

**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