

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON TUESDAY 9 APRIL 2013**

Present: Councillors Carson, Cuthbert and Squire
T Johnson, Solicitor
D White, Democratic Services Manager, SHDC
N Wopling, Licensing Officer, SHDC

Also in attendance and participating:

For all items: S Graham, Solicitor for the applicants.

For item 4 (Minute LSC.13/12 below refers): N Moore, Designated Premises Supervisor.

For item 5 (Minute LSC.14/12 below refers): Mr and Mrs Fairbairn and L Freeman, local residents.

For item 6 (Minute LSC.15/12 below refers): L Hawkins, Designated Premises Supervisor and Cllr C M Pannell (local Ward Member)

For item 7 (Minute LSC.16/12 below refers): S Harris, Designated Premises Supervisor

Also in attendance and not participating:

Cllrs R J Carter and R D Gilbert and Co-Op Operations Manager

LSC.11/12 APPOINTMENT OF CHAIRMAN

RESOLVED

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

Having been appointed as Chairman, Cllr Squire proceeded to inform that it was his intention that the applications would be considered in a different order to that contained in the published agenda. (NOTE: however, for the purposes of these minutes, they are shown as being considered in the order that they were presented in the published agenda).

LSC.12/12 DECLARATIONS OF INTEREST

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

LSC.13/12 **TO DETERMINE AN APPLICATION FOR VARIATION OF A PREMISES LICENCE AT CO-OP, ILBERT ROAD FILLING STATION, ILBERT ROAD, KINGSBRIDGE, TQ7 1EB, IN ACCORDANCE WITH SECTION 35 OF THE LICENSING ACT 2003**

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and advised that the variation sought to extend the licensed hours to: Monday to Sunday from 5.00am to midnight. The officer proceeded to inform that one letter of objection had been submitted by the local MP, which had been circulated in the agenda papers.

2. Address by the Applicant's Solicitor

The Applicant's Solicitor made reference to the lack of any evidence to support the letter of objection. In addition, the store had been trading between 5.00am and midnight since 28 April 2012. During this time, there had been instances where customers had been unable to purchase alcohol having worked a night shift.

3. Sub-Committee's Deliberations

The Sub-Committee discussed the application during which reference was made to:

- there being sixteen CCTV's in operation in the store;
- the close proximity to a local nightclub. In reply to some Member concerns, the Applicant's Solicitor stated that there would be a two hour time difference between the close of the nightclub and the opening of the store, which was felt to be a sufficient gap.

(At this point, the meeting was adjourned to enable the Sub-Committee, in the presence of the Council Solicitor and Democratic Services Manager, to determine this application).

4. The Decision

The Sub Committee reconvened and the Chairman then proceeded to announce the decision as follows:

"We have considered the application for a variation to the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the four licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application, subject to the following changes being incorporated into the operating schedule:-

1. That a personal licence holder be on the premises at all times during opening hours; and
2. That the licensed hours for Good Friday and Christmas Day remained unchanged as at present.

We have determined the changes to be appropriate to achieve the licensing objectives. In addition to being appropriate, the Committee also believe the amendment(s) to be necessary.”

LSC.14/12 **TO DETERMINE AN APPLICATION FOR VARIATION OF A PREMISES LICENCE AT CO-OP, SALCOMBE ROAD GARAGE, MALBOROUGH, KINGSBRIDGE, TQ7 3BU, IN ACCORDANCE WITH SECTION 35 OF THE LICENSING ACT 2003**

1. Licensing Officer’s Report

The Licensing Officer introduced the report to the Sub-Committee and advised that the variation sought approval to change the licensed hours from 5.00am to midnight on Monday to Sunday.

During the consultation period, the Council had received four letters of representation. These had been received from the local parish council, the local MP and two local residents and had been circulated with the agenda papers. In addition, the local residents were in attendance to address the Sub-Committee.

2. Address by the Applicant’s Solicitor

The Applicant’s Solicitor made reference to the applications seeking to reflect the opening hours of the garage.

In respect of the letters of representation, the Solicitor reiterated that there was a lack of any evidence to support these objections and stated that points such as the timings of deliveries were not defined as licensable activities. Finally, the solicitor commented that there were no recorded instances of Crime and Disorder related to the store.

3. Address by the Objectors

In their respective addresses, the objectors made particular reference to:-

- their personal experiences of anti-social behavior and how these would be exacerbated if this application was granted;

- the inevitable impact on what was a small rural location. Such was the rural setting, the objectors questioned the necessity of this application;
- the realisation that they should be more pro-active in making their complaints.

4. Sub-Committee's Deliberations

The Sub-Committee discussed the application during which the ability to review and potentially revoke any licence was acknowledged.

(At this point, the meeting was adjourned to enable the Sub-Committee, in the presence of the Council Solicitor and Democratic Services Manager, to determine this application).

