

South Hams Licensing Sub-Committee



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|--|---|
| Title: | Agenda |
| Date: | Thursday, 18th April, 2024 |
| Time: | 2.00 pm |
| Venue: | Council Chamber - Follaton House |
| Full Members: | <p style="text-align: center;">Chairman Cllr Rake</p> <p style="text-align: center;">Vice Chairman</p> <p><i>Members:</i> Cllr Carson Cllr Pannell</p> |
| Interests – Declaration and Restriction on Participation: | Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest. |
| Committee administrator: | Democratic.Services@swdevon.gov.uk |

1. Urgent Business

2. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

3. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

4. Application for a new Premises Licence at Lounge, 6 The Plains, Totnes, TQ9 5DR **1 - 36**

5. Application to vary the Premises Licence of The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ **37 - 82**

Report to: **Licensing Sub-Committee**
Date: **18th April 2024**
Title: **Application for a new Premises Licence at Lounge, 6 The Plains, Totnes, TQ9 5DR**
Portfolio Area: **Customer First**
Wards Affected: **Totnes**
Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained:

Author: **Naomi Stacey** Role: **Senior Specialist - Licensing**

Contact: **01803 861268 / naomi.stacey@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a new Premises Licence and make determinations 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,**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Lounge, 6 The Plains, Totnes, TQ9 5DR** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Department have received five representations in objection to the application and one representation in support of the application. The application will therefore need to be determined by the Licensing Sub-Committee.

2. Background

- 2.1 The Licensing Authority received an application from Loungers UK Limited for a new premises licence on 23rd February 2024. The application is for:
 - Late Night Refreshment (indoors and outdoors): Monday to Sunday from 23:00 to 00:30.
 - Supply of alcohol for consumption on and off the premises: Monday to Sunday from 10:00 to 00:00.
 - Opening Hours: Monday to Sunday 08:00 to 00:30.
 - Non-standard timings: The premises may remain open for the sale of alcohol and provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

A copy of the application form and plan is attached at **Appendix A**.

- 2.2 The premises is situated on The Plains in Totnes which is within the town centre, close to other businesses and to residential properties. The location of the premises can be seen at **Appendix B**. The sale of alcohol will take place inside the building, with alcohol being consumed in a designated area inside and outside (as marked on the plan at **Appendix A**).
- 2.3 The premises was previously run as an organic food shop and café. It was licensed to sell alcohol for consumption on and off the premises daily from 08:30 to 21:30.
- 2.4 During the consultation period, five relevant representations were received in objection to the application from local residents and Environmental Health. There is also one representation in support of the application. These are attached at **Appendix C**.

Representations

- 2.5 Issues raised in the representations predominantly relate to the Prevention of Public Nuisance licensing objective. The main concerns being the potential for noise disturbance from music and from customers, particularly late at night. Another issue raised is

the fear that the operation of the premises could lead to anti-social behaviour, which is relevant to the Prevention of Crime and Disorder licensing objective.

- 2.6 The representation received from Environmental Health highlights the concerns they have about noise from customers using the outside seating area, as well as noise from handling of items such as beer kegs and bottles and noise from plant equipment. They have requested a Noise Management Plan and that additional conditions are put in place to manage noise from the premises and patrons.
- 2.7 Any information contained in the representations which is not relevant to the promotion of the four licensing objectives (see 2.10) cannot be taken into consideration when determining the premises licence application.

The Live Music Act 2012

- 2.8 The Live Music Act 2012 and subsequent amendments, allow the provision of live and recorded amplified music at any premises licensed for the sale of alcohol for consumption on the premises between the hours of 08:00 and 23:00. There is no way to restrict these activities through the premises licence during these hours, other than through the review process once a licence has been granted. Music played in the background (at a level where a conversation can be easily held) is never licensable. Should a licence be granted to include the sale of alcohol for consumption on the premises, live and recorded amplified music will automatically be permitted until 23:00 on any day, or until the end of alcohol sales (whichever is earlier).

Policy and Statutory Guidance

- 2.9 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.
- 2.10 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.11 Section 3.2 of the Policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives. Each objective is of equal importance. A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

- 2.12 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.13 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in August 2023 state: The Licensing Authority may not impose conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).
- 2.14 The following responsible authorities are statutory consultees under the Licensing Act 2003:
- Devon and Cornwall Police
 - Devon and Somerset Fire and Rescue Service
 - Devon Safeguarding Children’s Board
 - Devon County Council Trading Standards
 - Devon Drug and Alcohol Action Team, NHS Devon
 - South Hams District Council Planning Department
 - South Hams District Council Environmental Health (Health & Safety)
 - South Hams District Council Environmental Health (Pollution Control)
- 2.15 No representations have been received from responsible authorities.
- 2.16 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

- 3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:
- 3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.24 of the guidance).

- 3.3 Sections 5.5.1 and 5.5.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules in order to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.5 Section 5.5.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.7 Section 3.8.6 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises: -
- ❑ where entertainment of an adult or sexual nature is provided
 - ❑ where there is a strong element of gambling taking place
 - ❑ with a known association with drug taking or dealing
 - ❑ where there have been convictions of the current management for serving alcohol to those under 18 years
 - ❑ where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
 - ❑ where there are unsupervised areas (for example toilets, beer gardens, play zones).
- 3.8 At paragraph 2.15 of the guidance it states:
Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home.
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

3.9 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.

4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.

4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.

4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the

normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

- 5.1 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.

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|------------------|---------------------------|--|
| Legal/Governance | Y | <p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee</p> |

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| | | <p>takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <p>(a) to grant the licence subject to:-</p> <ul style="list-style-type: none"> i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as extent as the authority considers necessary for the promotion of the licensing objectives, and ii) any conditions which must under section 19, 20 or 21 be included in the licence; <p>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>(c) to reject the application</p> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. |
| Financial | N | <p>There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.</p> |
| Risk | Y | <p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.9). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> |

| | | |
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| | | Decisions may be appealed (see financial and legal/governance sections above). |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | | Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial. |
| Safeguarding | | All decisions must take into consideration the ‘protection of children from harm’ licensing objective. |
| Community Safety, Crime and Disorder | | Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report. |
| Health, Safety and Wellbeing | | All decisions must take into consideration the four licensing objectives, including ‘public safety’ and ‘protection of children from harm’. |
| Other implications | | |

Supporting Information

Appendices:

Appendix A(i) – premises licence application

Appendix A(ii) – premises licence plan

Appendix B – location plan

Appendix C – representations

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council’s Statement of Licensing Policy

Responses to Notices of Hearing

Consent to be DPS form

| Process checklist | Completed |
|--|------------------|
| Portfolio Holder briefed | Yes/No |
| SLT Rep briefed | Yes/No |
| Relevant Exec Director sign off (draft) | Yes/No |
| Data protection issues considered | Yes/No |
| If exempt information, public (part 1) report also drafted. (Committee/Scrutiny) | Yes/No |

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APPENDIX A(i) - Premises Licence Application

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Loungers UK Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

| | | | |
|--|--------|-----------------|----------------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| Lounge 6 The Plains | | | |
| Post town | Totnes | Postcode | TQ9 5DR |

| | |
|---|----------------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £27,500 |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|--|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth | | I am 18 years old or over <input type="checkbox"/> Please tick yes | | | |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |

| | | | |
|---|--|--|--|
| | | | |
| Date of birth | | I am 18 years old or over <input type="checkbox"/> Please tick yes | |
| Nationality | | | |
| Current postal address if different from premises address | | | |
| Post town | | Postcode | |
| Daytime contact telephone number | | | |
| E-mail address (optional) | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|--|
| Name Loungers UK Limited |
| Address 26 Baldwin Street Bristol BS1 1SE |
| Registered number (where applicable) 04595806 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Company |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|-------------|
| DD | MM | YYYY |
| 2 | 3 | 0 2 2 0 2 4 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

Please give a general description of the premises (please read guidance note 1)

