

# South Hams Licensing Sub-Committee



<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Thursday, 26th May, 2016</b>
<b>Time:</b>	<b>3.00 pm</b>
<b>Venue:</b>	<b>Repton Room - Follaton House</b>
<b>Full Members:</b>	<p style="text-align: center;"><b><i>Chairman</i></b> <b><i>Vice Chairman</i></b></p> <p><i>Members:</i></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;

**4. Application for a New Premises Licence for Bantham Village Stores, Bantham**

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# Agenda Item 4

Report to: **Licensing Sub-Committee**  
Date: **26<sup>th</sup> May 2016**  
Title: **Application for new premises licence for  
Bantham Village Stores, 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**  
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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 **Bantham Village Stores, Bantham, Kingsbridge, TQ7 3AP** 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 7 April 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 10am to 9pm.
- 1.3 The premises is a small village shop with adjoining café to the rear, including an outside decking area. The plan of the premises is at **Appendix A**. It is intended that alcohol will be sold from the shop for consumption off the premises and for consumption on the premises within the café and on the decking area.
- 1.4 Two representations were received during the consultation period from nearby local residents (**Appendix B**). The main area for concern is the potential for noise nuisance particularly from customers drinking alcohol outside on the decking and noise from customers later into the evening. Currently the premises closes at 6pm, but it is proposed that it would be permitted to stay open until 9.30pm. Also of concern is that the premises would become more of a bar and restaurant, rather than staying as predominantly a shop with café. It is felt that it could escalate into a more noisy style of business, particularly as the premises licence could be transferred to a different tenant in the future.
- 1.5 Both of those who have objected have provided a list of conditions which they would like to be included on the premises licence should one be granted. These conditions mainly relate to control over the use of the outside decking area and are listed within their representations.
- 1.6 During the consultation period the Police visited the premises to discuss the application. 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**. These conditions have been included to discourage people from drinking alcohol while walking to the beach and to ensure that the containers can be identified as coming from the shop should they be found as litter.
- 1.7 A plan of the location of the premises showing the proximity to the location of the local residents that have objected 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 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 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 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 – premises licence application and plan

Appendix B – 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

<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

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

Kelly

\* Family name

Seymour

\* 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

\* Is your business registered outside the UK?

- Yes  No

\* Business name

Bantham Village Stores

If your business is registered, use its registered name.

\* VAT number

-

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

\* Legal status

Partnership

**Continued from previous page...**

\* 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

**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)

### 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

## 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...*

Partner

**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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Partner

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country



Continued from previous page...

### Contact Details

E-mail

Telephone number

Other telephone number

### 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.

Bantham Village Stores is a convenience shop that sells newspapers, bread, milk, groceries etc. We also have a small coffee shop area where customers can enjoy fresh coffee, pastries and pasties to eat in or take away. There is also an outdoor decked terrace area with a great view over the estuary where customers can also sit. We would like to offer our customers the extra service to be able to buy alcohol along with their groceries to take home and should they wish an alcoholic beverage to be served on the premises along with our eat in food menu.

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

*Continued from previous page...*

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

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**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

**Section 15 of 19**

**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.

Continued from previous page...

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.

none

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.

none

**Continued from previous page...**

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'.

**Section 16 of 19**

**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.

None

Continued from previous page...

**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.

None

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.

Continued from previous page...

None

## 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.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

\*no selling of alcohol to underage people

\*no drunk and disorderly behavior on the premises area

\* no violent and anti-social behaviour

\* protection of children as priority

\*Operating Schedule providing the hours of operation and licensable activities during those hours.

\*Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale

\*Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

\*CCTV system installed with recording option available

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime and anti social behaviour objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol that was sold as take away on the premises.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the premises requesting the public to respect the needs of nearby

**Continued from previous page...**

residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who depart when the business has ceased trading, conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum, this will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing below existing Health & Safety requirements.

