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SOUTH HAMS LICENSING SUB-COMMITTEE - MONDAY, 14TH APRIL, 2014

Agenda, Reports and Minutes for the meeting

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2.	<u>Reports</u>
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Reports to Licensing Sub Committee:

a)	<u>Shire Horse Centre, Dunstone, Yealmpton, Plymouth PL8 2EL</u> (Pages 3 - 14)
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Agenda Item 1

To: Members of the Licensing Sub-Committee
(Cllrs Baverstock, Hannaford and Wright)

Our Ref: CS/KT

4 April 2014

Usual Officer and Press Circulation and local Ward Members

Dear Councillor

A meeting of the **Licensing Sub-Committee** will be held in the **Dining Room**, Follaton House, Plymouth Road, Totnes on **Monday 14 April 2014 at 2.00 pm** when your attendance is requested.

Yours sincerely

Kathryn Trant
Member Services Manager

**FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT KATHRYN TRANT,
MEMBER SERVICES MANAGER ON DIRECT LINE 01803 861185**

A G E N D A

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. **To determine an application for a new Premises Licence at Shire Horse Centre, Dunstone, Yealmpton, Plymouth PL8 2EL, in accordance with Section 18 of the Licensing Act 2003.** (pages 1 to 63).

Members of the public may wish to note that the Council's meeting rooms are accessible by wheelchairs and have a loop induction hearing system

Members of the public shall be permitted to record the proceedings of any meeting in sound and pictures and broadcast them whether by electronic means or otherwise, **subject to receiving the prior approval of the Chairman of the Committee, in consultation with the Chief Executive** (or Monitoring Officer in his/her absence)

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER

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AGENDA
ITEM

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

4

NAME OF COMMITTEE	Licensing Sub-Committee
DATE	Monday 14 April 2014
REPORT TITLE	Application for a new Premises Licence
Report of	The Licensing Officer
WARDS AFFECTED	Yealmpton

Summary of report:

To determine an application for a new Premises Licence at **Shire Horse Centre, Dunstone, Yealmpton, Plymouth, PL8 2EL**, in accordance with Section 18 of the Licensing Act 2003.

Financial implications:

There are no direct financial implications to the Council from this Report.

RECOMMENDATIONS:

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 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.

Officer contact:

Naomi Wopling

naomi.wopling@southhams.gov.uk

01803 861336

1. BACKGROUND

1.1 The Licensing Authority received an application for a new premises licence on 19 February 2014 from Gash Hand Gang Limited for **Shire Horse Centre, Dunstone, Yealmpton, Plymouth, PL8 2EL**. A copy of the application is attached (**Appendix 'A'**).

1.2 The application is for:

Activity	Days	Times
Films	Monday-Sunday	10am to midnight
Live and recorded music	Sunday to Thursday Friday and Saturday	10am to midnight 10am to 2am
Late night refreshment	Sunday to Thursday Friday and Saturday	11pm to midnight 11pm to 2am
Sale of alcohol for consumption on and off the premises	Sunday to Thursday Friday and Saturday	10am to midnight 10am to 2am
Opening	Sunday to Thursday Friday and Saturday	9am to 12.30am 9am to 2.30am

No alcohol will be supplied in the outside areas after 9pm and off sales from the shop will be between 9am and 6pm only.

The application includes the request for 'provision of facilities for dancing'. This is no longer a licensable activity since being removed by the Live Music Act 2012 so does not need to be included.

1.3 The Licensing Department received thirteen representations in respect of this application including one petition; these can be found in **Appendix 'B'**. Any representations received out of time have not been included. In addition to representations from local residents are objections from Environmental Health, two District Councillors and Yealmpton Parish Council. The objections mainly relate to concerns about the potential for public nuisance and increased crime and disorder in the area.