A food led cafe and bar located at 6 The Plains, Totnes, TQ9 5DR.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment (please read guidance note 2) Please tick all that apply
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

B

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Films Standard days and timings (please read guidance note 7) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

C

| | | | |
|--|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Tue | | | |
| Wed | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| Fri | | | |
| Sat | | | |
| Sun | | | |
| | | | |

D

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|--|-------|--------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

E

| | | | | | | | | |
|--|-------|--------|--|----------|--------------------------|--|--|--|
| Live music Standard days and timings (please read guidance note 7) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | | | | |
| Mon | | | | | | | | |
| Tue | | | | | | | | |
| Wed | | | | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) | | |
| Thur | | | | | | | | |
| Fri | | | | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | | | | | | | | |
| Sun | | | | | | | | |

F

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 7) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

G

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sun | | | | | |

I

| | | | | | | | | |
|--|-------|--------|---|----------|-------------------------------------|---|--|--|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input checked="" type="checkbox"/> | | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | | | | |
| Mon | 23:00 | 00:30 | | | | | | |
| | | | | | | | | |
| Tue | 23:00 | 00:30 | | | | | | |
| | | | | | | | | |
| Wed | 23:00 | 00:30 | | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) | | |
| | | | | | | The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | | |
| Thur | 23:00 | 00:30 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) | | | | | |
| | | | | | | | | |
| Fri | 23:00 | 00:30 | | | | | | |
| | | | | | | | | |
| Sat | 23:00 | 00:30 | | | | | | |
| | | | | | | | | |
| Sun | 23:00 | 00:30 | | | | | | |
| | | | | | | | | |

J

| | | | | | |
|---|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | | |
| Mon | 10:00 | 00:00 | | | |
| Tue | 10:00 | 00:00 | | | |
| Wed | 10:00 | 00:00 | | | |
| Thur | 10:00 | 00:00 | | | |
| Fri | 10:00 | 00:00 | | | |
| Sat | 10:00 | 00:00 | | | |
| Sun | 10:00 | 00:00 | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|------------|
| Name Phillip James Kinsella | |
| Date of birth | [REDACTED] |
| [REDACTED] | |
| Postcode | [REDACTED] |
| Personal licence number (if known) [REDACTED] | |
| Issuing licensing authority (if known) [REDACTED] | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NA

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | <u>State any seasonal variations</u> (please read guidance note 5) The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | 08:00 | 00:30 | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) |
| Tue | 08:00 | 00:30 | |
| Wed | 08:00 | 00:30 | |
| Thur | 08:00 | 00:30 | |
| Fri | 08:00 | 00:30 | |
| Sat | 08:00 | 00:30 | |
| Sun | 08:00 | 00:30 | |
| | | | |
| | | | |
| | | | |

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

b) The prevention of crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Licensing Authority or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

c) Public safety

The premises shall only operate as a café/bar. Waiter/waitress service will be available to patrons at all times.

d) The prevention of public nuisance

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

3. The sale and supply of alcohol for consumption in the area designated for external trading on the licence plan shall be restricted to alcohol consumed at tables and chairs.

4. All outside tables and chairs shall be rendered unusable after 2300 each day.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff likely to be involved in the sale or supply of alcohol will be trained to ask any patron attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the identity of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times whilst the premises are open.
3. There must be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
 - I have enclosed the plan of the premises.
 - I have provided details of the premises to responsible authorities and others
 - I have provided details of the premises where applicable.
 - I have provided details of the premises to responsible authorities and others where applicable.
 - I have provided details of the premises to responsible authorities and others where applicable.
 - I have provided details of the premises to responsible authorities and others where applicable.
 - I have provided details of the premises to responsible authorities and others where applicable.
 - I understand that if I do not comply with the above requirements my application will be rejected.
 - I have provided details of the premises to responsible authorities and others where applicable.
- [Applicable to all individual applicants, including limited liability partnership, but not included documents de (please re

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

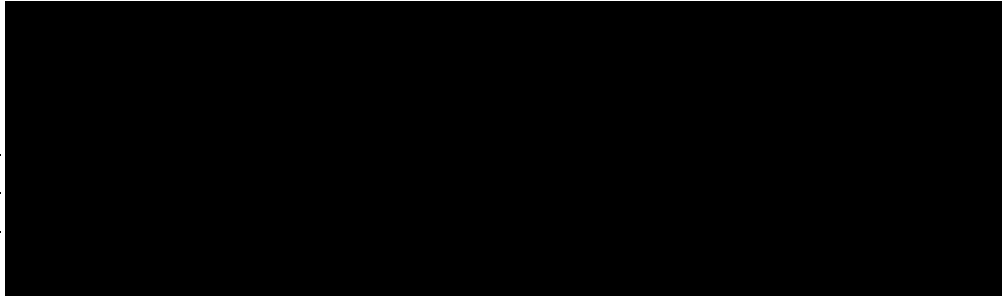
Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature |  |
| Date | 23 rd February 2024 |
| Capacity | Agent |

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

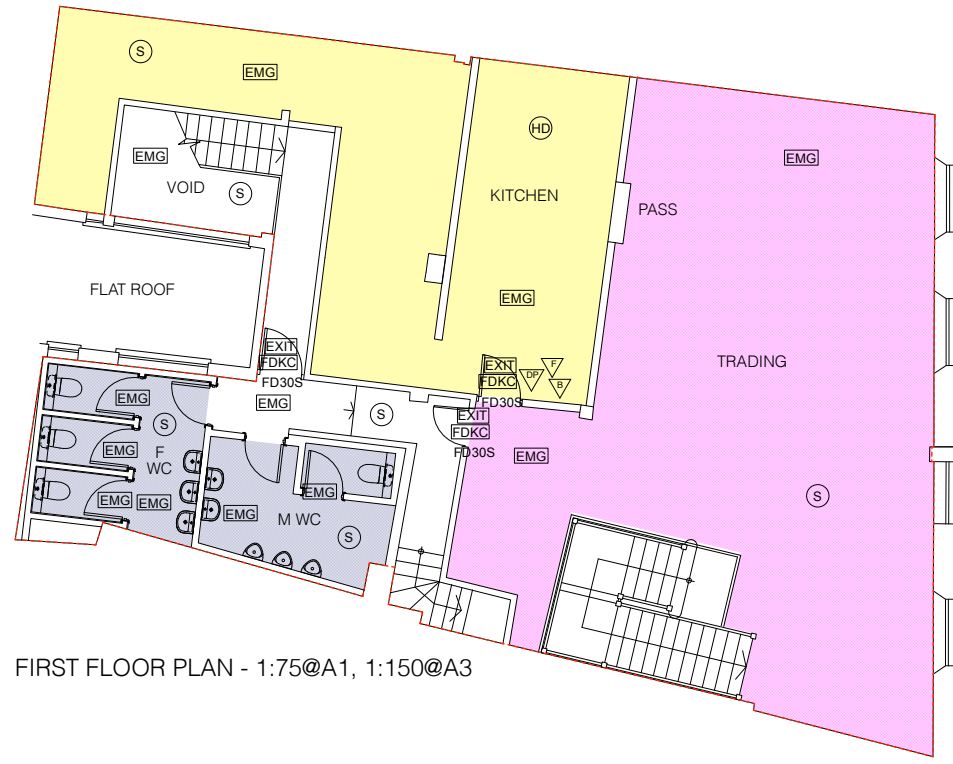
| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