**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-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 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

**Continued from previous page...**

\* Fee amount (£)

190.00

**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?"

\* Full name

Kelly Seymour

\* Capacity

Partner

\* Date

06 / 04 / 2016  
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/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**

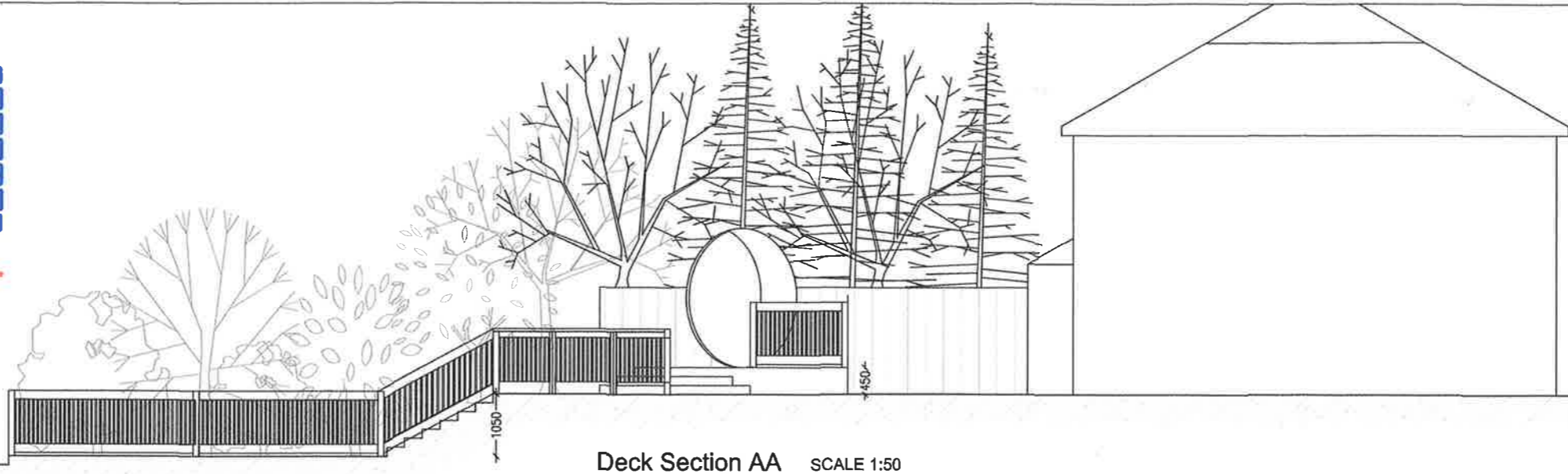
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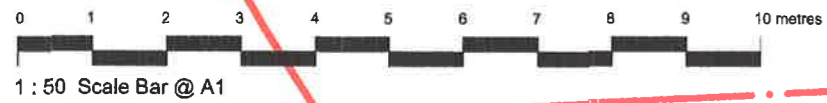
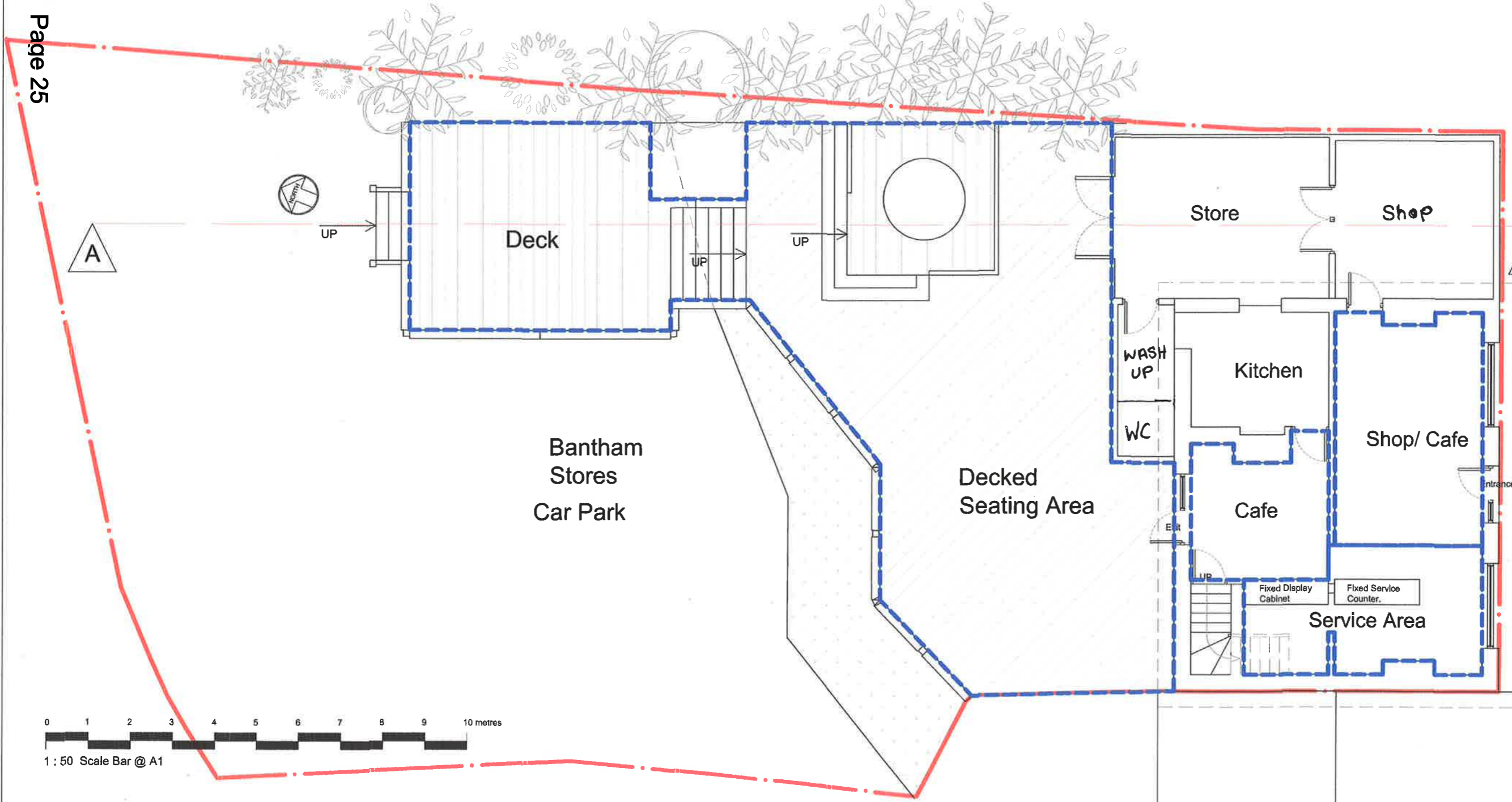
Blue outline  
area of premises to  
be used for  
licensable activity

