

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 Old School Teahouse, Mothecombe, Holbeton, Plymouth PL8 1LB

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Agenda Item 4

Report to: **Licensing Sub-Committee**

Date: **25 May 2017**

Title: **Application for a new premises licence for
The Old School Teahouse, Mothecombe,
Holbeton, Plymouth, PL8 1LB**

Portfolio Area: **Customer First**

Wards Affected: **Newton & Yealmpton**

Relevant Scrutiny Committee:

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

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

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

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 Old School Teahouse, Mothecombe, Holbeton, Plymouth, PL8 1LB** 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 30th March 2017. A copy of the application is attached at **Appendix A**.
- 1.3 The premises is an old school house which has been converted into a tearoom. The application is for the supply of alcohol for consumption on the premises, Monday to Saturday 09:00 to midnight; Sunday 09:00 to 22:00 and New Year's Eve 09:00 to 02:00. Also for the provision of Live Music 18:00 to 02:00 both indoors and outdoors on New Year's Eve.
- 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 Saturday 09:00 to 23:30 and Sunday 09:00 to 21:30. Included in this agreement is that live music is amended to 'indoors only'. This will only apply to New Year's Eve between the hours of 23:00 and 02:00, as the provision of live music is unregulated at premises licensed for the sale of alcohol for consumption on the premises between the hours of 08:00 and 23:00 due to Live Music Act 2012. Details of the changes agreed between the applicant and the Police can be found at **Appendix B**.
- 1.5 Four relevant representations were received in objection to the application during the consultation period from local residents of Holbeton and the local District Councillor, copies of which are attached at **Appendix C**.
- 1.6 The main focus of the representations are concerns in relation to the 'Prevention of Public Nuisance' licensing objective due to noise from customers. Of particular concern is the potential for disturbance when customers leave the premises late at night, due to the closing time of midnight.
- 1.7 The premises is located on the outskirts of the village of Mothecombe. Access to the area is through narrow country lanes. Another concern raised in the representations is the potential for increased traffic in the vicinity of the premises which could cause disruption to local people. Maps showing the location of the premises and photographs of the vicinity are at **Appendix D**.
- 1.8 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"> i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as extent as the authority considers necessary for the promotion of the licensing objectives, and ii) any conditions which must under section 19, 20 or 21 be included in the licence;

		<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"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.

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

Supporting Information

Appendices:

Appendix A – premises licence application and plan

Appendix B – amendments agreed between the Police and the Applicant

Appendix C – representations

Appendix D – location map and photographs

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council's Statement of Licensing Policy

Responses to Notices of Hearing

Agreement from Applicant to Police amendments

Consent to be DPS form

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South Hams
District Council

**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 BEACHHOUSEMOTHECOMBE LIMITED.
(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			
THE OLD SCHOOL TEAHOUSE (SCHOOLHOUSE) MOTHECOMBE. HOLBETON			
Post town	PLYMOUTH.	Postcode	PL8 1LB.
Telephone number at premises (if any)	01752 830552.		
Non-domestic rateable value of premises	£	1950.00.	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(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	BEACHHOUSEMOTHECOMBE LIMITED.
Address	WHITEHOUSE CHILLINGTON KINGSBRIDGE. DEVON. TQ7-25X.
Registered number (where applicable)	10580449
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY.
Telephone number (if any)	01548 580505
E-mail address (optional)	TAMARA@WHITEHOUSEDEVON.COM.

- 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)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
04	20	17

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)

ONE BUILDING, LOCATED ON MAIN ROAD, USED TO BE AN OLD SCHOOL. AND IS CONVERTED INTO A TEA ROOM. 3 TOILETS. 1 KITCHEN & 1 MAIN HALL. BUILDING IS HALF A MILE AWAY FROM A BEACH & WILL BE POPULAR IN SUMMERTIME. BUILDING IS IN THE HEART OF A SMALL VILLAGE & WILL BE USED ALL YEAR BY LOCAL RESIDENTS.

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

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<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> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur				
Fri			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 (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur						
Fri						
Sat			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 (please read guidance note 5)			
Sun			NEW YEARS EVE 18-00 - 02-00.			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<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> (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			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) 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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

n/a.