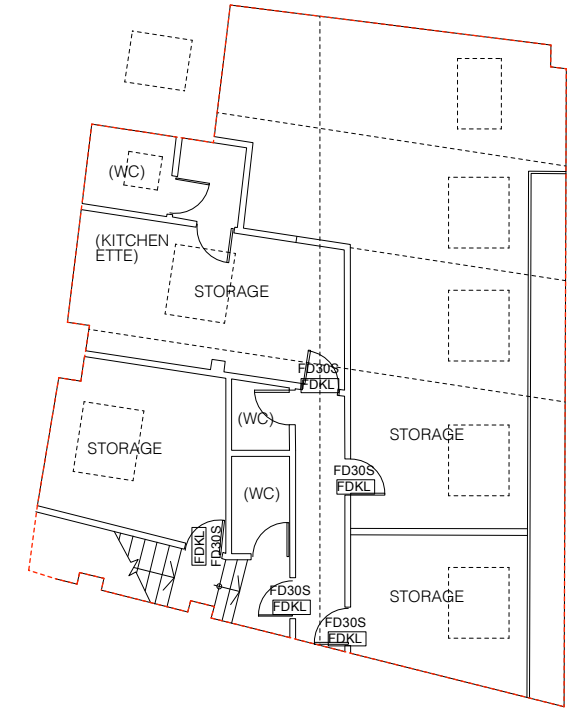
| |
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|--|

APPENDIX A(ii) - Premises Licence Plan

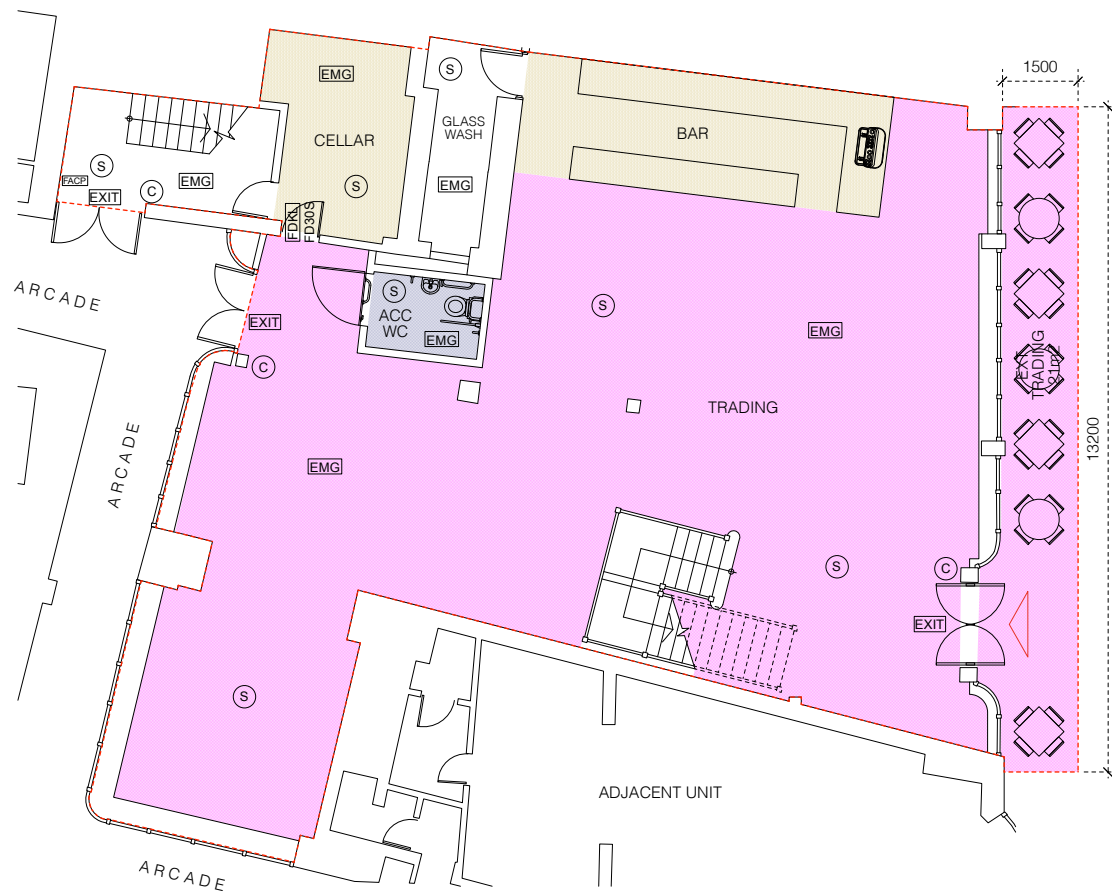
The entire premises is to be licensed for the sale of alcohol and the provision of late night refreshment



FIRST FLOOR PLAN - 1:75@A1, 1:150@A3



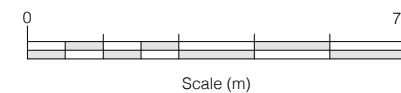
SECOND FLOOR PLAN - 1:75@A1, 1:150@A3



GROUND FLOOR PLAN - 1:75@A1, 1:150@A3

LICENSING KEY:

- | | | | |
|-------|--|-------|--|
| EXIT | Illuminated Fire Exit sign | FACP | Fire Alarm Control Panel |
| C | Break glass call point for fire alarm in accordance with BS5839 | SD | Smoke detector |
| FD30 | Fire door to provide min. 30 minutes fire protection | S | Smoke detector/alarm |
| FD30S | Fire door to provide min. 30 minutes fire protection and where restricted smoke leakage at ambient temperatures is needed. | HD | Heat detector |
| | Area for consumption of intoxicating liquor | | Alarm sounder |
| | Area for storage of liquor/bar counter | EMG | Emergency lighting in accordance with BS5266 |
| | Toilet accommodation | B | Fire blanket 1m x 1m unless otherwise stated |
| | Kitchen & staff areas | F | 6 litre fire foam extinguisher |
| | | DP | 10kg dry powder fire extinguisher |
| | | | Total extent of licensed premises |
| | | FDKCL | Fire door keep locked |
| | | FDKC | Fire door keep closed |



| | | | |
|-----|----------|----------|--------------------------|
| C | 20.02.24 | DR | tables and chairs added |
| B | 20.02.24 | DR | property address amended |
| A | 16.02.24 | DR | ext area added |
| Rev | Date | Initials | Details |

Purpose of Issue
APPLICATION FOR PREMISES LICENSING

RICHARD PEDLAR ARCHITECTS
ARCHITECTURE • CONSERVATION • URBAN DESIGN

RPCA St Brandon's House 29 Great George Street
Bristol BS1 5QT • 0117 974 2612
www.rpca.co.uk • info@rpca.co.uk

Project **LOUNGE** at 6 The Plains
Totnes South Devon TQ9 5DR

Client Loungers UK Limited

Title Premises Licensing

Drawing No. **LNG4818.05C**


Scale 1:75@A1 Date FEB 2024
1:150@A3

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APPENDIX B – location plan
Lounge, 6 The Plains, Totnes, TQ9 5DR



Key

 = Lounge, 6 The Plains

 = Representation in support

 = Representation in objection

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APPENDIX C – premises licence representations

Lounge, 6 The Plains, Totnes, TQ9 5DR

Representations in objection to the application:

Representation 1

Received 26.2.24

Hi, I am writing to object to the license application for Lounge, 6 The Plains, Totnes, TQ9 5DR which is applying to serve alcohol until 00.30 hours daily.

I live almost opposite the venue, address below, and having a venue serving alcohol so close to my home, until very late into the night, would come with a lot of noise and disturbance in an otherwise quiet residential area. Although the Dartmouth Arms pub is nearby, it is set back from the main road and closes much earlier than the above, which means the noise impact is less than the new proposal would bring. The noise of the clientele of this new venue would disturb my sleep, and so impede my ability to do my job effectively.

I very much hope you will take into consideration all of the nearby residents, including some of my neighbours who have young children, and reject this licensing application.

Kind regards

Representation 2

Received 3.3.24

Dear Licencing Team,

I am writing to formally object to the premises' licence application for "Lounge, 6 The Plains, Totnes, TQ9 5DR". My objection is based on the grounds of potential public nuisance, specifically in terms of noise disturbance, which I believe will adversely affect the local community's quality of life.

As a resident living in close proximity to the proposed location, I have serious concerns about the increase in noise levels that would likely result from the licensable activities, especially during late-night hours.