Red line  
Site boundary



Deck Section AA SCALE 1:50

Page 25



Bantham Store/Cafe and Outside Seating Plan SCALE 1:50

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TO: Licensing Dept South Hams Council

**Date: 5<sup>th</sup> May 2016**

RE: New Premises Licence Application – Bantham Village Stores

Objection to current Licence Application

I live two houses away from the Bantham Village Shop and Cafe. The cafe currently closes at 6.00pm during the summer months allowing the residents on either side some peace and quiet during the evenings, so I was very surprised to find out that this application has been submitted and that another alcohol licence is being considered in the village. We currently have a great Pub (run by Kelly Seymour's husband) only 200yds from the shop, and your department has recently granted another new alcohol licence for the Beach Car Park in Bantham. So I have to admit I cannot honestly see where the need is for a third licence in a village the size of Bantham with less than 100 residents. Perhaps you can explain where this demonstrable need is?

At present this area of Bantham is quiet after 6.00pm and we are able to enjoy peace and quiet in our own gardens that surely everyone has a right to do. Therefore licensing these premises in this way will impact hugely on the local environment and residents because of the following:

- Additional noise from the customers –it's an undisputed fact that we all get louder after a few drinks.
- The extended opening hours proposed in this application - take the impact into the evening and changing the nature of the environment making the shop and cafe into a restaurant and bar.