1.4 There is a great concern about the late night opening hours applied for, especially on Friday and Saturday nights, due to the disturbance from music noise and from customers leaving the site. The Shire Horse Centre is in a rural area, neighbouring the small hamlet of Dunstone and is in close proximity to Yealmpton. It has been raised by several of the objections that the area is not well served by public transport or taxis, so customers may be forced to wait in the local area for long periods of time and as a result of this there is the potential for increased drink driving and disorder.

- 1.5 The Environmental Health Officer, in addition to most of the other representations, raised concern about how the applicant will ensure that noise from music and from their customers will be controlled. He has advised that a noise management plan should be created and implemented at the site, as the information provided in the application is not sufficient to demonstrate how noise will be managed.
- 1.6 Other issues raised in the representations relate to the potential for litter, petty crime and traffic problems caused by attracting large numbers of people to the area. Of particular concern is the behaviour of customers after they have consumed alcohol, especially when they are leaving late at night, due to the site's proximity to residential properties.
- 1.7 It has not been possible for the Licensing Department to mediate with all parties; therefore a satisfactory conclusion has not been possible.

(Please note that due to the amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-committee Members. Anybody who would like to receive full (or part) copies are asked to contact Member Support Services on (01803) 861273.)

2. ISSUES FOR CONSIDERATION

- 2.1 Thirteen representations have been received from: Environmental Health, two District Councillors, Yealmpton Parish Council and local residents.
- 2.2 Issues raised in the representations relate to the potential for increased crime and disorder and public nuisance should the premises licence be granted.
- 2.3 To give a better idea of the situation of the premises a location map can be found in **Appendix 'C'**.
- 2.4 The Sub Committee will now need to consider this application.

3. STATUTORY BODIES' RESPONSE

- 3.1 Devon & Cornwall Constabulary
No representations have been received.
- 3.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 3.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received.
- 3.4 Devon Trading Standards

No representations have been received.

- 3.5 South Hams District Council, Environmental Health Department (Pollution)
Representation has been received.
- 3.6 South Hams District Council, Environmental Health Department (Health & Safety)
No representations have been received.
- 3.7 South Hams District Council, Planning Department
No representations have been received.
- 3.8 Primary Care Trust/Local Health Boards, Devon Drug and Alcohol Action Team
No representations have been received.

4. RELEVANT LICENSING POLICY CONSIDERATIONS

Licensing Objectives

- 4.1 Section 2.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives).
- 4.2 Section 2.2 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 4.3 Section 2.3 of the Policy lists the kind of measures the Licensing Authority will be expecting to see taken into account to promote the objectives.

Conditions

- 4.4 Sections 2.5 & 2.6 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard. Section 4 of the policy sets out what the Sub-Committee should consider before imposing conditions on a licence.
- 4.5 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in June 2013 state:
- 4.6 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 is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).

- 4.7 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 2.22 of guidance).

Licensing Hours

- 4.8 Section 6.1 & 6.2 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or other persons on the basis of the licensing objectives. However, when dealing with licensing hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
There is no presumption within the legislation for longer opening hours.
- 4.9 Section 6.5 of the Policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 4.10 Paragraph 10.13 of Guidance issued under Section 182 of the Licensing Act 2003 states: 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

Children

- 4.11 Section 7.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.
- 4.12 Section 7.2 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern and warrant restrictions in the operating schedule include premises: -

- where entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place
- with a known association with drug taking or dealing
- where there have been convictions of the current management for serving alcohol to minors
- with a reputation for allowing underage drinking
- where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.

5. LEGAL IMPLICATIONS

5.1 The Act requires mandatory conditions to be imposed (if applicable) on the licence, the wording of which is prescribed by the Act but may be summarised as follows:

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

No alcohol may be supplied unless there is a Designated Premises Supervisor who also holds a personal licence.

Every supply of alcohol under a premises licence must be made or authorised by a personal licence holder.

(b) Section 19A - Irresponsible drinks promotions

Staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(c) Section 19A - No alcohol to be dispensed directly into the mouth of another person

No alcohol is dispensed directly by one person into the mouth of another

(d) Section 19A - Free drinking water

That free tap water is provided on request to customers where it is reasonably available.