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	09:00	24:00						
Tue	09:00	24:00						
Wed	09:00	24:00						
Thur	09:00	24:00				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 (please read guidance note 5)		
Fri	09:00	24:00						
Sat	09:00	24:00						
Sun	09:00	22:00						
			NEW YEARS EVE - 09:00 - 02:00					

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

Name	TAMARA COSTW.
Address	THE WHITEHOUSE CHILTINGTON. KNYBROUKE. DEVON.
Postcode	TQ7 2JX.
Personal licence number (if known)	
Issuing licensing authority (if known)	

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).

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09:00	24:00	None.
Tue	09:00	24:00	
Wed	09:00	24:00	
Thur	09:00	24:00	
Fri	09:00	24:00	
Sat	09:00	24:00	
Sun	09:00	22:00	

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 (please read guidance note 5)		
New Years Eve. 09:00 - 02:00.		

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)

- All reasonable steps taken to ensure all staff do not carry out or arrange in any or participate in any irresponsible promotions
- Free tap water on request
- Alcohol available in following measurements:
beer/cider 1/2 pt, spirits 25ml, wine 125ml
customers are made aware of this.

b) The prevention of crime and disorder

- Any person appearing to be under 25 will be required to provide photographic ID before being sold or provided alcohol.
- There will be a secure area for customers personal belongings if needed which the designated supervisor will manage access to.
- Most beverages will be served in plastic containers.
- Alcohol will only be consumed whilst sat at a table either inside the restaurant or in the immediate garden on tables.
- The maximum capacity as per fire authority will never be reached.

c) Public safety

- As above, maximum occupancy will never be met as all persons are seated. Last
- Last entry to the premises will be 9pm.
- All safety certificates & inspections will be carried out by Vance Briggs & kept on site.
- Exits will be unobstructed & clear & easily openable.
- There will be ramps to enter the building for disabled people.
- Adequate first aid kit on site with suitably trained staff.

d) The prevention of public nuisance

- Noise & vibration kept to a minimum with only background music, movement of bins only in daytime hours.
- Lighting will cease at midnight except where provided for safety reasons.
- All refuse generated will be stored & locked away & bins provided will be emptied regularly & when cleared away.

e) The protection of children from harm

- | | |
|--|----------------|
| - No nudity / strip tease ever | - No drugs |
| - No Theatre performances | - No gambling. |
| - No advertising of any alcohol | |
| - Children permitted to eat with families but not consume alcohol. | |

Checklist:

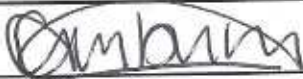
Please tick to indicate agreement

- 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	27/3/17
Capacity	Accountant

For joint applications, signature of 2nd applicant or 2nd 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)

