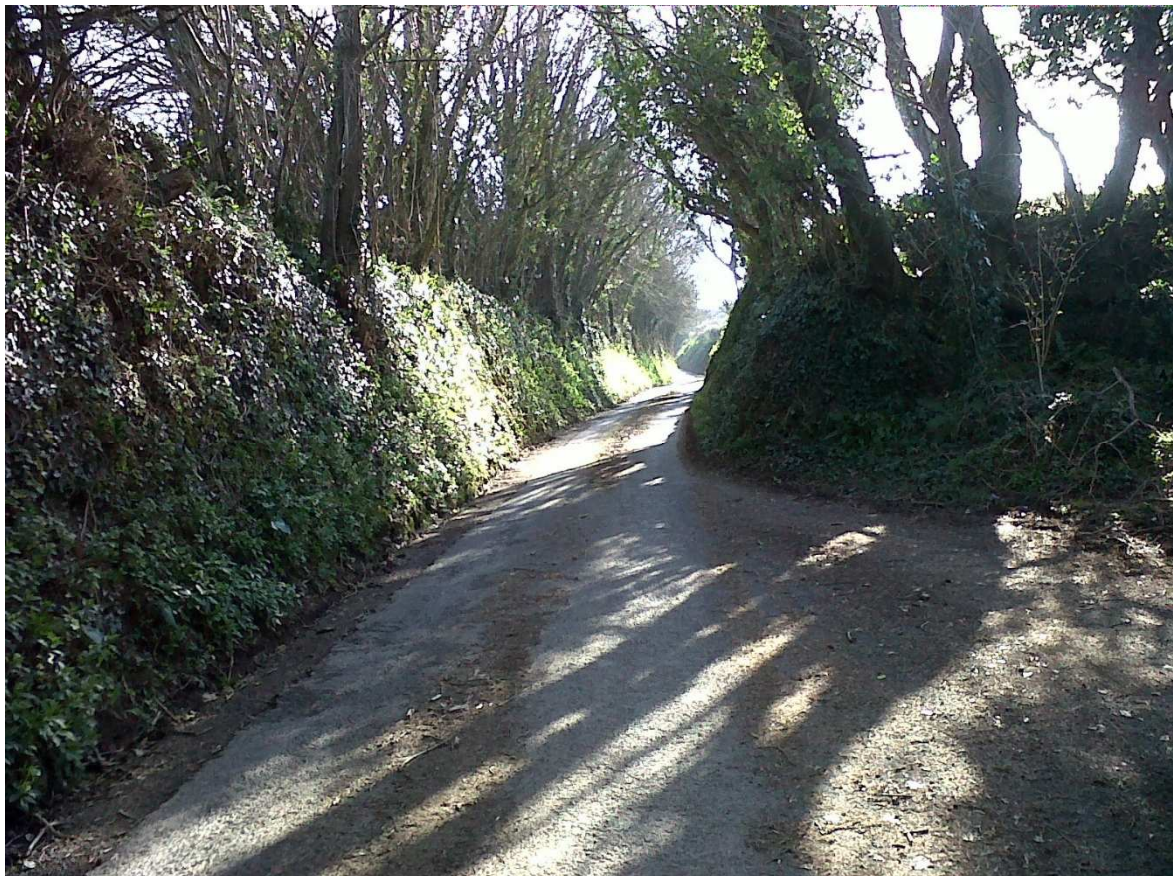








Lane leading up from Ashburton Football Club





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