

AGENDA  
ITEM

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## SOUTH HAMS DISTRICT COUNCIL

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<b>NAME OF COMMITTEE</b>	Licensing Sub-Committee
<b>DATE</b>	Wednesday 7 December 2011
<b>REPORT TITLE</b>	Application for a new Premises Licence
<b>Report of</b>	The Business Support / Licensing Manager
<b>WARDS AFFECTED</b>	Dartmouth

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### Summary of report:

To determine an application for a new Premises Licence at **Dartmouth Yacht Club, 22 South Embankment, Dartmouth, TQ6 9BB** in accordance with Section 18 of the Licensing Act 2003. Relevant representation has been received but mediation has taken place with amendments being made to the application. As a result all parties consider a hearing is unnecessary.

### 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 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.**

### Officer contact:

Graham Munson

[graham.munson@swdevon.gov.uk](mailto:graham.munson@swdevon.gov.uk)

01803 861336

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## 1. BACKGROUND

- 1.1 The Licensing Authority has received an application for a new premises licence for **Dartmouth Yacht Club, 22 South Embankment, Dartmouth, TQ6 9BB**. A copy of the application is attached (**Appendix 'A'**).
- 1.2 The application is for the sale and supply of alcohol for consumption on and off the premises Monday to Sunday from 9am to midnight. For the provision of films, indoor sporting events, live and recorded music, and performance of dance daily from 10am to midnight; also for performance of plays and provision of facilities for dancing daily from 12pm to midnight. Sale of alcohol, performance of plays, live and recorded music and provision of facilities for dancing, to be permitted to finish one hour later on bank holidays, Dartmouth Regatta and Dartmouth Music Festival. Non-club members only permitted during these 'non-standard' times and for bona fide pre-booked events or for pre-arranged activities.
- 1.3 As the applicants wish to provide sale of alcohol and regulated entertainment, under the Licensing Act 2003 they require a premises licence. As regards to this application, only interested parties, responsible authorities or district councillors may make representations.
- 1.4 We received one representation from the Police in relation to both the standard and non-standard timings permitted for live and recorded music, and provision of facilities for dancing and for the non-standard timings for sale of alcohol and opening hours. Their representation can be found in **Appendix 'B'**. They have also requested that in section P(b) in relation to prevention of crime and disorder, that the last entry time to the premises is 23:00, except on New Year's Eve when it will be midnight.
- 1.5 The applicant has agreed to these amendments. During standard timings, performance of live music and provision of facilities for dancing will end at 11pm; and recorded music will end at 11.30pm. During non-standard timings, performance of live music and provision of facilities for dancing will end at midnight; recorded music will end at 00:30; supply of alcohol will end at 00:30; opening hours until 1am. On New Year's Eve live music, recorded music, provision of facilities for dancing and supply of alcohol will end at 1am; premises will close at 1.30am.
- 1.6 Both parties have agreed, subject to this amendment being implemented on the licence that a hearing is unnecessary. The agreed amendment is shown in **Appendix 'C'**.

**(Please note that due to the amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-committee Members.**

**Any Interested Parties 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 The Police made a representation in relation to the prevention of crime and disorder. They are satisfied that the licensing objectives will be addressed through the implementation of the agreed amendments.

2.2 The Sub-Committee will now need to consider this application.

## **3. LEGAL IMPLICATIONS**

3.1 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 licensee.

### **(b) Section 19A - Irresponsible drinks promotions**

Staff on relevant premises do not carry out, arrange or participate in any irresponsible drinks 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**

- (i) 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.
- (ii) 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.

**4. FINANCIAL IMPLICATIONS**

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

## 5. RISK MANAGEMENT

5.1 The risk management implications are:

Opportunities	Benefits
<p>To review the application in line with:</p> <ul style="list-style-type: none"> <li>• The Licensing Act;</li> <li>• National Guidance issued by the Secretary of State, and,</li> <li>• The South Hams District Council Statement of Licensing Policy.</li> </ul> <p>To create an increased opportunity for employment in the district.</p> <p>An opportunity to maintain the district's distinctive environment whilst enabling access and sensitive development.</p> <p>To consider whether the proposal would promote tourism. The 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>To be able to give consideration to representations made by 'Interested Parties' and / or 'Responsible Authorities' in line with the Licensing Objectives, namely:-</p> <ul style="list-style-type: none"> <li>• The prevention of Crime and Disorder;</li> <li>• Public Safety;</li> <li>• The prevention of public nuisance; and</li> <li>• The Protection of children from harm.</li> </ul>
Issues/Obstacles/Threats	Control measures/mitigation
<p>The need to address the four Licensing Objectives written within the Act namely:</p> <ul style="list-style-type: none"> <li>• The prevention of Crime and Disorder;</li> <li>• Public Safety;</li> <li>• The prevention of public nuisance; and</li> <li>• The Protection of children from harm.</li> </ul> <p>(Also listed above as a benefit)</p> <p>Due consideration should be given to Guidance issued by the Secretary of State under section 182 of the said Act 2003.</p> <p>Due consideration should be given to</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>

<p>the Council's Licensing Policy Statement.</p> <p>Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.</p>	
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<b>Corporate priorities engaged:</b>	There is a link to the Council's priority of improving Community Life.
<b>Statutory powers:</b>	Licensing Act 2003
<b>Considerations of equality and human rights:</b>	Compliance with the Human Rights Act 1998 – Article 6: Right to a fair hearing
<b>Biodiversity considerations:</b>	Not applicable
<b>Sustainability considerations:</b>	Not applicable
<b>Crime and disorder implications:</b>	Section 17 of Crime and Disorder Act 1998 applies.
<b>Background papers:</b>	<p>Guidance on Meeting the Licensing Objectives</p> <p>The Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003</p> <p>The District Council's Statement of Licensing Policy</p> <p>Confirmation from applicant and interested party that they agree to the amendment and that a hearing is unnecessary</p>
<b>Appendices attached:</b>	<p>Appendix A – Application for new premises licence</p> <p>Appendix B – Police representation</p> <p>Appendix C – Agreed amendments</p>