TAMARA COSTIN,

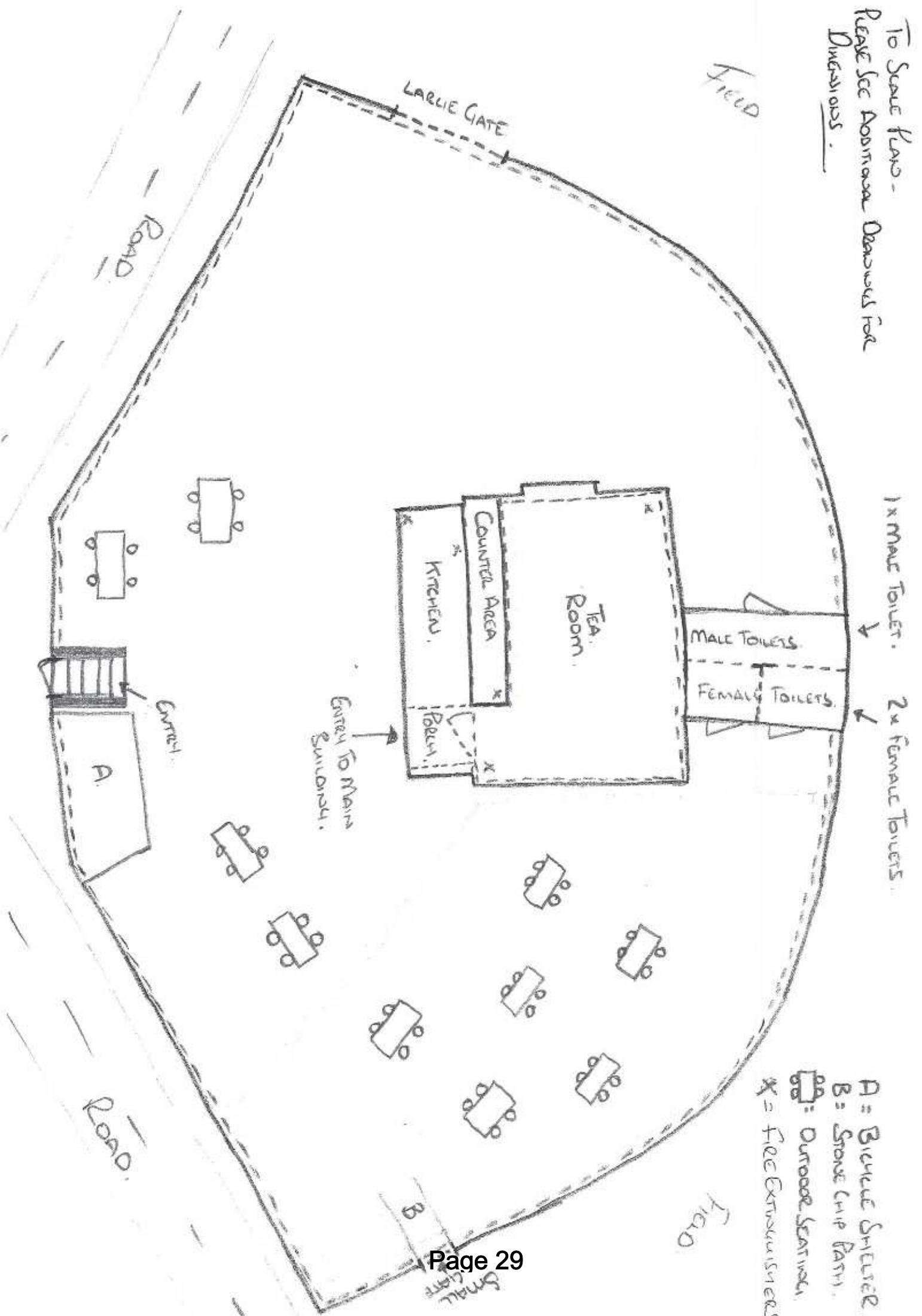
WHITENOWE
CHILLINGTON
DEVON.

Post town	KINGSBRIDGE	Postcode	TA7-2JX
Telephone number (if any)	01752 830552 , 01548 580505		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
TAMARA@WHITENOWEDEVON.CO.UK			

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.