(e) Section 19A - Age verification policy

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served

alcohol, identification bearing their photograph, date of birth and a holographic mark.

(f) Section 19A - Minimum measures for alcoholic beverages

The responsible person shall ensure that-

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

(i) beer or cider: ½ pint;

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

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

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

(g) Section 20 - Mandatory condition relating to exhibition of films

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the Licensing Authority.

(h) Section 21 - Door Supervision

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

5.2 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, responsible authorities or any other person). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.

5.3 The 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.

- 5.4 The Act requires (Section 18) that in dealing with a new application, the committee takes any of the following steps which are necessary for the promotion of the licensing objectives:
- (a) To grant the Licence subject to:-
 - i any Mandatory Conditions required;
 - ii modifying the conditions which have been specified in the operating schedule;
 - (b) to exclude any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application

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.

- 5.5 The 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, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. That South Hams relies on tourism, with the population in the district doubling in the Summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These issues, and any other relevant ones, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 5.6 If the Sub-Committee rejects the application, or modifies the conditions of the licence, the applicant or any person who made relevant representation in relation to the application may appeal within 21 days of notification of the decision to the Magistrates' Court. Those making relevant representations may also appeal if they believe that the licence should not have been varied, or that, when varying the licence, the Licensing Authority ought not to have modified the conditions, or ought to have modified them in a different way. 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.
- 5.7 If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable a responsible authority or any other person to apply to this Licensing Authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out

above) but also to suspend the licence for a period of up to three months or to revoke it.

6. FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications to the Council from this Report.

7. RISK MANAGEMENT

Corporate priorities engaged:	There is a link to the Council's priorities of improving Community Life and developing the local Economy.
Statutory powers:	Licensing Act 2003
Considerations of equality and human rights:	Compliance with the Human Rights Act 1998 – Article 6: Right to a fair hearing
Biodiversity considerations:	Not applicable
Sustainability considerations:	As above under corporate priorities engaged
Crime and disorder implications:	Section 17 of Crime and Disorder Act 1998 applies.
Background papers:	Responses to Notices of Hearing Summary of Key Points Guidance on Meeting the Licensing Objectives The Licensing Act 2003 Guidance issued under Section 182 of the Licensing Act 2003 The District Council's Statement of Licensing Policy
Appendices attached:	Appendix A – Application for a new premises licence Appendix B – Representations Appendix C – Location map

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership	
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Ensuring the Licensing Objectives are not undermined	<p>To review the application in line with: The Licensing Act; National Guidance issued by the Secretary of State, and The South Hams District Council Statement of Licensing Policy.</p> <p>To create an increased opportunity for employment in the district.</p> <p>An opportunity to maintain the districts distinctive environment whilst enabling access and sensitive development.</p> <p>To consider whether the proposal would promote tourism. The</p>	3	2	6	↔	<p>To be able to give consideration to representations in line with the Licensing Objectives, namely:- The prevention of Crime and Disorder; Public Safety; The prevention of public nuisance; and The Protection of children from harm.</p> <p>The Licensing Authority follows strict legislation in accordance with the Licensing Act 2003 and adheres to the statutory instruments contained within the Act.</p>	EH Business Support / Licensing Manager.

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel		
		<p>population doubles in the summer months with tourists and international visitors who are, in the main, families with young children and retired people – the very segments of society who would perhaps be deterred by anti-social behaviour.</p> <p>Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.</p>					

Direction of travel symbols ↓ ↑ ⇄

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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON MONDAY 14 APRIL 2014

Present: Cllrs Baverstock, Hannaford and Wright
N Wopling, Licensing Officer
T Johnson, Solicitor
J Kershaw, Environmental Health Officer
K Trant, Member Services Manager

Members also in attendance and participating:

Cllrs Baldry and Squire

Also in attendance and participating:

William Daniel, Solicitor representing the applicant; Mr Richards and Miss Richards, two directors of the applicant company

Mr Frederick and Mr Worrell, objectors to the application

LSC.14/13 **APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr Baverstock be appointed Chairman for the duration of the meeting.

