

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON THURSDAY 29 APRIL 2021**

Present: Cllrs Dan Brown (Chairman), Tom Holway and Guy Pannell
David Fairbairn, Monitoring Officer
Naomi Stacey, Licensing Specialist
Darryl White, Senior Specialist – Democratic Services

Also in attendance and participating:

Mr Chris Hart (Applicant's Representative)
Mr Matt Prowse (Applicant)
Mr Mitch Tonks (Applicant)

LSC.12/20 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 there were none made.

**LSC.13/20 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT
ROCKFISH TAKEAWAY, 28 LOWER STREET, DARTMOUTH TQ6 9AN**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Rockfish Takeaway, 28 Lower Street, Dartmouth TQ6 9AN.

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A of the presented agenda report). In so doing, she highlighted that objection numbers 2 and 8 had been withdrawn subject to adherence to the updated conditions.

1. Address by the Applicant's Representative

In his address, the applicant's representative provided some background information to the establishment of the business and proceeded to make specific reference to:-

- the application being reflective of customer demand and only seeking approval of one licensable activity;
- all nine of the other Rockfish establishments already having a premises licence. The representative advised that none of these nine establishments had ever received any complaints related to any of the four licensing objectives. Furthermore, the applicants were highly experienced and committed to training their staff;
- the premises were food led and there was no interest from the applicants in developing a public house type establishment;
- mitigating the concerns expressed over additional littering. To mitigate the concerns that had been raised, the representative informed that

three additional conditions had been put forward that had resulted in the removal of two of the objections that had been initially submitted;

- any objections relating to licensing need being irrelevant to this Hearing;
- alcohol would only be sold alongside 'substantial food' purchased from the premises; and
- the lack of evidence to support some of the objector comments whereby the bulk of littering was alleged to have been generated from the Rockfish Takeaway. In reply, a Member stated his hope that all neighbouring premises could work together in a concerted effort to reduce the amount of littering in Dartmouth.

2. Addresses by the Applicants

In their respective addresses, the applicants made particular reference to:

- their commitment to the town of Dartmouth and the prevention of littering within the town;
- the onus on staff cleaning and training regimes were highlighted; and
- the company being particularly aware of its environmental responsibilities. As an example, returnable packaging was currently being trialled by the company and, if successful, it was hoped that this would be in place in time for the summer of 2022.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 3.00pm) in the presence of Mr Fairbairn to consider the application and then reconvened at 3.45pm.

3. The Decision

In announcing the Sub-Committee decision, the Chairman read out the following statement:

"We have considered the application for a new premises licence in accordance with the Licensing Act 2003.

We have considered the application form, including the plan of the premises and representatives received in writing and made at this Hearing.

We have decided to GRANT the Application subject to inclusion of the additional conditions as set out below.

By way of setting the scene for our decision, the Licensing Sub-Committee is mindful that an application must be considered on its own merits. Our function is to take such steps as we consider appropriate for the promotion of the licensing objectives having regard to the representations we have received and heard.

Having considered what had been said and written by the various parties, and having regard to the statutory guidance, and the adopted Statement

of Licensing Policy, the Sub-Committee consider that if the Application was to be granted then it would depend upon there being appropriate and enforceable conditions. The Applicant has proposed additional conditions to deal with the representations that had been received. During the hearing the Sub-Committee asked about the precision and enforceability of those conditions with the Applicant. In light of which, it is considered that the Application should be granted on the terms applied for subject to the Mandatory Conditions, the operating schedule conditions and the additional conditions proposed by the Applicant, the additional conditions are amended as follows:

Public Safety

1. *No alcohol shall be served in a glass container*

Prevention of public nuisance

3. *Members of staff will ensure that all litter and waste food generated by patrons in the vicinity of the premises will be collected and disposed of. Periodic checks (being no fewer than four times each day, including one at closing time) will be conducted by the staff to enable this to be done. Records of the periodic checks shall be made and the records shall be made available for inspection by the Licensing Authority upon reasonable request.*

Chairman