**Background:**

The premises are Bantham village shop and café situated in the middle of a residential area with neighbour's gardens on either side of it. The main Cafe seating area is now outside on a vastly extended open deck which butts up to neighbours gardens and which possibly easily seats 50-60 people and could hold more. Since changing hands last year the deck area of the premises has been tripled in size. Last year also a large marquee was erected over the deck for most of the month of August to allow more people to use the deck in bad weather, and was especially noisy when the cafe hosted several evening events...marquees are definitely not soundproof!

The current application for his licence and the times it is applied for will have an immense impact on its neighbour's and will change the balance of the area from residential to business. The very nature of Bantham is it is a place of peace and tranquillity in an AONB, which will be shattered by the noise of loud voices late into the night. Bantham is exceptionally quiet with little or no background noise in the evenings and so the impact of this will be much greater than in other places. We

## Quayle

Bantham Kingsbridge Devon TQ7 3AP

have seen the effect in the summer of what happens at The Beach House at South Milton Sands. Masses of people flocking there, making huge amounts of noise – however they are not in the heart of a village and do not have close neighbours as in this situation.

We are asking for some consideration from both you, the Alcohol Licensing dept, and the applicant and that adjustments and controls are put into this application before granting it. I have raised my concerns with Kelly that the sweeping cover of the number of days and times applied for is excessive and unnecessary. And I would defy anyone not to be concerned if their neighbour was to announce they intended to open a wine bar in their garden next door! That is what is happening here.

### **I therefore request:**

#### **Licensed Hours:**

Presently the Cafe is open from 9.00am to 6.00pm. Therefore it would seem sensible to apply the license in relation to that, as there is no demonstrable need for more restaurants in the area. New additions of food and drinks vans in the Beach Car Park are also excess to requirement but you have recently allocated new licences to them. This control would help retain these particular premises as a village shop and cafe with its own identity and not allow it to morph quietly into yet another Restaurant/Bar.

Government restrictions on alcohol licences have been relaxed recently but I hope this means that the Licensing Authority are giving more, not less, consideration to licences being proliferated within small communities. Bantham has gone from one licence to potentially 3 within as many months.

My concern is high because premises licences now have no expiry date and once granted stay with the premises permanently. The applicant is a tenant and although has given verbal assurances that everything will be controlled and limited the application does not reflect those assurances. Should the current tenant leave, any tenant following would be able quite legally under this application to dramatically change the trading pattern and type of business run from these premises.

#### **Nuisance and Disturbance**

PLEASE NOTE - There is an assumption on this application in section d) of The Licensing Objectives – *The prevention of Public Nuisance* – that the consumption of alcohol takes place inside the building and the disturbance will therefore potentially only be caused as customer/staff leave. In these premises however the main seating area is outside in the garden - and so the potential nuisance is there all the time not just when customers/staff leave the premises. The undertakings made by the applicant regarding noise control are therefore irrelevant and will be impossible for them to marshal and keep.

*Quayle*  
*Bantham Kingsbridge Devon TQ7 3AP*

We therefore request the following:

- Off sales from 10.00pm to 6.00pm. (The application for Off-Sales offers massive potential for the business and does not impact on the residents right to privacy and peace and quiet).
- That the licence allows alcohol to be served only with food in the cafe.
- Alcohol available in the cafe from midday until 6.00pm every day as this coincides with current trading hours –giving the shop their present opening times for customers to enjoy a glass of wine with their food.
- Licensed only for the sale of wine and bottled beers.
- Deck must be emptied by 7.00pm. Any alcohol being drunk at this time must then be taken inside the doors and windows closed to ensure no noise intrusion in the area.
- No music to be played outside.
- No bar area temporary or otherwise to be sited outside or on the deck area.
- No customers to spill outside the deck area into the lane behind the shop and behind neighbour's gardens.
- Lighting to be low level and kept to an absolute minimum to avoid light pollution. (We do not even have streetlights here and so a brightly lit deck will impact on the environment).
- Smoking not to be used as an excuse to sit on the deck beyond 7.00pm

I also ask for confirmation as to how you the licensing dept marshal the licenses you allocate?