The historic area is currently characterized by its tranquil environment, and introducing a venue that could potentially operate late into the night 7 days a week represents a significant risk of noise pollution. This includes loud music, increased foot traffic, and noise from patrons arriving and departing the premises, which is particularly concerning given the residential nature of the surrounding area.

The potential for noise disturbance is not just a minor inconvenience but poses a significant impact on residents' well-being, sleep patterns, and overall quality of life. Furthermore, there are several families and elderly individuals in the vicinity for whom the increased noise levels could have severe implications.

I understand and appreciate the importance of local businesses and nightlife; however, it is crucial that this is balanced with the rights of local residents to enjoy their homes peacefully. Therefore, I urge the council to consider the negative implications that granting this licence could have on public nuisance and the local community's quality of life.

I trust that my resident objections will be taken into consideration during the decision-making process.

Thank you for your attention to this matter. Please contact me if you need further information.

Yours sincerely,

Representation 3

Received 4.3.24

Dear Licencing Team,

I am writing to formally object to the premises' licence application for "Lounge, 6 The Plains, Totnes, TQ9 5DR". My objection is based on the grounds of potential public nuisance, specifically in terms of noise disturbance, which I believe will adversely affect the local community's quality of life.

As a resident living in close proximity to the proposed location, I have serious concerns about the increase in noise levels that would likely result from the licensable activities, especially during late-night hours.

The historic area is currently characterized by its tranquil environment, and introducing a venue that could potentially operate late into the night 7 days a week represents a significant risk of noise pollution. This includes loud music, increased foot traffic, and noise from patrons arriving and departing the premises, which is particularly concerning given the residential nature of the surrounding area.

The potential for noise disturbance is not just a minor inconvenience but poses a significant impact on residents' well-being, sleep patterns, and overall quality of life. Furthermore, there are several families and elderly individuals in the vicinity for whom the increased noise levels could have severe implications.

I understand and appreciate the importance of local businesses and nightlife; however, it is crucial that this is balanced with the rights of local residents to enjoy their homes peacefully. Therefore, I urge the council to consider the negative implications that granting this licence could have on public nuisance and the local community's quality of life.

I trust that my resident objections will be taken into consideration during the decision-making process.

Thank you for your attention to this matter. Please contact me if you need further information.

Yours sincerely,

Representation 4

Received 4.3.24

We already suffer from public nuisance caused by the Dartmouth Inn (a licensed premises) and I am concerned that this new application will lead to further anti-social behaviour in this part of town so I want you to take into account this risk when assessing The Lounge.

Representation 5
Received 19.3.24

Dear Licensing Authority

Environmental Health Representation in relation to Premises Licence Application from Loungers UK Ltd
6 The Plains, Totnes TQ9 5DR

Thank you for consulting Environmental Health on the premises licence application for 6 The Plains Totnes.

We would like to make a representation on the basis that the information in the application form and operating schedule is insufficient in order for us to determine if the applicant is promoting the licensing objective of prevention of public nuisance:

1. Noise from patrons using external areas
 - a. How does the licensee plan to manage noise in the street from patrons, especially later in the evenings?
 - b. What does "rendered unusable" mean? Ideally, tables and chair should be removed from the street as it is a public highway, not part of the premises. There is also the potential for them to attract late night pub-goers, displaced persons, youths, etc, and/or give rise to ASB.
 - c. Is it intended that the rear exit, into the shopping arcade, also be used to allow smokers in and out? How would this be managed?
 - d. What are the plans for dispersal of patrons after closing time?
2. Other noise from premises
 - a. What are the arrangements for the handling of beer kegs, bottles and other similar items?
3. We understand that the applicant has applied for late night refreshment both indoors and outdoors, however the application form also states that tables and chairs will be rendered unusable after 23:00 hrs. Could the applicant please clarify?

In respect of noise from the premises, EH would recommend that Loungers submit a Noise Management Plan and suggest additional conditions to manage noise from the premises and patrons.

4. Licensable Activity: Late Night Refreshment 23:00 hrs – 00:30 hrs. Concern re noise from plant equipment (including heat exchangers, condensers, ventilation units, air-con, chiller units etc).

EH are concerned about the potential for noise nuisance related to the use of plant equipment after 23:00 hrs. After a serious noise nuisance occurred at the premises last year, EH have requested that no ventilation related equipment/heat exchange units/condensers/air-con units, etc, be sited on the first floor flat roof to the rear of the property. Furthermore, if units cannot be located at the front of the building, EH request that a full acoustic survey be carried out with regard to any proposal to site

equipment on the ledge above the flat roof to the rear and a report provided to EH at the earliest opportunity. Having been in contact with Alex Kalebic, Head of Acquisitions for Loungers, we understand that he will be organising a survey to be done asap. We are happy to review our position once we receive further information from the applicant.

Warm wishes

Nikki Keogh | Environmental Health Technical Officer
South Hams District Council | West Devon Borough Council

Representation in support of the application:

Representation 6

Received 3.3.24

Good evening,

I would like to register my support for this application.

I live at [REDACTED]

I understand there may be objections, but I feel that for the centre of a town, a variety of restaurants and bars brings life to the High Street and the bottom of town struggles with maintaining an evening trade. It is important to have community activities and I think that properly run, this will be a majority- welcomed contribution to the area.

I look forward to visiting it.

Agenda Item 5

Report to: **Licensing Sub-Committee**

Date: **18 April 2024**

Title: **Application to vary the Premises Licence of
The Crabshell Inn, Embankment Road,
Kingsbridge, TQ7 1JZ**

Portfolio Area: **Customer First**

Wards Affected: **Kingsbridge**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and
clearance obtained:

Author: **Naomi Stacey** Role: **Senior Specialist -
Licensing**

Contact: **01803 861268 / naomi.stacey@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a variation to the Premises Licence and make determinations in respect of this application, namely:

- (a) to modify the conditions of the licence;**
- (b) to reject the whole or part of the application;**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a variation to the Premises Licence at **The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ** in accordance with Section 35 of the Licensing Act 2003.
- 1.2 The Licensing Department have received two representations in objection to the application and therefore the application will need to be determined by the Licensing Sub-Committee.

2. Background

2.1 The Licensing Authority received an application from St Austell Brewery Company Ltd to vary their premises licence on 22 February 2024. The application is to:

- Vary the premises licence plan to extend the licensable area to include the 'Shepherd Hut Servery' to be in use daily between the hours of 12:00 to 23:00.
- To include additional conditions in Annex 2 of the premises licence to promote the licensing objectives.

A copy of the application form and proposed plan is attached at **Appendix A.**

2.2 The premises is currently licensed for the following:

- Indoor sporting events:
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:00
- Live music (indoors and outdoors):
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:00
- Recorded music (indoors):
 - Monday to Saturday from 08:00 to 00:00
 - Sunday from 08:00 to 23:00
- Performance of dance:
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:00
- Supply of alcohol for consumption on and off the premises:
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:00
 - New Year's Eve from 11:00 to 03:00
- Opening hours:
 - Monday to Sunday from 08:00 to 01:00
 - Sunday from 08:00 to 00:00
 - New Year's Eve from 08:00 to 04:00

2.3 A copy of the current premises licence and licence plan is at **Appendix B.**

- 2.4 The premises is a pub and restaurant located on the east bank of Kingsbridge estuary, about half a mile south of the town centre. It is in close proximity to other businesses and to residential properties. A plan showing the location of the premises is at **Appendix C**. The premises currently consists of a pub building with an outside seating area covered by a pergola. There are also benches sited along the waterfront, but these are not within the area covered by the premises licence. The proposed location of the 'Shepherd Hut Served' is to the south of the covered seating area, which is currently part of the customer car park.
- 2.5 During the consultation period, two relevant representations were received in objection to the application from Kingsbridge Town Council and West Alvington Parish Council. Copies of the representations are attached at **Appendix D**.

