

# South Hams Licensing Sub-Committee



<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Monday, 15th May, 2017</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Repton Room - Follaton House</b>
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b></p> <p style="text-align: center;"><b>Vice Chairman</b></p> <p><i>Members:</i></p>
<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 The Dartmoor Union Inn, Fore Street, Holbeton, PL8 1NE**

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# Agenda Item 4

Report to: **Licensing Sub-Committee**

Date: **15<sup>th</sup> May 2017**

Title: **Application for a new premises licence for  
The Dartmoor Union Inn, Fore Street,  
Holbeton, PL8 1NE**

Portfolio Area: **Customer First**

Wards Affected: **Newton & Yealmpton**

Relevant Scrutiny Committee:

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

Author: **Tara O'Keefe** Role: **Senior Case Manager –  
Licensing**

Contact: **01803 861151 / Tara.O'Keefe@swdevon.gov.uk**  
**01803 861287 / James.Kershaw@swdevon.gov.uk**

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## **Recommendations:**

**That the Sub-Committee consider the application for a new Premises Licence and make determinations in respect of this application, namely to:**

- i) grant the application as submitted, subject to any Mandatory Conditions required;**
- ii) modify the conditions of the licence;**
- iii) exclude any of the licensable activities to which the application relates;**
- iv) to refuse to specify a person in the licence as the premises supervisor;**
- v) reject the application,**

**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 **The Dartmoor Union Inn, Fore Street, Holbeton, PL8 1NE** 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 15<sup>th</sup> March 2017. A copy of the application is attached at **Appendix A**.
- 1.3 The premises is a public house and the application is for the supply of alcohol for consumption on the premises, Monday to Sunday 12:00 to 23:30. The premises was previously licensed to sell alcohol until the licence was surrendered by the previous premises licence holder in January 2017.
- 1.4 During the consultation period, in liaison with the Police, the applicant agreed to include additional conditions to address the licensing objectives and to reduce the hours for the supply of alcohol for consumption on the premises to Monday to Sunday 12:00 to 23:15. Details of these changes can be found at **Appendix B**.
- 1.5 Three relevant representations were received in objection to the application during the consultation period from local residents of Holbeton, copies of which are attached at **Appendix C**. The representations have been made in relation to the 'Public Safety', 'Prevention of Public Nuisance' and 'Protection of Children from Harm' licensing objectives.
- 1.6 Concerns raised in relation to 'Public Safety' refer to inadequate parking provision for the premises which may result in vehicles parking along the street causing an obstruction. Another concern is that there is no barrier between the front entrance of the premises and public highway, which may result in intoxicated persons walking out of the premises and directly into the road.
- 1.7 Concerns relating to noise and disturbance from both customers and music have been raised, with reference to incidents which occurred when the premises was open in the past. Of particular concern is the closing time of 23:30, with the request that this is earlier in the evening to prevent a 'Public Nuisance' being caused to local residents.
- 1.8 Also raised in the representations are concerns about the care of children while on the premises, particularly late at night. There are references in the representations to occasions where children of customers of the pub were allegedly left unsupervised in the village while their parents or guardians were in the premises, when the premises was open under previous management

- 1.9 The premises is located on the main road through the village of Holbeton, in close proximity to residential properties.
- 1.10 We have not been able to mediate between parties and thus 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 April 2017).
- 2.2 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (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 3.2 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 Sections 3.4-3.7 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 Section 4.1 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.7 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in April 2017 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 2.19 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.

3.4 Section 6.4 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 Paragraph 10.15 of the Guidance then continues: Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Section 6.8 of the Policy gives the following as reasons for a restriction: This could be if an individual shop is known to be a focus of disorder and disturbance and relevant representations have been received. Another such reason may be a particularly early opening time, where there are reasons to believe that the availability of alcohol at that hour could impact adversely on the licensing objectives.
- 3.7 Section 10.1 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.
- 3.8 Section 10.2 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.
- 3.9 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

#### **4. Options available and consideration of risk**

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

#### **5. Proposed Way Forward**

- 5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:



- i) grant the application as submitted, subject to any Mandatory Conditions required;
- ii) modify the conditions of the licence;
- iii) exclude any of the licensable activities to which the application relates;
- iv) to refuse to specify a person in the licence as the premises supervisor;
- v) reject the application,

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

**6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State’s guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <p>(a) to grant the licence subject to:-</p> <ul style="list-style-type: none"> <li>i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as</li> </ul>

		<p>extent as the authority considers necessary for the promotion of the licensing objectives, and</p> <p>ii) any conditions which must under section 19, 20 or 21 be included in the licence;</p> <p>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>(c) to reject the application</p> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> <li>a) dismiss the appeal;</li> <li>b) substitute for the decision appeal against another decision which could have been made by the Licensing authority;</li> <li>c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.</li> </ul>
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained within the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.

Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

### **Supporting Information**

#### **Appendices:**

Appendix A – premises licence application and plan

Appendix B – amendments agreed between the Police and the Applicant

Appendix C – representations

#### **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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## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** KSM (Dartmoor Union) Ltd

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <b>The Dartmoor Union Inn Fore Street</b>			
<b>Post town</b>	Holbeton	<b>Postcode</b>	<b>PL8 1NE</b>

Telephone number at premises (if any)	<b>Not installed yet</b>
Non-domestic rateable value of premises	<b>£13,975</b>

#### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

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

Name KSM (Dartmoor Union) Ltd
Address Southways Heybrook Drive Heybrook Bay Plymouth PL9 0BN
Registered number (where applicable) 10659624
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company which is acquiring the long leasehold interest in the Dartmoor Union Inn.
Telephone number (if any) 01752 601922
E-mail address (optional) dartmoorunion@outlook.com

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The Dartmoor Union Inn is a long established village in situated the village of Holbeton, South Hams. It has been closed for 18 months and the old licence has been surrendered. It has recently become a registered community asset and is going to re-open in May of this year, the built environment is not going to change at all but it will be renovated and re-decorated.

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

N/A
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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |



**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	12:00	23:30	The inn will not be open outside the hours shown opposite.					
Tue	12:00	23:30						
Wed	12:00	23:30						
Thur	12:00	23:30				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	12:00	23:30				N/A		
Sat	12:00	23:30						
Sun	12:00	23:30						

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

Name Kirsty Sian McDonald	
Address Southways Heybrook Drive Heybrook Bay Plymouth	
Postcode	PL9 0BN
Personal licence number (if known) PL11391	
Issuing licensing authority (if known) Plymouth City Council	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)	
Day	Start	Finish	None	
Mon	12:00			
		23:30		
Tue	12:00			
		23:30		
Wed	12:00			
		23:30		
Thur	12:00			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  Only as opposite
		23:30		
Fri	12:00			
		23:30		
Sat	12:00			
		23:30		
Sun	12:00			
		23:30		

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

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 9)

**b) The prevention of crime and disorder**

We will be installing CCTV with a 31 day recording capability. This will cover the bar, interior and outside terrace, the CCTV will be operable at all times and a notice to this extent will be prominently displayed.

**c) Public safety**

A detailed health and safety plan is in place and all employees are fully inducted in this, a full opening and closedown checklist will be completed and signed for each service. A full first aid kit is available and staff trained.

**d) The prevention of public nuisance**

This will be a food oriented business, there will be no noise or late night usage and nuisance created. The kitchen has a full extract system.

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

Children are not a key target audience, a rule of no under 7's after 7:00pm will be introduced.  
 All staff are trained in the underage drinking limitations and these will be strictly enforced.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**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.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	13 <sup>th</sup> March 2017
Capacity	Authorised Signatory

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Kirsty McDonald  
Southways  
Heybrook Drive  
Heybrook Bay

Post town	<b>Plymouth</b>	Postcode	<b>PL9 0BN</b>
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Telephone number (if any)	01752 601922
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
dartmoorunion@outlook.com

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



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## **Police Amendments**

**Section J Supply of Alcohol:** Monday to Sunday 12:00 to 23:15 hours

### **Section M Licensing Objectives**

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

1. CCTV system will be installed and operative at all times while the premises are trading and the equipment will be maintained to the satisfaction of the chief of police. Recorded images to be retained for 30 days and made available to Police Officer on request, at any reasonable time.
2. All drinks to be served in toughened glass.
3. No bottles to be served that any person may have the intention to drink from.
4. Glasses to be cleared from public areas when finished or empty.
5. Zero tolerance to anti-social behaviour and a customer code of conduct notices to be displayed whilst members of public are on the premises.
6. No drinks to be taken off the premises.
7. All refusals will be detailed in a refusals book which shall be retained at the premises.

#### **Section (d) The prevention of public nuisance**

1. Noise shall not emanate to cause unreasonable disturbance to local residents in the local neighbourhood.

#### **Section (e) The protection of children from harm**

1. Challenge 25 Scheme shall be in place with posters displayed. Any individual who appears to be under the age of 25 will be asked to produce photographic ID as a passport or UK driving licence, preventing under age sales.
2. No person under the age of 16 shall be permitted inside the premises unless accompanied by a responsible adult .
3. Regular training shall be in place in relation to sale of alcohol.

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9.4.17.

11 APR 2017

MR C. J. HOLBETON  
THE MILDMAY BARN  
FORE STREET  
HOLBETON  
N. H. A.

## LICENSING ACT 2003

Application for premises licence, the Dartmoor Union Fore Street Holbeton.

This letter seeks to outline objections to the application to sell alcohol on these premises, after 11 p.m. Monday to Saturday and after 10.30 p.m. on Sundays. Also to restrict access by persons under 16 years after 9.30 p.m.

## PREVENTION OF PUBLIC NUISANCE

Firstly it is necessary to point out that these premises have been closed for the past 16 months. During this period a number of residential properties nearby and adjacent to the Dartmoor Union have had new occupants. Many of the new occupants have taken up residence in the knowledge that the Dartmoor Union was closed and that the owners were seeking planning permission for the premises to be converted to exclusively residential use.