I believe these requests are quite reasonable especially when taking into account guidelines given by Environmental Health for licensing outside activities which states...

*"You also need to take even greater care and be more sensitive to your neighbours if you're planning on holding the party outside in the garden, where noise travels more easily and where its impact is felt even greater."*

Yours sincerely

Gill Stone

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## Naomi Wopling

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**From:** Jennie Morrow [REDACTED]  
**Sent:** 05 May 2016 16:00  
**To:** Naomi Wopling  
**Subject:** FW: Attn: Naomi Wopling. RE: Alcohol License Application – Bantham Village Stores and Café

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**From:** [REDACTED]  
**To:** [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)  
**Subject:** Attn: Naomi Wopling. RE: Alcohol License Application – Bantham Village Stores and Café  
**Date:** Thu, 5 May 2016 15:58:37 +0100

To: Licensing Dept- South Hams Council

Attn: Naomi Wopling

### **RE: Alcohol License Application – Bantham Village Stores and Café**

I live next door to the village shop and café in Bantham and wish to bring to your attention my concern about the recent application for an alcohol license for these premises.

I am concerned that there are no apparent constraints being put on this license and would hope that as the Village Shop is in the center of a residential area that some consideration will be made for the local residents as the introduction of the sale of alcohol and longer trading hours (currently the shop closes at 6.00pm) will have a huge impact on those living around it. My own garden which is literally on the other side of a fence, the peaceful character of the area and the neighbours, both through invasive noise levels and on our privacy.

Although I have no objection to Off-Sales, which seem a very sensible idea, and is not available elsewhere in the village, I would like to raise my objections to the application in its present form - reference the sale of alcohol on these premises for the following reasons:

1 Additional noise – as the main seating area is outside on a large deck area that was extended substantially last year and could potentially now seat 50-60 people. I am very uncertain as to how noise levels can be controlled when the source of the noise is outside. The undertakings of the applicant to ensure disturbance is kept to a minimum are impossible to achieve as almost all the café seating is outside anyway.

2 Later opening hours – meaning people will be sitting on the deck until late into the evening. More opportunities for parties to gather- increasing the noise level which is always far worse when alcohol is involved.

3 Additional Traffic - in the lane behind the shop and my house. My garden, as the village shops garden does, borders onto a farm track. I am concerned the additional level of business will mean cars trying to park everywhere. This will intrude on our privacy.

4 Change of use - this all but in name changes the Village Shop into a Restaurant and Bar. I am very surprised that this is being considered as we already have a very good pub in the village.

5 This is a Premises License – whilst the current leaseholders may have good intentions should they move

on, the format of this license application would allow any future tenant almost total freedom to do as they wish on the premises as the license stays with the premises.

I therefore request the following constraints be put on the license if issued:

\* Off Sales between 10.00am and 6.00pm

\* Alcohol only to be served during current opening hours and only with food – between the hours of midday and 6.00pm

\* That a clearing time for the Café deck is stipulated - to ensure evenings remain quiet and tranquil as is the natural state of this beautiful area. From 7.00pm the deck has to be emptied. Any remaining customers must then go inside behind closed doors.

\* No customers to spread out into the lane behind the shop and adjacent residences.

\* No bar to be allowed to be set up on the deck.

\* Lighting to be kept low to avoid light pollution. Bantham has no streetlights and so any additional lighting is very invasive.

Please will you confirm receipt of this email so that I know you have received it today 5th May, as I understand we have until midnight tonight to lodge any concerns and objections we may have to this application.