Representations

- 2.6 Issues raised in the representations relate to the Public Safety and Prevention of Public Nuisance licensing objectives.
- 2.7 The main concerns relate to proximity of the new 'Shepherd Hut Served' to the car park and the potential danger of cars manoeuvring close by to customers congregating outside the hut, particularly those with children.
- 2.8 In addition, there are concerns about the potential for increased noise disturbance and smells coming from the site and affecting neighbouring properties.
- 2.9 One of the representations makes reference to the recently refused planning application. Planning and Licensing are two separate regimes with their own legislation, so the refusal of the planning application does not mean that the premises licence application cannot be considered and subsequently granted, if the licensing sub-committee are so minded. The business would not be able to operate the 'Shepherd Hut Served' as requested without first having both planning permission and premises licence approval in place.
- 2.10 Any information contained in the representations which is not relevant to the promotion of the four licensing objectives ([see 2.14](#)) cannot be taken into consideration when determining the premises licence application.

Applicant Response to Representation

- 2.11 Following receipt of the concerns raised by Kingsbridge Town Council, the Applicant has proposed positioning some planters outside the curtilage of the 'Shepherd Hut Served' to obstruct vehicles from going into the area in front of the hut.

2.12 At the date of the completion of this report, we have not received further information regarding this proposition.

Policy and Statutory Guidance

2.13 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.

2.14 The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.15 Section 3.2 of the Policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives. Each objective is of equal importance. A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

2.16 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

2.17 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in August 2023 state: The Licensing Authority may not impose conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).

2.18 The following responsible authorities are statutory consultees under the Licensing Act 2003:

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon Safeguarding Children's Board
- Devon County Council Trading Standards
- Devon Drug and Alcohol Action Team, NHS Devon
- South Hams District Council Planning Department
- South Hams District Council Environmental Health (Health & Safety)
- South Hams District Council Environmental Health (Pollution Control)

2.19 No representations have been received from responsible authorities.

- 2.20 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

- 3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:
- 3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.24 of the guidance).
- 3.3 Sections 5.5.1 and 5.5.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules in order to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.5 Section 5.5.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by

children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.

3.7 Section 3.8.6 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises: -

- ❑ where entertainment of an adult or sexual nature is provided
- ❑ where there is a strong element of gambling taking place
- ❑ with a known association with drug taking or dealing
- ❑ where there have been convictions of the current management for serving alcohol to those under 18 years
- ❑ where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
- ❑ where there are unsupervised areas (for example toilets, beer gardens, play zones).

3.8 At paragraph 2.15 of the guidance it states:
Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home.
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

3.9 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.

4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The

South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.

- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates’ Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates’ Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates’ Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:
- (i) modify the conditions of the licence;
 - ii) to reject the whole or part of the application;

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|------------------|---------------------------|---|
| Legal/Governance | Y | <p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee</p> |

| | | |
|-----------|---|---|
| | | <p>must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 35) that in dealing with a variation to a premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <p>(i) modify the conditions of the licence; ii) to reject the whole or part of the application;</p> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. |
| Financial | N | <p>There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.</p> |
| Risk | Y | <p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.21). These</p> |

| | | |
|--|--|---|
| | | objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises. Decisions may be appealed (see financial and legal/governance sections above). |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | | Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial. |
| Safeguarding | | All decisions must take into consideration the ‘protection of children from harm’ licensing objective. |
| Community Safety, Crime and Disorder | | Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report. |
| Health, Safety and Wellbeing | | All decisions must take into consideration the four licensing objectives, including ‘public safety’ and ‘protection of children from harm’. |
| Other implications | | |

Supporting Information

Appendices:

Appendix A(i) – application to vary premises licence
Appendix A(ii) – proposed licence plan
Appendix B(i) – current premises licence
Appendix B(ii) – current licence plan
Appendix C – location plan
Appendix D – representations

Background Papers:

None.

| Process checklist | Completed |
|--|------------------|
| Portfolio Holder briefed | Yes/No |
| SLT Rep briefed | Yes/No |
| Relevant Exec Director sign off (draft) | Yes/No |
| Data protection issues considered | Yes/No |
| If exempt information, public (part 1) report also drafted. (Committee/Scrutiny) | Yes/No |

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APPENDIX A(i) - Variation Application

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We St Austell Brewery Company Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| |
|--|
| Premises licence number SHPL0199 |
|--|

Part 1 – Premises Details

| |
|--|
| Postal address of premises or, if none, ordnance survey map reference or description The Crabshell Inn Embankment Road |
|--|

| | | | |
|-----------|-------------|----------|---------|
| Post town | Kingsbridge | Postcode | TQ7 1JZ |
|-----------|-------------|----------|---------|

| | |
|---------------------------------------|-----|
| Telephone number at premises (if any) | n/a |
|---------------------------------------|-----|

| | |
|---|-------------------|
| Non-domestic rateable value of premises | £115,000 (Band D) |
|---|-------------------|

Part 2 – Applicant details

| | |
|----------------------------------|-----|
| Daytime contact telephone number | n/a |
|----------------------------------|-----|

| | |
|---------------------------|-----|
| E-mail address (optional) | n/a |
|---------------------------|-----|

| | |
|---|---------------------|
| Current postal address if different from premises address | 63 Trevarthian Road |
|---|---------------------|

| | | | |
|-----------|------------|----------|----------|
| Post town | St Austell | Postcode | PL25 4BY |
|-----------|------------|----------|----------|

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

| DD | MM | YYYY |
|----|----|------|
| | | |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to vary the layout and design of the premises in accordance with the submitted plan (drawing no 7845 – dated Oct 2023). The changes consists of the following;

- An extension to the licensable area to include the “Shepherd Hut Servery”, as shown on the submitted plan, as part of the permitted licensable area.

To add the following conditions to Annex 2;

- The “Shepherd Hut Servery” shall be used between the hours of 12pm until 11pm Monday to Sunday.
- When the sale of alcohol takes place from within the Shepherd Hut Servery, regular checks of the garden will include the removal of empty glasses and bottles.
- Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area for customer behaviour and to monitor noise levels.
- The external area will remain open for customers for the consumption of food/drink only once the Shepherd Hut Servery has ceased licensable activity, until the premises closes to the public, with staff making regular checks during this time.
- The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
- Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

All other hours, activities and conditions currently permitted by the premises are to remain unchanged by this application.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> | | | |
|--|-------|--------|--|----------|--------------------------|---|--|--|
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | | | | |
| Mon | | | | | | | | |
| | | | | | | | | |
| Tue | | | | | | | | |
| | | | | | | | | |
| Wed | | | | | | State any seasonal variations for performing plays (please read guidance note 6) | | |
| | | | | | | | | |
| Thur | | | | | | | | |
| | | | | | | | | |
| Fri | | | | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| | | | | | | | | |
| Sat | | | | | | | | |
| | | | | | | | | |
| Sun | | | | | | | | |
| | | | | | | | | |

B

| Films Standard days and timings (please read guidance note 8) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> | | | | | | |
|--|-------|--------|---|----------|--------------------------|--|--|--|--|--|--|
| | | | | Outdoors | <input type="checkbox"/> | | | | | | |
| | | | | Both | <input type="checkbox"/> | | | | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | | | | | | | |
| Mon | | | | | | | | | | | |
| | | | | | | | | | | | |
| Tue | | | | | | | | | | | |
| | | | | | | | | | | | |
| Wed | | | | | | State any seasonal variations for the exhibition of films (please read guidance note 6) | | | | | |
| | | | | | | | | | | | |
| Thur | | | | | | | | | | | |
| | | | | | | | | | | | |
| Fri | | | | | | | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| | | | | | | | | | | | |
| Sat | | | | | | | | | | | |
| | | | | | | | | | | | |
| Sun | | | | | | | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 8) | | | Please give further details (please read guidance note 5) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | <p>State any seasonal variations for indoor sporting events (please read guidance note 6)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</p> |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 8) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> | | | |
|---|-------|--------|---|----------|--------------------------|--|--|--|
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | | | | |
| Mon | | | | | | | | |
| | | | | | | | | |
| Tue | | | | | | | | |
| | | | | | | | | |
| Wed | | | | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6) | | |
| | | | | | | | | |
| Thur | | | | | | | | |
| | | | | | | | | |
| Fri | | | | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| | | | | | | | | |
| Sat | | | | | | | | |
| | | | | | | | | |
| Sun | | | | | | | | |
| | | | | | | | | |