LSC.15/13 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but none were declared.

LSC.16/13 **TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE – SHIRE HORSE CENTRE, DUNSTONE, YEALMPTON PL8 2EL**

1. Initial Address by the Applicants' Legal Representatives

The applicant's representative began by stating that the applicant was a limited company, and introducing two of the directors who were in attendance today. He also clarified an area on the plan submitted as part of the application, that should have been marked as a hatched area for the consumption of alcohol. He confirmed that the licence application was to enable off sales from the onsite shop of goods associated with the Shire Horse Centre, and a liquor licence for the restaurant with a limited number of uses for music and dancing.

The representative went on to confirm that conditions suggested by the Police Authority and by the Environmental Health Officer were acceptable. He also confirmed that the applicants had revisited the times for supply of alcohol and music and dancing and they were happy to bring those times back to 12 midnight Monday to Saturday and 11 pm on Sundays.

In outlining the application he advised that the applicants did not envisage holding functions on Sunday evenings and would expect the Centre to close earlier than 11 pm. He also advised that during the daytime the whole area would be available to supply refreshments to families who would be visiting the Shire Horse Centre. The restaurant area could be used as a function area, but only when pre-booked. The applicant specialised in being a family orientated business and they knew the sort of people they wanted to attract. They did not want to attract those who would cause a nuisance. The Centre would be opening later in the year and would consist of all the things you would expect from a tourist attraction such as craft displays, animals and children's play centres. There would be a family focus. The restaurant building was there to provide refreshments. Evening functions would probably not take place on more than two evenings a week. There would be no outside music or dancing, they would not be holding pop concerts and there would be no paint balling.

The representative then went on to respond to questions from the Sub Committee by confirming that there was no intention for dancing to take place outside. In respect of queries raised regarding a nearby footpath, the Licensing Officer advised that this had been raised by a number of residents from Yealmpton as the Public Right of Way skirted the site and had been used by people as a way of accessing the site without payment. The representative could not confirm the total number of people that the Centre would cater for although he could advise the questions that would be asked when a function was pre-booked such as numbers, format, type of music, equipment.

2. Licensing Officer's Report

The Licensing Officer stated that the applicant's representative had given a comprehensive assessment of the application and added that the suggested change in times went some way to address the concerns raised.

3. Environmental Health Officer's Report

The Environmental Health Officer (EHO) advised the Sub Committee that he had knowledge of the site. It had previously been used as a wood recycling area and a war gaming area. The site was situated in a quiet area in which noise generated could travel some distance due to the topography of the land. He had concerns about the licence application although the noise management plan went some way to allaying those

concerns. He was concerned about the hours applied for as the possibility of perhaps 100 vehicles leaving the site at a late hour would cause problems. He also suggested that the planning history of the site be checked.

In response to questions, the EHO confirmed that any previous licence would have been issued under the old regime and the site had been closed for a number of years. He also confirmed that along with closing doors and windows, other activities to manage noise would include restricting amplified music with noise limiters. In terms of building design, soundproof insulation would help, along with triple glazing. An air conditioning system would also help as often customers did try to open doors and windows if the premises became hot.

4. Address by the Objectors

(a) Mr Worrell

Mr Worrell stated that what he had heard at this meeting gave some degree of reassurance that it would be a family orientated facility with occasional evening events. However, this was not reflected in the licence application which would allow events every day of the year. Dunstone was a 20 home hamlet which was different to the other areas where the applicant company had existing businesses. There were planning issues that may restrict the opening hours and there were concerns over volumes of traffic along single track lanes. Taxi companies could get lost and there would be noise generated whilst engines were running and customers were awaited. The licensing conditions must reflect the noise management plan. A Google search on one of the applicant's other premises advertised a Rave Night – this is not reflective of a family orientated business. If the events to be held in the evening were to be occasional, then why not apply for a Temporary Event Notice each time.

