

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Monday, 25th April, 2016
Time:	10.00 am
Venue:	Repton Room - Follaton House
Full Members:	<p style="text-align: center;">Chairman Vice Chairman</p> <p><i>Members:</i> Brown Blackler May</p>
Substitutes:	Named substitutes are not appointed
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	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;

4. Application for New Premises Licence for Gastrobus Treats, Bantham

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Report to: **Licensing Sub-Committee**
Date: **25 April 2016**
Title: **APPLICATION FOR NEW PREMISES LICENCE
FOR GASTROBUS TREATS, BANTHAM**
Portfolio Area: **Customer First**
Wards Affected: **Thurlestone**
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**

RECOMMENDATION

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 **Gastrobus Treats, Bantham Beach Car Park, Bantham, Kingsbridge, TQ7 3AN** 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 26 February 2016. A copy of the application is attached at **Appendix A**. The application is for the sale of alcohol for consumption on and off the premises, Monday to Sunday from midday to 8.30pm. This is restricted to the summer season of May to September and during school holidays at other times of the year.
- 1.3 The premises is a mobile catering van which will be parked in a designated area within Bantham Beach Car Park. The plan showing the proposed location and a diagram of the van is at **Appendix A**. It is intended that the van will be run alongside the original Gastrobus which sells food and soft drinks. The van will be located within the area hatched in red on the plan. There may be slight variation of its location within this area due to weather conditions.
- 1.4 Four representations were received during the consultation period. These were from the local District Councillor, two parish councils and a local resident (**Appendix B**). The main cause for concern is the proximity of the van to the beach and the potential danger of customers swimming in the sea after consuming too much alcohol. There is also reference to the potential for a public nuisance to be caused due to anti-social behaviour from customers that have consumed alcohol and concern about underage drinking.
- 1.5 During the consultation period the Police visited the intended location of the premises with the Licensing Specialist and met with the applicant. Following this meeting, the Police requested some amendments to the application including additional conditions to address the licensing objectives. These changes have been agreed in writing by the Applicant and are listed at **Appendix C**. The main change to the application is that alcohol will be sold for consumption on the premises only, within the area marked on the plan. Seating will be provided in this area, adjacent to the van. In addition, food will be available when alcohol is for sale and all alcohol will be served in plastic containers.
- 1.6 During the consultation period the Coastguard was contacted for their view on the application. They confirmed that they would not wish to object to the application, on the basis that they would not foresee any greater risk posed by this premises than any other premises on the waterfront at Dartmouth, Salcombe or Hope Cove.
- 1.7 A plan of the location of the premises is at **Appendix D**.

1.8 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"> (a) to grant the licence subject to:- <ul style="list-style-type: none"> i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as extent as the authority considers necessary for the promotion of the licensing objectives, and ii) any conditions which must under section 19, 20 or 21 be included in the licence; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to reject the application

		<p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.

Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

Supporting Information

Appendices:

Appendix A – copy of premises licence application

Appendix B – copies of representations

Appendix C – amendments agreed between the Police and the Applicant

Appendix D – location plan

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

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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 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

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

* Is your business registered outside the UK? Yes No

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.

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

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* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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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 (£)

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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)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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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

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

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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.

The premises is a mobile Citroen HVan selling Ice cream other treats and Alcohol. The vehicle is removed and stored securely away from site every night in a lock up. The Van will be situated in a designated area in the beach car park. Alcohol is intended to be sold to beach visitors, to drink at the bus in designated seating are or for off sales to be taken to beach.

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

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

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 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.

The sale bus will be present at the beach during the summer season (may - Sept) and school holidays.

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.

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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'.

Continued from previous page...

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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

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.

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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

Continued from previous page...

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

The Van will only be open during the summer season (May - Sept) and during School holidays

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.

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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.

All Staff Trained on Licensing Act

b) The prevention of crime and disorder

An incident book will 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).