E

| Live music Standard days and timings (please read guidance note 8) | | | Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> | | | |
|---|-------|--------|--|----------|--------------------------|--|--|--|
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | | | | |
| Mon | | | | | | | | |
| | | | | | | | | |
| Tue | | | | | | | | |
| | | | | | | | | |
| Wed | | | | | | State any seasonal variations for the performance of live music (please read guidance note 6) | | |
| | | | | | | | | |
| Thur | | | | | | | | |
| | | | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7) | | | | | |
| | | | | | | | | |
| Sat | | | | | | | | |
| | | | | | | | | |
| Sun | | | | | | | | |
| | | | | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 8) | | | Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> | | | |
|---|-------|--------|---|----------|--------------------------|---|--|--|
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | | | | |
| Mon | | | | | | | | |
| | | | | | | | | |
| Tue | | | | | | | | |
| | | | | | | | | |
| Wed | | | | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) | | |
| | | | | | | | | |
| Thur | | | | | | | | |
| | | | | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | | | | |
| | | | | | | | | |
| Sat | | | | | | | | |
| | | | | | | | | |
| Sun | | | | | | | | |
| | | | | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 8) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

I

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 8) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 6) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

J

| | | | | | | | | |
|---|-------|--------|--|------------------|--------------------------|--|--|--|
| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input type="checkbox"/> | | | |
| | | | | Off the premises | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) | | | | | |
| Mon | | | | | | | | |
| | | | | | | | | |
| Tue | | | | | | | | |
| | | | | | | | | |
| Wed | | | | | | | | |
| | | | | | | | | |
| Thur | | | | | | <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | | | | |
| Fri | | | | | | | | |
| | | | | | | | | |
| Sat | | | | | | | | |
| | | | | | | | | |
| Sun | | | | | | | | |
| | | | | | | | | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | State any seasonal variations (please read guidance note 6) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per current licence (SHPL0199).

- The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
- Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

b) The prevention of crime and disorder

As per current licence with the addition of;

- The “Shepherd Hut Servery” shall be used between the hours of 12pm until 11pm Monday to Sunday.
- The external area will remain open for customers for the consumption of food/drink only once the Shepherd Hut Servery has ceased licensable activity, until the premises closes to the public, with staff making regular checks during this time.

c) Public safety

As per current licence with the addition of;

- When the sale of alcohol takes from within the Shepherd Hut Servery, regular checks of the garden will include the removal of empty glasses and bottles.

d) The prevention of public nuisance

As per current licence with the addition of;

- Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area for customer behaviour and to monitor noise levels.

e) The protection of children from harm

As per current licence.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or (paid online)
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable (**submitted online**)
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|---|
| Signature |  Matthew Phipps for TLT Solicitors |
| Date | 22 nd February 2024 |
| Capacity | Solicitor to Applicant |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Matthew Phipps
TLT LLP
One Redcliff Street

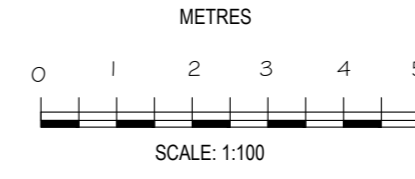
| | | | |
|------------------|---------|------------------|---------|
| Post town | Bristol | Post code | BS1 6TP |
|------------------|---------|------------------|---------|

| | |
|----------------------------------|------------|
| Telephone number (if any) | [REDACTED] |
|----------------------------------|------------|

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[REDACTED]

NOTE - Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only



KEY

- F20 TWENTY MINS FIRE RESISTANT WITH SMOKE SEALS & INTUMESCENT STRIP
- F30 HALF HOUR FIRE RESISTANT WITH SMOKE SEALS & INTUMESCENT STRIP
- F60 ONE HOUR FIRE RESISTANT WITH SMOKE SEALS & INTUMESCENT STRIP
- VP VISION PANEL
- PP PANIC PAD
- PB PANIC BAR
- SC SELF CLOSING
- SCA SELF CLOSING AUTOMATIC RELEASE
- FL FUSIBLE LINK
- DS DOOR SELECTOR
- ☒ ILLUMINATED EMERGENCY FITTING WITH RUNNING PERSON SYMBOL & ARROW
- ☒ NON MAINTAINED EMERGENCY FLOOD LIGHTING CW BATTERY PACK
- S13 'FIRE DOOR KEEP SHUT' 10mm LETTERS TO BOTH SIDES OF DOOR LEAF
- S14 'FIRE DOOR KEEP LOCKED' 10mm LETTERS TO BOTH SIDES OF DOOR LEAF
- S20 'FIRE ESCAPE KEEP CLEAR' 10mm LETTERS TO BOTH SIDES OF DOOR LEAF
- S22 RUNNING PERSON SYMBOL & ARROW
- S25 'PUSH BAR TO OPEN' 20mm LETTERS
- S26 DIRECTIONAL ARROW (GREEN)
- FRG FIRE RESISTING GLAZING ELEMENT
- ☒ AREA COVERED BY ESCAPE LIGHTING TO BS.5266, PART 1
- ☐ SD AREA COVERED BY SMOKE DETECTOR
- ☐ HD AREA COVERED BY HEAT DETECTOR
- ☐ F FIRE ALARM CALL POINT
- ☐ FAP FIRE ALARM CONTROL PANEL
- ☐ FIRE ALARM BELL/SOUNDER
- ☐ CARBON DIOXIDE FIRE EXTINGUISHER
- ☐ 9 LITRE WATER FIRE EXTINGUISHER
- ☐ DRY POWDER FIRE EXTINGUISHER
- ☐ FOAM FIRE EXTINGUISHER
- ☐ FIRE BLANKET

PROPOSED SECOND FLOOR
SCALE 1:100

PROPOSED FIRST FLOOR
SCALE 1:100

PROPOSED GROUND FLOOR
SCALE 1:100

APPENDIX A(ii) - Proposed Premises Licence Plan



ALL WALLS AND PARTITIONS TO BE MINIMUM HALF HOUR FIRE RESISTANCE.

EMERGENCY LIGHTING TO COMPLY WITH 2005 EDITION OF BS 5266 PART 1.

FIRE SAFETY RELATED SIGNS AND NOTICES TO COMPLY WITH THE HEALTH AND SAFETY (SAFETY SIGN AND SIGNAL) REGULATIONS 2005.

FIRE ALARM AND DETECTION SYSTEM TO BE INSTALLED TO BS 5839 PART 1 2002

FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS 5306 WALL AND CEILING LININGS ARE TO BE CLASS 1 SURFACE SPREAD OF FLAME (AS DEFINED BY BS 476 PART 7) IN PUBLIC AREAS AND CLASS 0 IN ESCAPE ROUTES.

UPHOLSTERED SEAT FURNITURE TO SATISFY THE FOLLOWING

- IGNITION SOURCE (CIGARETTE TEST) AS SPECIFIED IN BS 5852 PART 1 FIRE TEST FOR FURNITURE METHODS OF TEST FOR THE IGNITABILITY BY SMOKERS.

- BS 5852 PART 2 FIRE TEST FOR FURNITURE - METHODS OF TEST FOR THE IGNITABILITY OF UPHOLSTERED COMPOSITES FOR TESTING BY FLAMING SOURCE, MINIMUM TEST TO BE CRIB IGNITION SOURCE 5.

FABRICS THAT HAVE HAD A FLAME RETARDANT TREATMENT TO PASS THE WATER SOAK TEST AS DEFINED BY BS 5651 TEST CERTIFICATE TO BE SUBMITTED TO FIRE AUTHORITY.