(b) Mr Frederick

Mr Frederick advised the Sub Committee that he had been a resident of Yealmpton for many years and had historical knowledge of the site. His concern was that if the licence were to be granted as applied for then residents would be left fighting a rear guard action. He worked in hospitality himself and was aware that it was impossible to police customers once they were off site. Historically this site had had noise issues with the tannoy system and with specific events. The area was so quiet that it did not take much to cause a noise nuisance. The footpath had been raised because it was used by locals as a back entrance onto the site without paying. His concerns reflected those views already expressed.

5. Response by Applicant's Representative

The Applicant's Representative sought to clarify a number of points as follows:

- Mr Richards had an interest in the previous ownership of the site, but not in an operational way and he had nothing to do with activities on the site. He was therefore aware of the security issues at the site.
- In terms of taxis, the company would have a dedicated taxi service so there would be no issue of taxis getting lost.
- Whilst customers could not be managed once off site, properly supervised staff could achieve a level of client conduct that would obviate concerns.
- Things would not pan out as residents expected as every function would be limited.
- If no functions were prebooked for the evening then the site would close once the daytime patrons had left.
- Miss Richards added that the closing time would vary, as for example they proposed to have a Sunday evening carvery.

6. Address by the District Council Ward Members

(a) Cllr Baldry

In his address, Cllr Baldry highlighted that:

- He was expressing the views of himself and Yealmpton Parish Council
- It was unfortunate that consultation on the changes made today could not take place
- Dunstone was a small quiet hamlet and at least half of the residents were not there when the site was previously open. At that time complaints would come from far and wide
- It would be hard to keep noise levels down on a hot summers day
- The main objections were public nuisance. There would be cars coming and going and car doors slamming
- Maximum numbers of people should be determined
- 'Off sales' were a concern as the site was enormous and customers could buy alcohol and have picnics anywhere on site.

At this point the Chairman sought clarification on 'off sales'. The legal representative confirmed that 'off sales' were sold in sealed containers, sometimes not to be consumed on the premises. He suggested that further detail may be requested.

The Applicant's Representative advised that 'off sales' would be sold from 9am to 6pm and they would only come from the shop and not the restaurant. The intention was that the off sales would be gifts for customers to take home.

(b) Cllr Squire

Cllr Squire wished to raise the following points:-

- He clarified that he was the Ward Member for Wembury and Brixton
- The majority of his concerns had been raised and he did know the hamlet of Dunstone and it was peaceful
- He was concerned about noise levels generally, but also noted that there could be noise levels within the buildings
- He would suggest changing the hours further to 11.30 rather than midnight
- He queried if the building would be soundproofed to the maximum possible level to reduce noise emanating outside (the EHO advised that he was not sure if planning approval would be needed)
- He sought clarification on the activities that could take place outside. The Licensing officer advised that entertainment outside would need a licence but under the live music act, music could be played wherever the licence was applied for. In this instance a beer garden area was included. The Applicant's Representative confirmed that the Applicant did not want to provide licensing outside the building and the beer garden would not be used after 9pm and would not be used for music.

(The Sub-Committee adjourned in the presence of Mr Johnson to determine the licence and reconvened at 3.50pm).

7. The Decision

The Chairman announced that the decision of the Sub Committee was to adjourn the meeting as there were a number of issues for which he sought clarification and the Sub Committee did not feel justified to refuse the application.

The matters for clarification would be set out in a letter and would include details of the maximum number of customers at functions, formal opening and closing times of the Shire Horse Centre as an attraction, procedures for pre-booking functions, how the carvery worked with pre-booked events and the relationship of the beer garden with the restaurant for example would waitress service be included.

The Sub Committee would reconvene at a later date to consider the responses to the request for further information.

Chairman

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