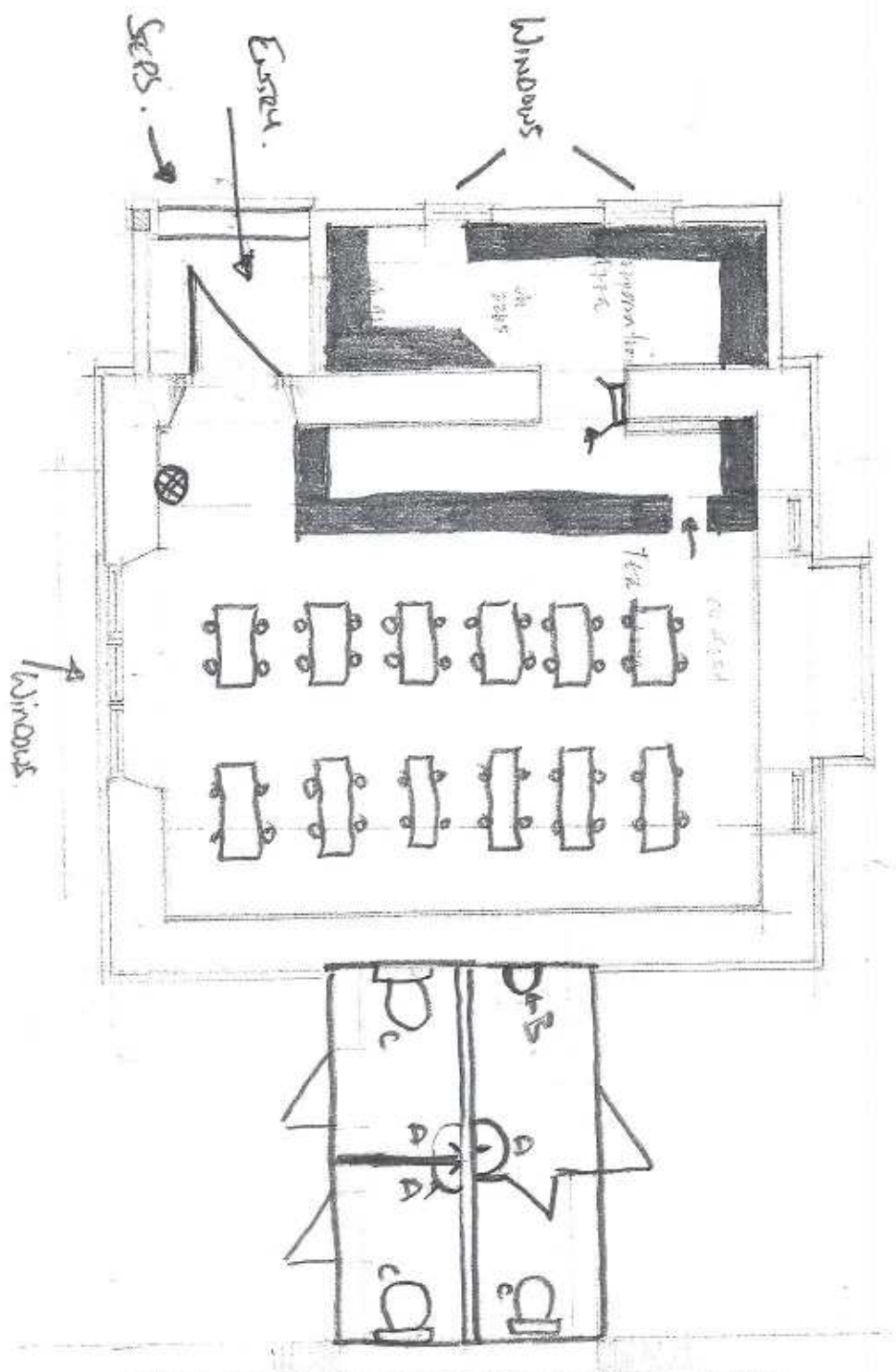
To Scale Plans -
 Please See Approximate Dimensions For
 Dimensions.



1 x MALE TOILET
 2 x FEMALE TOILETS

A = BICYCLE SHED
 B = STONE CHIP PATH
 [Vehicle Icon] = OUTDOOR SEATING
 X = FIRE EXTINGUISHERS

ADDENDUM DRAWING B.
 Inside Plans.



Existing Room Plan

The old school Tea Room Australia

© Javilla. February 2017 : 5201

MENS TOILETS. x 1.

FEMALE TOILETS x 2.

A = Wash Basins.

B = Urinal.

C = Toilet.

☒ TABLES.

⊗ FIRE EXTINGUISHERS

▣ FIRE BLANKET.

■ OPEN SURFACES.

Surrey have OF freeness.



LICENSING ACT 2003.

I Tamara Costin do hereby give notice that on 18/03/2017 I applied to the Licensing Authority at South Hams District Council for a new Premises Licence at The Old School House, Mothecombe, Plymouth, PL8 1LB, known as "Schoolhouse".

The application is for: A Premises Alcohol Licence.

Any person wishing to make representations to this application may do so in writing to the Licensing Manager, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE. (www.southhams.gov.uk).

Representations must be received NO LATER than 15/04/2017.

A copy of the application can be viewed at the Licensing Authority's address during normal office hours.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5000.

Signed: Tamara Costin.

Dated: 18/03/2017.

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Police Amendments

Section E Live Music – Indoors only

Section J Supply of Alcohol: Monday to Saturday 09:00 to 23:30 hours and Sunday 09:00 to 21:30

Section M Licensing Objectives

Section (a) General

Removal of all three points listed in Section (a) as these fall under the mandatory side of the Licensing Act 2003 and replace with the following:-

1. Regular staff training and awareness of licensing requirements.

Section (b) Prevention of crime and disorder

Removal of second, third and fourth points listed in Section (b) and replace with the following:-

1. Service of alcohol shall be from behind the counter and waiter/waitress service to tables.
2. Food service shall be available during trading hours
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. No glasses to be taken off the premises.