CURTAINS AND DRAPES TO SATISFY TYPE B PERFORMANCE REQUIREMENTS TO BS 5867 PART 2.

ARTIFICIAL FOLIAGE AND DECORATIVE EFFECTS TO BE FIRE RETARDANT TO THE SATISFACTION OF THE FIRE AUTHORITY.

AREA FOR REGULATED ENTERTAINMENT / SALE BY RETAIL OF ALCOHOL / PROVISION OF LATE NIGHT REFRESHMENT

LICENSABLE ACTIVITIES

kdpa
Brooklyn Chambers, 11 Goring Road,
Worthing, West Sussex BN12 4AP
+44 (0)1903 496 999 www.kdpaine.co.uk

CLIENT ST AUSTELL BREWERY
PROJECT THE CRABHELL INN
CRABHELL QUAY, EMBANKMENT ROAD
KINGSBRIDGE TQ7 1JZ
DRAWING PROPOSED LICENSING LAYOUTS

| | | |
|------------|------------|----------|
| SCALE | DATE | DRAWN |
| A1/1:100 | OCT 2023 | AKS |
| PROJECT No | DRAWING No | REVISION |
| 7645 | L-10 | |

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Licensing Act 2003 Premises Licence

SHPL0199

Licence Valid From: 17/08/2023

LOCAL AUTHORITY



Licensing Department
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Crabshell Inn

The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ

WHERE THE LICENCES IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Supply of Alcohol
Indoor Sports Event
Live Music
Recorded Music
Perform Dance

THE OPENING HOURS OF THE PREMISES

| | Opening Hours |
|--------------|-----------------------------|
| Monday | 08:00 - 01:00 |
| Tuesday | 08:00 - 01:00 |
| Wednesday | 08:00 - 01:00 |
| Thursday | 08:00 - 01:00 |
| Friday | 08:00 - 01:00 |
| Saturday | 08:00 - 01:00 |
| Sunday | 08:00 - 00:00 |
| Non standard | New Year's Eve 08:00- 04:00 |

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

On and Off Premises **Supply of Alcohol**

| | |
|--------------|-----------------------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | New Year's Eve 11:00- 03:00 |

Indoors **Indoor Sports Event**

| | |
|---------|---------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |

| | |
|--------------|---------------|
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | |

**Indoors and
Outdoors**

Live Music

| | |
|--------------|---------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | |

Indoors

Recorded Music

| | |
|--------------|---------------|
| Monday | 08:00 - 00:00 |
| Tuesday | 08:00 - 00:00 |
| Wednesday | 08:00 - 00:00 |
| Thursday | 08:00 - 00:00 |
| Friday | 08:00 - 00:00 |
| Saturday | 08:00 - 00:00 |
| Sunday | 08:00 - 23:00 |
| Non standard | |

**Indoors and
Outdoors**

Perform Dance

| | |
|--------------|---------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | |

WHERE THE LICENCES AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF THE PREMISES
On and Off Premises

Part 2

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

St Austell Brewery Ltd
63 Trevarthian Road, At Austell, Cornwall, PL25 4BU

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
00107021

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Gareth Head

ANNEXES

ANNEX 1 - Mandatory Licensing Conditions - Pubs, Clubs & Restaurants from 1st October 2014

Supply of alcohol

No supply of alcohol may be made under the premises licence:-

1. at a time when there is no designated premises supervisor in respect of the premises licence, or
2. at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Registered door staff

Each individual carrying out a 'security activity' must be licensed by the Security Industry Authority other than

1. in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
2. in respect of premises in relation to any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
3. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section

- "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Minimum permitted price for the sale or supply of alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be

a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Potable water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Minimum measures

The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the

customer is made aware that these measures are available.

Exhibition of films

The admission of children to the exhibition of any film to be restricted to:

1. Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where
 - a) The film classification body is not specified in the licence, or
 - b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
3. In this section
"children" means persons aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

GENERAL

1. All staff engaged in licensable activities at the premises must receive training and information in relation to the following:
 - The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - Recognising the signs of drunkenness.
 - The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
2. Training must be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records must be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.
3. Training records must be retained for at least 12 months.

PREVENTION OF CRIME AND DISORDER

4. Staff must frequently supervise all areas of the premises including toilets, bar and dining areas, outside seating areas and car park.
5. Staff must be trained to not serve alcohol to anyone who appears to be under 18 years or to anyone who appears to be inebriated or troublesome.
6. A representative must attend the licensee association meetings for local information.
7. Customers must not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers
8. The collection of glasses and bottles must be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
9. CCTV
 - The premises must install, operate and maintain comprehensive digital colour CCTV.
 - All public areas of the licensed premises including entry and exit points will be covered, including any

outside areas under the control of the premises licence holder.

- The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
- The CCTV system must continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- All equipment must have a constant and accurate time and date generation.
- All recordings must be stored for a minimum period of 28 days with date and time stamping.
- Viewable copies of recordings must be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation)
- The CCTV system must be capable of downloading images to a recognisable viewable format.
- There must be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images.

10. An alcohol sales refusal register must be kept at the premises and be maintained to include details of all alcohol sales refused. The register must include:

- the date and time of refusal
- the reason for refusal
- details of the person refusing the sale
- description of the customer
- any other relevant observations.

11. The refusals register must be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

12. At any time when alcohol is offered for sale at the premises, the DPS must risk assess the need for Door Supervisors depending on the type and size of event planned. Should it be felt that there is a need for Door Supervisors there must be a minimum of 2 who must be Security Industry Authority (SIA) registered.

13. Depending on the type and size of event planned there must be a risk assessment carried as to the need for drinks to be served in plastic/paper/toughened glass or polycarbonate containers.

PUBLIC SAFETY

14. Staff must clear empty glasses and bottles and sweep up any hazardous debris.

15. Rubbish must be properly binned.

PREVENTION OF PUBLIC NUISANCE

16. There must be no deliveries very early or very late.

17. A senior member of staff (manager) must keep control of noise levels inside and outside of the premises.

18. Staff must supervise the leaving of customers at all times, and especially in the later hours of the opening times.

19. The use of foul language or untoward behaviour must not be tolerated.

20. Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.

21. All external doors and windows must be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise are taking place.

22. Sufficient ventilation must be provided so that doors and windows can be kept closed.

23. Patrons must be asked not to stand around talking in the street outside the premises or any car park and

asked to leave the vicinity quickly and quietly.

24. Suitable signage at all relevant exits requesting that patrons make as little noise as possible when leaving the premises must be displayed.

25. Deliveries must not occur between the hours of 22:00 - 08:00 on any day of the week.

26. Glass bottles and other refuse must not be removed from the premises after 22:00 and not until 08:00 on any day of the week.

PROTECTION OF CHILDREN FROM HARM

27. There must be in place a written age verification policy in relation to the sale or supply of alcohol, which must specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

28. The age verification policy must include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

29. Under 16's must not be permitted in the bar and children must be accompanied by an adult. If children are seen to be alone staff must return them to their parents or guardians and request better supervision.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEX 4 – PLANS (as existing)



Ian Luscombe: Head of Environmental Health & Licensing
On behalf of the Licensing Authority

Licensing Act 2003 Premises Licence Summary

SHPL0199

Licence Valid From: 17/08/2023

LOCAL AUTHORITY



Licensing Department
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Crabshell Inn

The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Supply of Alcohol
Indoor Sports Event
Live Music
Recorded Music
Perform Dance

THE OPENING HOURS OF THE PREMISES

Opening Hours

| | |
|--------------|-----------------------------|
| Monday | 08:00 - 01:00 |
| Tuesday | 08:00 - 01:00 |
| Wednesday | 08:00 - 01:00 |
| Thursday | 08:00 - 01:00 |
| Friday | 08:00 - 01:00 |
| Saturday | 08:00 - 01:00 |
| Sunday | 08:00 - 00:00 |
| Non standard | New Year's Eve 08:00- 04:00 |