The land is monitored by security when the car park closes. All visitors must leave premises by 9pm

During licensing hours the Estate/Beach is patrolled by Estate Staff

Licensing hours will be clearly displayed

Vehicle will be removed from site and securely locked away at night.

c) Public safety

RNLI are present on the beach during the summer season

No Glasses used for drinks

Electrical and Gas safety checks carried out annually on vehicle

d) The prevention of public nuisance

Management control of Refuse

A notice displayed reference, The Respect of other beach visitors

Specific taxi firm phone number displayed for customers

e) The protection of children from harm

Continued from previous page...

there will be a "Challenge 25" proof of age policy. Any person who appears to be under the age of 25 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.

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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-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

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

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 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	<input type="text" value="Claire Louise Bishop"/>
* Capacity	<input type="text" value="Owner operator"/>
* Date	<input type="text" value="25"/> / <input type="text" value="02"/> / <input type="text" value="2016"/> dd mm yyyy

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.

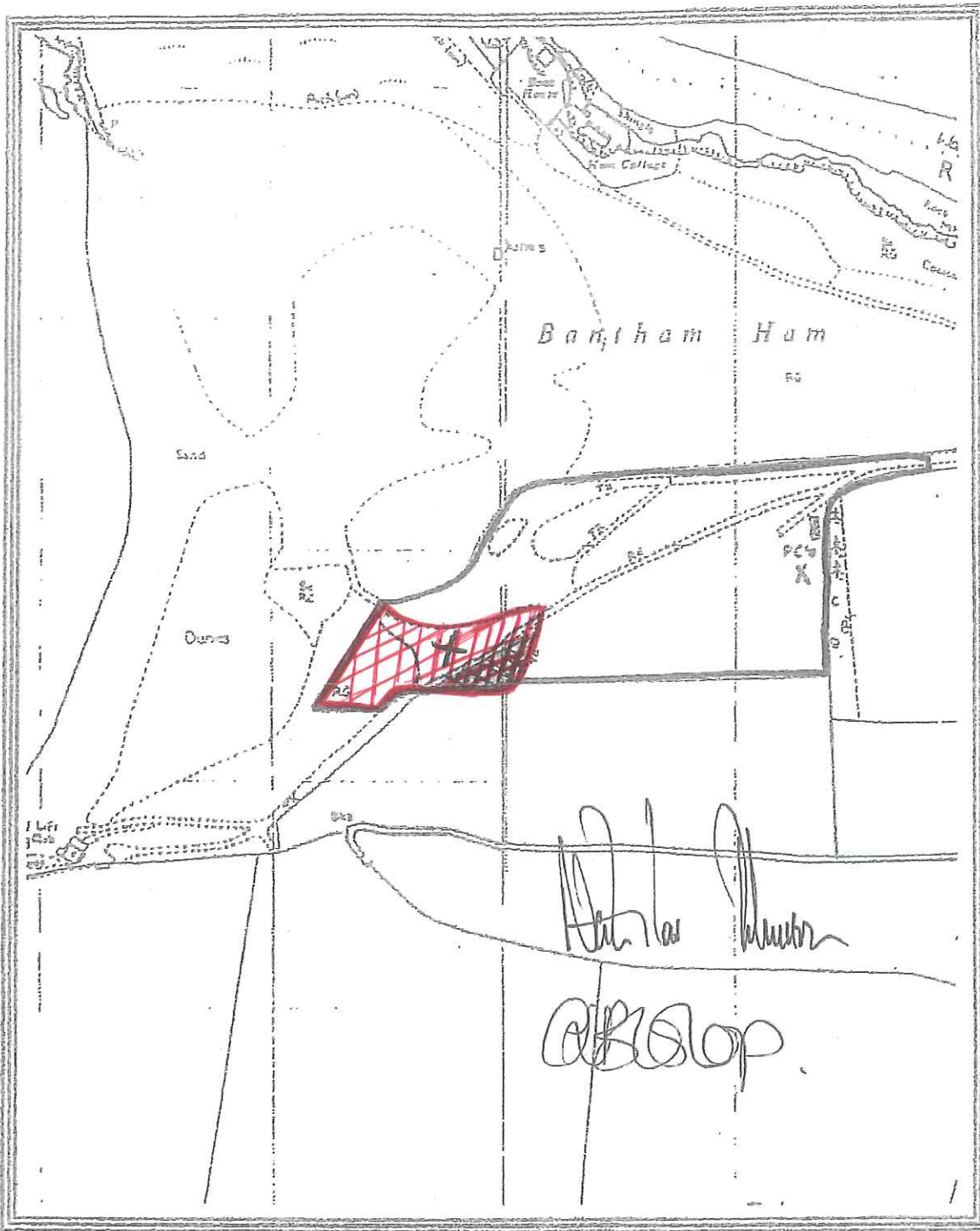
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Gastrobus Treats"/>
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"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) Next >