The clear implication of a return to the daily operation of a public house on this site, is the increased noise and disturbance caused by those going to and from the building, persons consuming alcohol on the street outside the premises and the culture of unsupervised children, under 16 year olds, who have caused substantial concern in the past particularly late in the evening.

This situation would be further aggravated by the sale of alcohol after 11p.m., as the (customers) parents, guardians of these children will, as has been the case in the past, take less interest in the supervision and welfare of their children both inside and outside the premises the longer the premises remain open for the sale of alcohol.

There are a very limited number of parking spaces associated with the pub, these are reached via a narrow lane to the side of the building, which is only suitable for the smallest of vehicles. The consequence of this is that persons using the premises tend to position their vehicles on Fore Street (residential).

This activity has resulted in a lack of consideration for the premises on both sides of the street, cars will often be parked on the footway, blocking access to doorways, passageways and driveways. Noise and disturbance will often accompany this practice and would be seriously aggravated if the sale of alcohol is permitted beyond 11p.m.

#### PUBLIC SAFETY and PROTECTION OF CHILDREN FROM HARM.

Previous incidents associated with the premises include children skateboarding through the pub, across the footpath outside the front door and into and across the public road opposite, running out of the front door of the pub into the public highway causing vehicles to brake to avoid collision and injury. There is a clear public safety issue relating to the proximity of the front door of these premises and the public road. The erection of a barrier (of the type often placed outside school entrances), preventing a direct route to the road outside would go some way to reducing the risk of serious injury or worse.

#### PREVENTION OF CRIME AND DISORDER

Some of the more serious incidents of crime and disorder associated with these premises can no doubt be seen from the police logs recorded over previous years.


Many other matters of concern will be known only to local residents who have experienced nuisance and disorder in person.

In support of my objection to the granting of a permit for the sale of alcohol on these premises after 23.00 hrs I am willing to attend a licensing hearing at the request of the licensing authority

I also respectfully ask that consideration be given to extending the consultation period beyond a closing date of 13<sup>th</sup> April, due to difficulty experienced in access to the details of the application on the SHDC website.

*Thank you for your time on  
this matter.*

-2-

  
C.J. Hawkins.

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

The Smithy  
23 Fore Street,  
Holbeton,  
Plymouth PL8 1NA.  
13 April 2017

Dear Sir or Madam

**Application for a licence at the Dartmoor Union, Fore Street, Holbeton.**

I am a resident of Holbeton, and live almost opposite the Dartmoor Union. I wish to object to the granting of another premises licence for the Dartmoor Union, Holbeton.

The pub has been closed for about a year and a half, and there has been a noticeable lack of noise and nuisance in the evenings, particularly late in the evening, on Fore Street during this period. During the last tenancy, there were regular incidents and disturbances in the evenings linked directly to the pub.

The design of the pub is locked in previous centuries; the door opens straight on to Fore Street, and entrance and exit can be dangerous to customers and their children, many of which proved a real danger to residents and motorists in the past. In addition, there is very limited parking, and that only accessed by a very narrow lane. Parking in the local area is restricted enough as it is.

Thank you for your assistance.

Yours faithfully

**J.B.Wallace**

J.B.Wallace

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Michael & Marion Gray  
'Bahari'  
Fore Street  
Holbeton  
Nr Plymouth PL8 1NE

Sunday, 9 April 2017

11 APR 2017

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

Request for new licence to sell alcohol at The Dartmoor Union Inn Holbeton

Dear Sirs,

I wish to point out objection of mine and other local residents to the above request.

- 1) **Holbeton village cannot support two inns/pubs trade has been falling for the following reasons.**
- Drink drive rules
  - The availability of cheap alcohol and ready cooked meals from super markets.
  - A falling of disposable income
  - There are only about 400 people on the electoral roll many of those living in outlying areas of the parish and cannot drink and drive.
  - There are a very limited number of parking spaces in the village.

The above points have exacerbated the fact that over the last 2 decades or so, each of the incumbents of the Dartmoor union have walked out in a parlous state having been unable to make a living. This does not bode well for opening the inn again, certainly with the trade as it is at present and could well result in both pubs in the village being forced to close.

2) **Public safety concerns.**

There is almost no parking in the village except for local residents, therefore customers to the inn would again be forced to park across local accesses, on yellow lines, or other unsafe places as happened when the inn was last open. This coupled with the fact that children were left unsupervised to run and skate board down the side of the building and across the steep hill outside of the Inn and wander around the village caused much worry as vehicles had to break suddenly and violently. This is especially of serious concern as the evenings progress, with parents and guardians taking less and less care of the children. This became serious several times the police had to be called as their records will show.

3) **Public nuisance**

11.30pm closing time is too late for the very quiet village that Holbeton is, 10.30 would be late enough especially for music and unruly children as many residents, some in the farming industry and those travelling long distances to work, have to leave early for work, at week end as well as week days. Noise from the kitchen extract fan is excessive, this was overcome by the last lease holders by keeping the fan on the lowest speed setting, not necessarily good for those working in the kitchen. The root of the problem has not been resolved.

Yours

Sincerely

Michael Gray

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