Section (c) Public Safety

1. Point 2 Last entry to the premises will be 10pm
2. Point 3 All Safety certificates and inspections will carried out and kept on site for inspection by authorities.

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

Removal of all points listed in Section (e) and replace with the following:-

1. Challenge 25 Scheme shall be in place with posters displayed and any individual who appears to be under the age of 25 will be asked to produce photographic ID, passport or UK driving licence, preventing under age sales.
2. Person under the age of 16 shall be accompanied by a responsible adult.
3. Regular training shall be in place in relation to sale of alcohol.

From: Cllr K. Baldry

Sent: 26 April 2017 14:05

To: Tara OKeefe <Tara.okeefe@swdevon.gov.uk>

Cc: SW-Licensing <licensing@swdevon.gov.uk>; Cllr D. May <Cllr.May@southhams.gov.uk>; Cllr I. Blackler <Cllr.Blackler@southhams.gov.uk>

Subject: Re: New Premises Licence Application - The Old School Teahouse

Dear Licensing

I would like to make a formal response to the application for the Old School Teahouse, Mothecombe. If a sub Committee is held, I would like to attend and speak.


My submission is primarily on grounds of prevention of public nuisance with a secondary ground of crime and disorder.

My Ward includes these premises. I have consulted Holbeton Parish Council and individual residents.

I have no objection to the licence application. The Old School House is a good facility and its reopening as a place of refreshment is encouraging. It is to be expected that it will provide welcome employment.

The concern with the application relates only to the proposed hours. This is an isolated location. Mothecombe hamlet is close by. All visitors will almost certainly come by car. Mothecombe residents are worried about late night noise when the premises close. We feel that midnight is far too late near to this peaceful location. The appeal is for the licensed hours to end at 22.30 which may mean cars and customers being away by 23.00.

Yours sincerely

Keith Baldry
Member for Newton and Yealmpton
Leader of the Opposition


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Naomi Stacey

From: HILARY CASSON <[REDACTED]>
Sent: 27 April 2017 08:09
To: SW-Licensing
Subject: New Premises Licence Application - The Old School Teahouse, Mothecombe PL8 1LB

Dear Ms O'Keefe

I wish to make a representation re the above on the following grounds:

The licensing hours applied for are excessively long and will result in an unacceptable increase in both noise and traffic levels in small, otherwise peaceful country lanes throughout the whole day and late at night. This is bound to have a detrimental effect on wildlife in an AONB and create unreasonable disturbance for local residents. More traffic will also present an increased danger to our local children and destroy the precious tranquillity of the area.

Yours sincerely

Hilary Casson
Battisborough Cross
Holbeton

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Naomi Stacey

From: Sonja Hird [REDACTED] >
Sent: 27 April 2017 13:27
To: SW-Licensing
Subject: The Old School Teahouse Mothecombe PL8 1LB

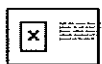
To whom it may concern:

Regarding the new premises licence application for the above, in my opinion the opening hours requested for the consumption of alcohol are totally excessive and not in keeping with such a peaceful, beautiful place in a designated AONB.

Increased traffic using the narrow lanes every day until midnight is not desirable, leading to increased noise and environmental damage. New Year's Eve opening until 2 a.m. does not bear thinking about!

Yours faithfully
Sonja Hird

Linden Lea
Battisborough Cross
Holbeton



Virus-free. www.avast.com

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Naomi Stacey

From: Stan Casson <[REDACTED]>
Sent: 27 April 2017 11:37
To: SW-Licensing
Subject: The Old School Tea House, Mothecombe

Dear Mrs O'Keefe

I wish to make a representation concerning the licensing of the above property. This is a rural area and should be respected as such. While I would not wish to spoil people's pleasure and enjoyment of the coast and countryside, neither can be enjoyed during the hours of darkness.