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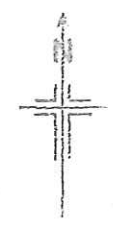
MICHELMORE
HUGHES

FORE STREET, TOTNES, DEVON, TQ9 5DZ TEL (01803) 962992
 (01803) 265117
 EAST STREET, ASHBURTON, DEVON, TQ13 1JY FAX (01803) 869273
 TEL (01364) 659333

Evans Estates (1956) Ltd
 Land at Bantham Ham

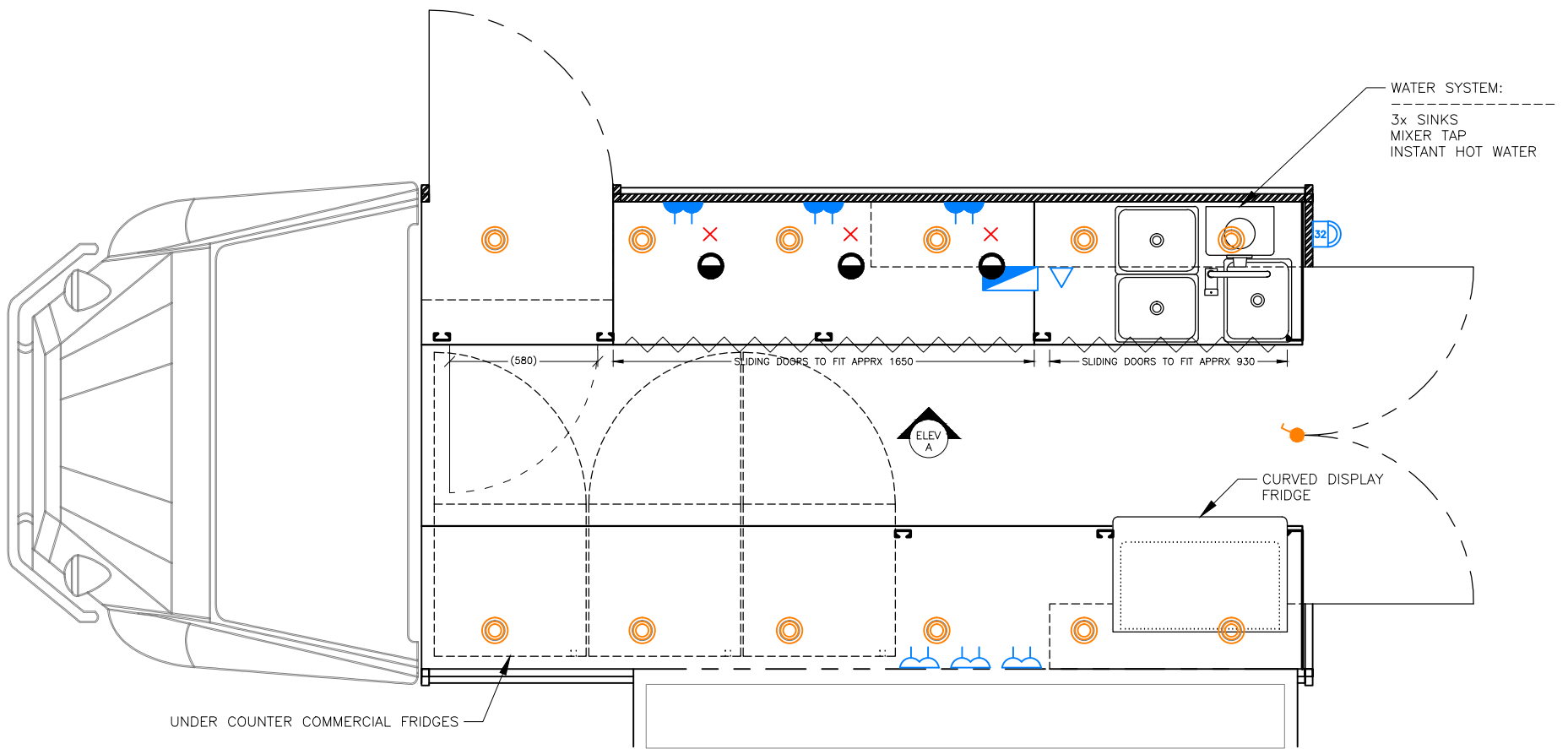
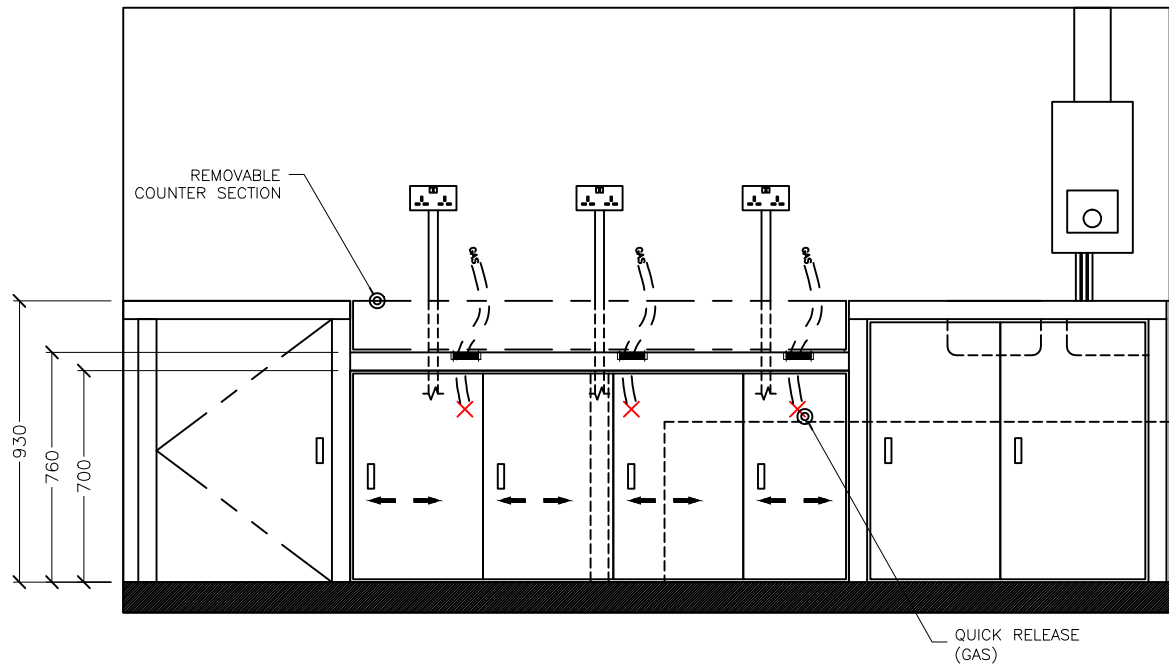
Based upon the Ordnance Survey Map
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 Scale - Not to Scale
 Date - May 2002

Published for identification purposes
 only and although believed to be correct
 its accuracy is not guaranteed.