5. The Decision

The Sub Committee reconvened and the Chairman then proceeded to announce the decision as follows:

“We have considered the application for a variation to the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the four licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application, subject to the following changes being incorporated into the operating schedule:-

1. That the variation in licensed hours to sell alcohol be extended from 5.00am to 11.00pm in light of having heard the representations of the adjacent residents and in the avoidance of public nuisance;
2. That a personal licence holder be on the premises at all times during licensable activities; and
3. That the licensed hours for Good Friday and Christmas Day remained unchanged as at present.

We have determined the changes to be appropriate to achieve the licensing objectives. In addition to being appropriate, the Committee also believe the amendment(s) to be necessary.”

LSC.15/12 **TO DETERMINE AN APPLICATION FOR VARIATION OF A PREMISES LICENCE AT CO-OP, 11 CHURCH STREET, SOUTH BRENT, TQ10 9AB, IN ACCORDANCE WITH SECTION 35 OF THE LICENSING ACT 2003**

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and advised that the variation sought to change the licensed hours from 7.00am to 11.00pm on Monday to Sunday.

In the consultation period, the Council had received two letters of representation. These had been received from the local ward Member and the local MP. It was the intention of the local Ward Member to address the Sub-Committee in due course.

2. Address by the Applicant's Solicitor

With regard to the letter of representation from the local Ward Member, the Solicitor advised that it was his understanding that those individuals who had been causing extensive anti-social behavior had been evicted on 11 March 2013. Having contacted the Police, it had been confirmed that the problem no longer existed. In addition, the Police had given assurances that the relationship was very good between the applicant and the residential properties in the immediate vicinity. As a consequence, the solicitor could see no reason why the application should be refused.

3. Address by the local Ward Member

In her address, the local Ward Member acknowledged the comments of the applicants' solicitor. However, the Member did state that local residents had concerns regarding the extended licensing hours and questioned the reason for this application.

The Member also informed that by selling alcohol from 7.00am, residents could feel vulnerable and the issues which related to a village were distinctly different to those within a town or city. Finally, the Member also highlighted her concerns for the shop staff as a result of any extension in licensing hours.

4. Sub-Committee's Deliberations

The Sub-Committee discussed the application, during which it was confirmed that the recent instances of anti-social behavior were happening both during the day and night.

(At this point, the meeting was adjourned to enable the Sub-Committee, in the presence of the Council Solicitor and Democratic Services Manager, to determine this application).

5. The Decision

The Sub Committee reconvened and the Chairman then proceeded to announce the decision as follows:

“We have considered the application for a variation to the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the four licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application, subject to the following changes being incorporated into the operating schedule:-

1. That a personal licence holder be on the premises at all times during opening hours; and
2. That the licensed hours for Good Friday and Christmas Day remained unchanged as at present.

We have determined the changes to be appropriate to achieve the licensing objectives. In addition to being appropriate, the Committee also believe the amendment(s) to be necessary.”

LSC.16/12 **TO DETERMINE AN APPLICATION FOR VARIATION OF A PREMISES LICENCE AT CO-OP, FORE STREET, TOTNES, TQ9 5RW, IN ACCORDANCE WITH SECTION 35 OF THE LICENSING ACT 2003**

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and advised that the variation sought to change the licensed hours from 7.00am to 11.00pm on Monday to Saturday.

In the consultation period, the Council had received two letters of representation. These had been received from a local ward Member and the local MP.

2. Address by the Applicant's Solicitor

In his address, the applicant's solicitor advised that the store would not open unless there was a commercial need. In addition, the solicitor emphasised that no objections had been raised from the statutory consultees.

The applicants' solicitor also advised that he had spoken directly to the Police and had been given confirmation that there were no Crime and Disorder issues related to this application.

In respect of the letters of representation, the solicitor stated that neither submission raised any relevant evidence that the licensing objectives would be threatened by this application. In highlighting how responsible and well run the store was, the Solicitor urged the Sub-Committee to approve this application.

3. Sub-Committee's Deliberations

The Sub-Committee discussed the application, during which reference was made to the store having been opened from 7.00am to 11.00pm for the last eight months. On average, two or three customers currently used the store between 7.00am and 8.00am. Of these, the store was currently refusing to serve alcohol (due to being outside of licensing hours) to between four and five each week. It was anticipated that these numbers would increase during the summer months.

(At this point, the meeting was adjourned to enable the Sub-Committee, in the presence of the Council Solicitor and Democratic Services Manager, to determine this application).

4. The Decision

The Sub Committee reconvened and the Chairman then proceeded to announce the decision as follows:

"We have considered the application for a variation to the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the four licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application, subject to the following changes being incorporated into the operating schedule:-

1. That a personal licence holder be on the premises at all times during opening hours; and
2. That the licensed hours for Good Friday and Christmas Day remained unchanged as at present.

We have determined the changes to be appropriate to achieve the licensing objectives. In addition to being appropriate, the Committee also believe the amendment(s) to be necessary.”

(Meeting commenced at 3.15pm and concluded at 5.50pm)

Chairman