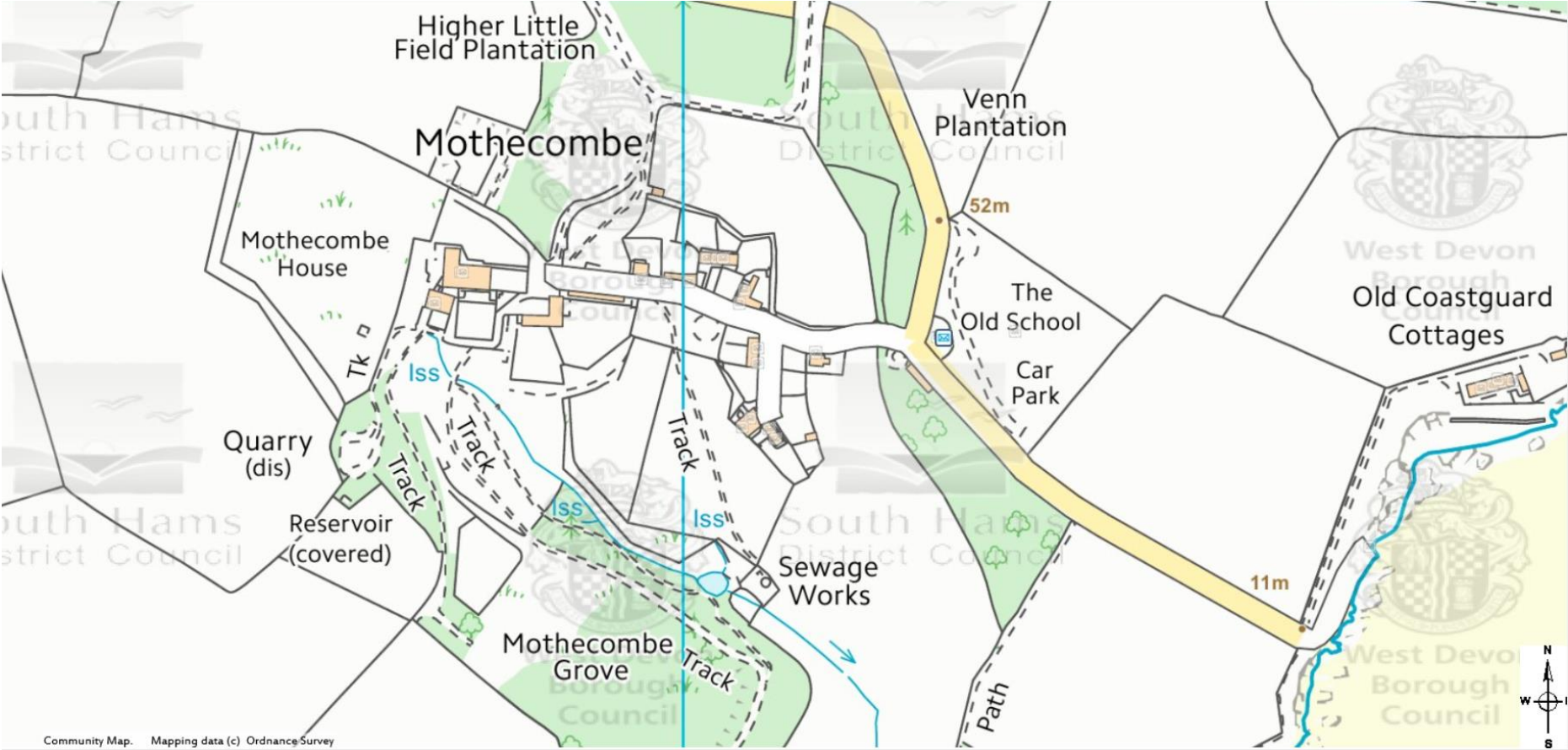
The only route from the A379 to the venue is through narrow lanes with limited passing places and if these lengthy licensing hours were to be granted, traffic would be increased significantly with all that that implies, including the impeding of daily agricultural traffic.

Finally the wildlife in the area would be bound to be affected as there are few places where there is opportunity for mammals and in particular ground nesting birds to escape from the high-sided lanes.


Yours sincerely
Stan Casson

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Old School Teahouse – Location Plan




Page 45

 = Old School Teahouse

Old School Teahouse – Location Plan



Page 46

 = Old School Teahouse

Old School Teahouse photographs of vicinity

1. Road opposite front of premises leading to Mothecombe village and turning bay on left



2. Road leading down to premises, entrance to car park to rear of premises on left



Old School Teahouse photographs of vicinity

3. View of rear of premises from car park entrance



4. As above, rear of premises on right hand side