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ELEVATION A:
OFFSIDE COUNTER



ELECTRICAL LEGEND

		DOUBLE SWITCHED SOCKET
		SINGLE SWITCHED SOCKET
		SWITCHED FUSED CONNECTION BOX
		SWITCHED FUSED CONN. BOX WITH LAMP
		FUSED CONNECTION BOX (UNSWITCHED)
		SINGLE UNSWITCHED CEE 7/4 "SCHUKO"
		ONE WAY SWITCH - SINGLE POLE
		IEC 60309 INLET / OUTLET
		SWITCH DISCONNECTOR (ISOLATOR)
		45 A COOKER SWITCH
		DATA SOCKET
		12 V CIGAR SOCKET
		MECHANICAL CONTROL PANEL
		DISTRIBUTION BOARD
		INVERTER
		SINGLE LED/FLU BATTEN (VALUE = LENGTH)
		CONTACTOR
		FAN CONTROL
		CEILING MOUNTED LED SPOTLIGHT
		CABLE TIDY (HORIZONTAL / VERTICAL)
		IP RATED ACCESSORY BOX

TYP (UNLESS STATED)

ANGLES	90°
DIMENSIONS	EXTERNAL
PROJECTION	
TOLERANCES	± 1mm
PRINT SCALE	UNITS
A3	NTS mm

JOB NUMBER
J0404

JOB TITLE
VINTAGE FOOD TRUCKS - CONVERSION

DRAWING TITLE
GENERAL INTERNAL LAYOUT



DRAWING NUMBER	REV	DATE MODIFIED
J0404-A1	---	21/03/2016 16:27

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Naomi Wopling

From: Cllr J. Pearce
Sent: 10 March 2016 08:17
To: Naomi Wopling
Cc: Thurlestone Parish Clerk
Subject: RE: New premises licence application - Gastrobus, Bantham Beach

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Naomi

Thurlestone parish council (Bantham is in Thurlestone parish) discussed this matter at their recent meeting and will be making their own appropriate response.

Whilst the Gastrobus does a wonderful job refreshing and refueling surfers and walkers alike, I am not convinced that this is the right venue for alcohol sales, especially as the Sloop is so close. It is always open to everyone to take alcohol to the beach, but this is not something that I have ever noticed is prevalent at Bantham. They are spared the worst of the night-time BBQ menace because the beach is only accessible by foot after dusk.

It is also surprising that they are only applying between May and September. The Gastrobus has been firmly in place daily on the beach car park since the beginning of February half term, and is there way into October too.

Have you consulted the life saving station on the beach? The council, I understand pays towards this service. They may have comments to make on this application.

I feel there are risks on all four objection grounds:

Disorder: there is a huge number of teenagers and youth on the beach at peak times who may not assess well their capacity to absorb alcohol. Parents may be less vigilant than usual in the beach environment.


Public safety: Bantham is never a safe bathing beach and everyone has to be vigilant at all times. Any inbibing of alcohol before swimming here is akin to drink driving.

Nuisance: said youth could well be a disturbance to the family groups on the beach.

Protection of children: one of the joys of the Gastrobus is that it is a safe environment for children to buy their own drinks and ices. This would change were alcohol available.

Kind regards
Judy

Kind regards
Judy

Judy Pearce
Member, Salcombe and Thurlestone Ward
South Hams District Council


Sent with Good (www.good.com)

Naomi Wopling

From: Alison Seldon <[REDACTED]>
Sent: 11 March 2016 11:19
To: SH-Licensing
Subject: Gastrobus Bantham

Follow Up Flag: Follow up
Flag Status: Flagged

Naomi,

This license application for the Gastrobus at Bantham was discussed at the March meeting of Loddiswell Parish Council and they unanimously voted to object most strongly to this mobile premises getting an alcohol license. Bantham beach is the nearest beach to Loddiswell and is heavily used by people from this village.

They object on the following grounds:

- **Public safety** - this beach is infamous for it's rip currents which are hazardous to swimmers, surfers and small boats. The RNLI and Bantham Surf Life Rescue patrol this beach and regularly have to rescue people who have been caught out by the power of the sea. At the moment people at least have to get dressed and leave the beach to buy alcohol from the local pub or shop. If alcohol is made easily available for purchase on the beach front itself, it will place temptation too close and alcohol and rip tides simply do not mix - it is dangerous enough if you are fully alert and sober.
- **The protection of children from harm** - this beach is a massive family attraction, there could easily be 1000 + people on this beach during the height of summer. But adults must be alert to supervising their children in the water. Encouraging adults to drink will affect their ability to safely supervise their children.
- **The prevention of crime and disorder** - this is a quiet family-oriented beach situated in the AONB, it is not a party-zone.
- **The prevention of public nuisance** - this is a quiet family-oriented beach situated in the AONB, it is not a party-zone.