Yours sincerely  
Jennie Morrow

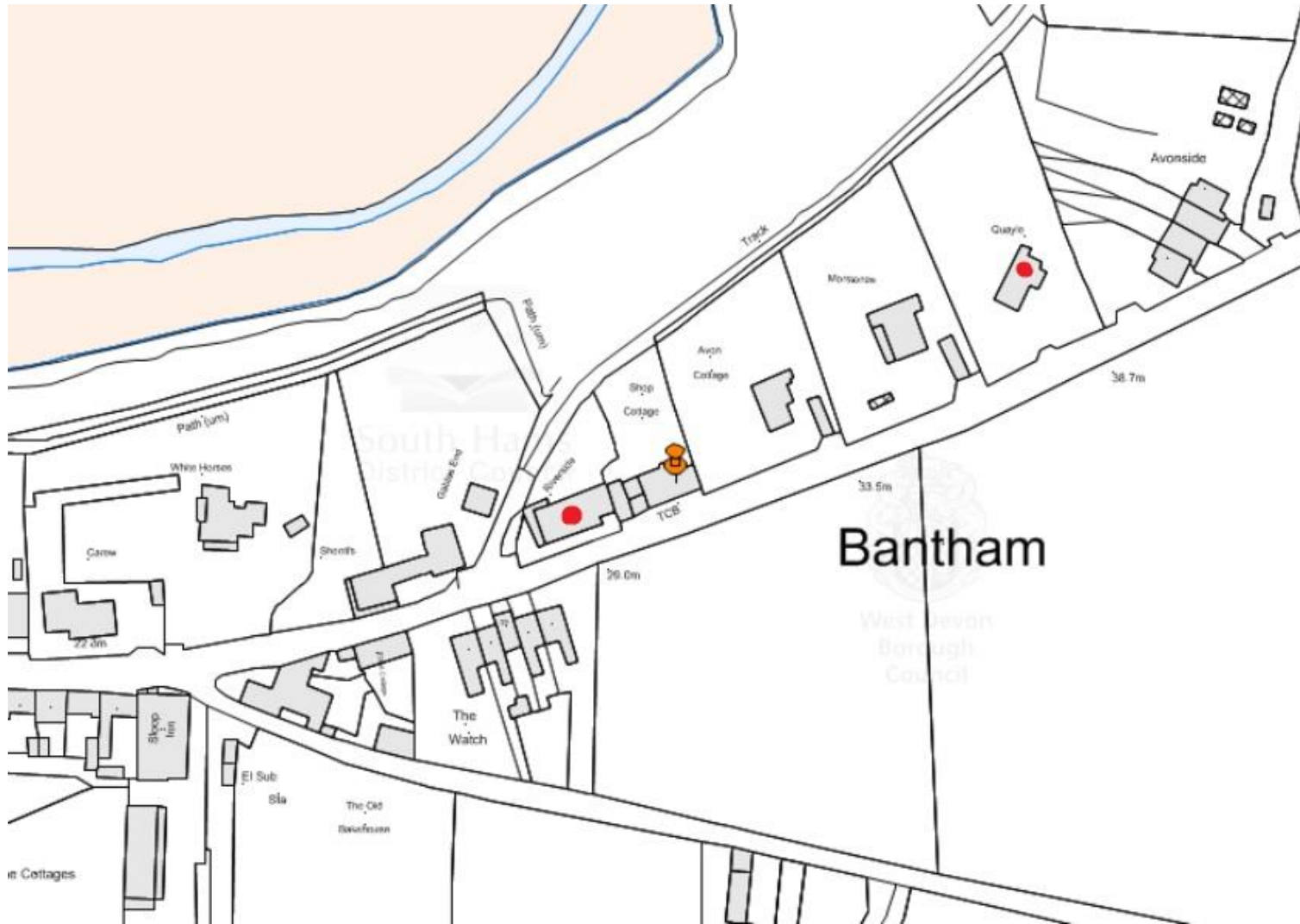
## **Amendments agreed between the Police and Applicant**

### Section 18 (b) Prevention of crime and disorder

1. All alcohol will be labelled with a distinguishing mark before items are placed on the shelf for sale.
2. No single cans/bottles will be sold.

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# Bantham Village Stores – Location Plan



Pin = Bantham Village Stores  
● = Local residents with objections

# Bantham Village Stores – Location Plan



-  = Bantham Village Stores
-  = Local residents with objections