

SOUTH HAMS DISTRICT COUNCIL

NAME OF COMMITTEE	Licensing Sub-Committee
DATE	Wednesday 24 October 2012
REPORT TITLE	Application to vary a Premises Licence
Report of	Licensing Officer
WARDS AFFECTED	Kingsbridge North

Summary of report:

To determine an application for the variation of the Premises Licence at **Regal Club, Church Street, Kingsbridge, TQ7 1DD**, in accordance with Section 35 of the Licensing Act 2003. Relevant representations have 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 to vary the Premises Licence together with the amendments agreed following representations 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 reject the whole or part of the application;**
and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

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

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1. BACKGROUND

- 1.1 The Licensing Authority has received an application for a variation to the premises licence for **Regal Club, Church Street, Kingsbridge, TQ7 1DD**. A copy of the application is attached (**Appendix 'B'**).
- 1.2 The application is to remove conditions 1 (a-f), 2, 3 and 5 under Annex 2 of the licence which mainly relate to membership restrictions, to extend the area permitted for consumption of alcohol, to bring back the hours for sale of alcohol from 12.30am to midnight daily and to allow sale of alcohol on New Year's Eve until 1.30am (currently 12.30am). The existing licence and plan can be found in **Appendix 'A'**.
- 1.3 We received a representation from the Police in relation to the Prevention of Crime and Disorder licensing objective. Their representation and proposed amendments can be found in **Appendix 'C'**. The Police have requested the following additional conditions:
- CCTV system installed and operative at all times, including the outside consumption area, while the premises are trading and to be maintained to the satisfaction of the chief of police. Recorded images to be retained for 14 days and made available to Police Officer on request.
 - Notices to be displayed at the entrance/exit advising the use of CCTV.
 - The outside area shall not be used for consumption of alcohol and soft drinks beyond 22.00 (10.00pm) and sign(s) to be displayed prominently at entrance/exit point of the premises.
 - The table on the driveway (nearest to community garden area) shall be removed from public use by 22.00 on Friday/Saturday night.
- 1.4 Both parties have agreed, subject to these amendments being implemented on the licence, that a hearing is unnecessary.
- 1.5 We also received a representation from Kingsbridge Town Council (KTC); their comments are in **Appendix 'D'**. KTC had concerns that nuisance may be caused to local residents if the alcohol consumption area was extended to include the driveway directly abutting the public park. They felt that noise from customers using the area would cause a disturbance to those living in the overlooking properties. Another concern was that public access to the recreational space and the high level footpath may be restricted if the area was used for alcohol consumption.
- 1.6 Following mediation between the applicant and KTC, the plan has been amended to significantly reduce the outside consumption area. Both parties have

agreed, subject to this amendment being implemented, that a hearing is unnecessary.

- 1.7 The existing premises licence is in **Appendix 'A'**, the variation application can be found in **Appendix 'B'**, and the Police representation and their agreed amendments are in **Appendix 'C'**, the representation from KTC is in **Appendix 'D'** and the amended plan is in **Appendix 'E'**.

(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 had concerns in relation to the Prevention of Crime and Disorder. They are satisfied that their concerns will be addressed through the implementation of the agreed amendments.
- 2.2 Kingsbridge Town Council had concerns in relation to Prevention of Public Nuisance. They are satisfied that their concerns will be addressed through the implementation of the agreed amendments and the amendment to the plan.
- 2.3 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 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.

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:

Corporate priorities engaged:	There is a link to the Council's priority 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:	<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 Police that they agree to the amendments and that a hearing is unnecessary.</p>
Appendices attached:	<p>Appendix A – Existing premises licence</p> <p>Appendix B – Application for variation to premises licence</p> <p>Appendix C – Police agreed amendments</p> <p>Appendix D – Kingsbridge Town Council representation</p> <p>Appendix E – Amended plan</p>

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 made by 'Interested Parties' and / or 'Responsible Authorities' in line with the Licensing Objectives, namely:-</p> <p>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 ↓ ↑ ↔