Please will you acknowledge receipt of this objection?

Kind regards

|| *Alison Seldon*

|| *Clerk to Loddiswell Parish Council*

Naomi Wopling

From: Philip Millard <[REDACTED]>
Sent: 18 March 2016 20:19
To: Naomi Wopling
Cc: Jack Rhymes; Jill Munn; Kit Marshall; [REDACTED]
Subject: RE: Gastrobus Treats - premises licence application

Thanks Naomi

The Parish Council would comment as follows.

We feel that there are risks on all four objection grounds:

Disorder - Whilst it is appreciated that young adults/teenagers will be restricted to consuming alcohol at the Gastrobus - this would not prevent them, then going onto the beach drunk and causing disorder. Who would monitor excess alcohol consumption? Would there need to be a police presence in peak season?

Public Safety - Bantham has rip tides and consumption of alcohol by swimmers or surfers could be highly dangerous.

Nuisance - Groups of Young adults/teenagers potentially drunk could well be a disturbance to family groups on the beach.

Protection of children - Currently children can purchase drinks and ice creams in a safe environment - could this be guaranteed if alcohol is sold alongside?

Kind Regards
Phil Millard
Parish Clerk
Thurlestone

Naomi Wopling

From: Environmental Health (Business Support Unit Only)
Sent: 24 March 2016 16:37
To: Naomi Wopling
Subject: FW: Submitted via Web Site

From: noreply@swdevon.gov.uk [mailto:noreply@swdevon.gov.uk]
Sent: 23 March 2016 14:52
To: Environmental Health (Business Support Unit Only) <Environmental.Health@southhams.gov.uk>; Tony Edgcumbe <Tony.Edgcumbe@swdevon.gov.uk>; Mike Ward <Mike.Ward@swdevon.gov.uk>
Subject: Submitted via Web Site



South Hams
District Council

Form namespace is www.southhams.gov.uk/FORM_V2EMAILCONTACT

The following information was received from the form southhams.gov.uk-article-3391

house 7 The Cottages

field17 [REDACTED]

pcode TQ7 3AL

email [REDACTED]

street Bantham

comments Dear Sir / Madam, In certain sections of society in this country we have a problem with alcohol, with a public house environment one can generally control the sale point of alcohol. Selling in a car park to a beach this is almost impossible to police to the end user. People will bring alcohol to the beach but are restricted by the amount they can carry with everything else they wish to bring which reduces their consumption. To have an outlet on the beach car park will probably lead to over consumption and bad behaviour as I have been told happens at Bigbury-on-sea on occasions. Alcohol exuberance could also be very disruptive to young families enjoying a day at the beach. Bantham beach is a dangerous beach due to its rip currents and I feel it is not fair to place the life guards in danger in having to rescue people who may get into difficulty due to the consumption of alcohol at any level sold at the beach. Since the introduction of the Gastrobus it has had a financial impact on the local pub and shop. It would be a shame the viability of these two businesses were to fail, loosing an important part of the community and its employment for the gain of very few with this alcohol application. It is a shame that Bantham Estate have not looked at the detrimental side of this application before letting the Gastrobus apply. I hope the application will be turned down on the grounds of safety and impact of possible disruptiveness on other beach users. Yours sincerely Peter Weedy
name Peter Weedy
oref

Amendments agreed between the Police and Applicant

Section 15 Supply of alcohol

- Alcohol will be sold for consumption on the premises only.


Section 18 (b) Prevention of crime and disorder

- Alcohol will be consumed on the premises within the designated area marked on the plan.
- A seating area will be provided in the area adjacent to the bus,
- Food will be available at all times alcohol is for sale.
- All alcohol will be served in plastic containers.
- All staff responsible for alcohol sales shall be suitably trained for their job function in the operating standards for the premises. The training shall be under constant review having regard to newly employed staff.
- All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
- Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

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Gastrobus Treats location plan



 = Area within which bus will be located

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