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

On and Off Premises Supply of Alcohol

| | |
|--------------|-----------------------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | New Year's Eve 11:00- 03:00 |

Indoors Indoor Sports Event

| | |
|-----------|---------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |

| | |
|--------------|---------------|
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | |

Indoors and Outdoors Live Music

| | |
|--------------|---------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | |

Indoors Recorded Music

| | |
|--------------|---------------|
| Monday | 08:00 - 00:00 |
| Tuesday | 08:00 - 00:00 |
| Wednesday | 08:00 - 00:00 |
| Thursday | 08:00 - 00:00 |
| Friday | 08:00 - 00:00 |
| Saturday | 08:00 - 00:00 |
| Sunday | 08:00 - 23:00 |
| Non standard | |

Indoors and Outdoors Perform Dance

| | |
|--------------|---------------|
| Monday | 11:00 - 00:00 |
| Tuesday | 11:00 - 00:00 |
| Wednesday | 11:00 - 00:00 |
| Thursday | 11:00 - 00:00 |
| Friday | 11:00 - 00:00 |
| Saturday | 11:00 - 00:00 |
| Sunday | 12:00 - 23:00 |
| Non standard | |

WHERE THE LICENCES AUTHORISES THE SUPPLY OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF THE PREMISES
On and Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
St Austell Brewery Ltd
63 Trevarthian Road, At Austell, Cornwall, PL25 4BU

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
00107021

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Mr Gareth Head

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED
Under 16s must not be permitted in the bar area and children must be accompanied by an adult.

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0 1 2 3 4 5 10 15 20 25 metres

1 : 100 Scale Bar @ A1



Red broken line denotes site of pergola

Existing Site Plan

SCALE 1:00

Page 77



Red broken line denotes site of pergola

Proposed Site Plan

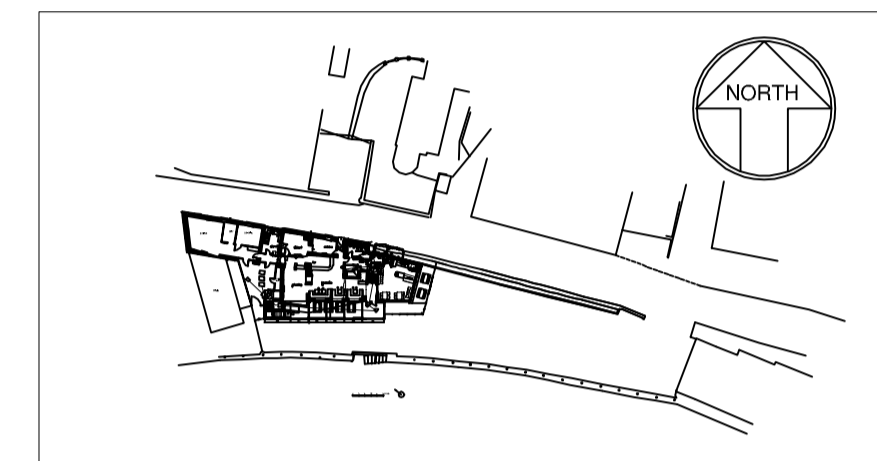
SCALE 1:00

0 1 2 3 4 5 10 15 20 25 metres

1 : 100 Scale Bar @ A1



Example Image of Oak Framed Pergola



Existing Location Plan

SCALE 1:1250

0 10 20 30 40 50 100 metres

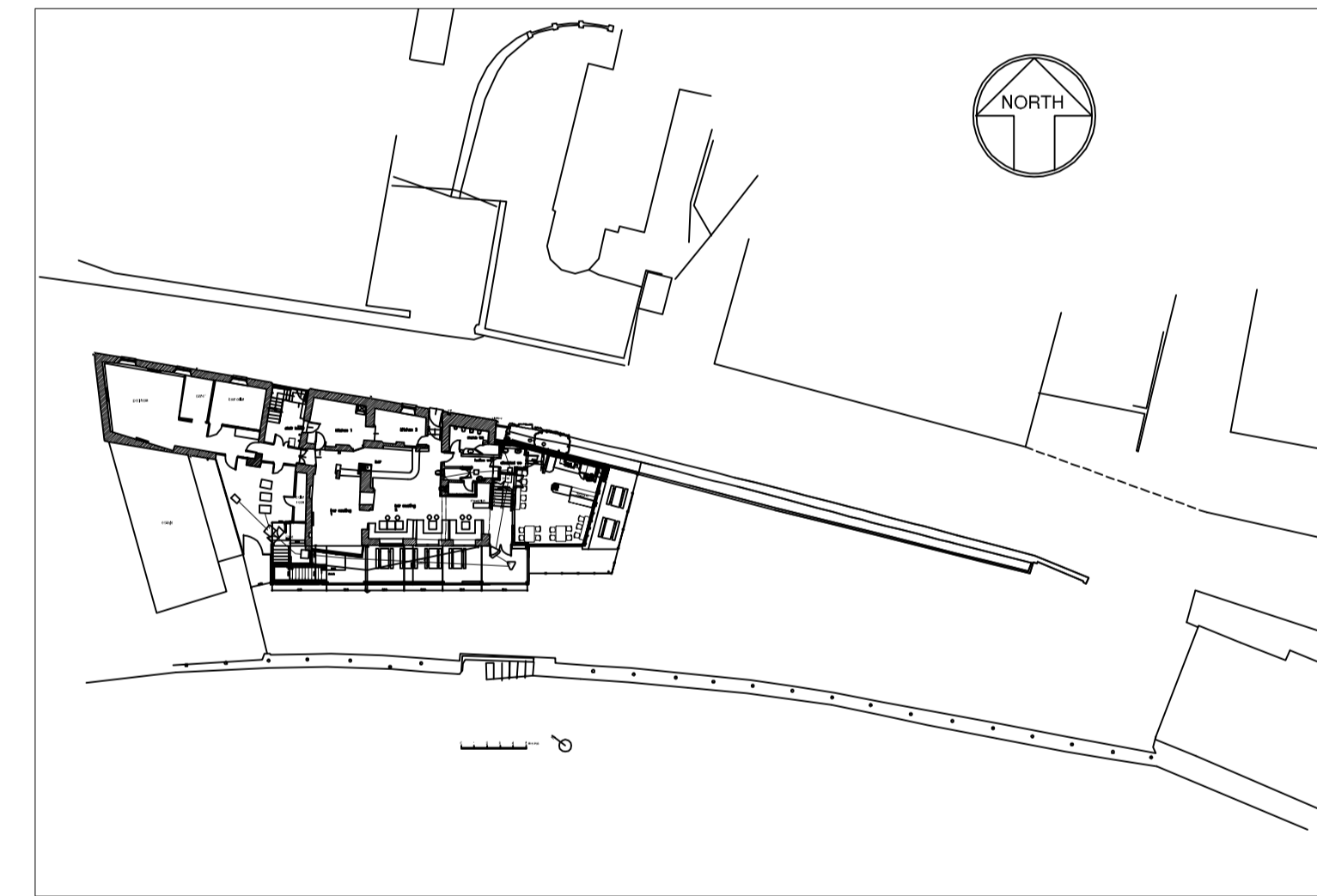
1 : 1250 Scale Bar

Existing Block Plan

SCALE 1:500

0 10 20 30metres

1 : 5 0 0 Scale Bar



Example Detail Image of Oak Framed Pergola



MP2 Design Architects Ltd

The Stables
Lower Town
Malborough
Devon.
TQ7 3RR

MP
DESIGN

Tel:
01548 561748
Mob:

07970207453 | 7768436805

michael@mp2design.co.uk
amanda@mp2design.co.uk
www.mp2design.co.uk

Project

The Crabshell Inn,
Kingsbridge, South Devon

Drawing Title

Proposed Green Oak
Framed Al-Fresco seating
area with pergola.

Drawing
Number

CO 01

Scale

As annotated

Date

February 2022

Drawn by:

Michael Phillips BA Dip Arch ARB RIBA

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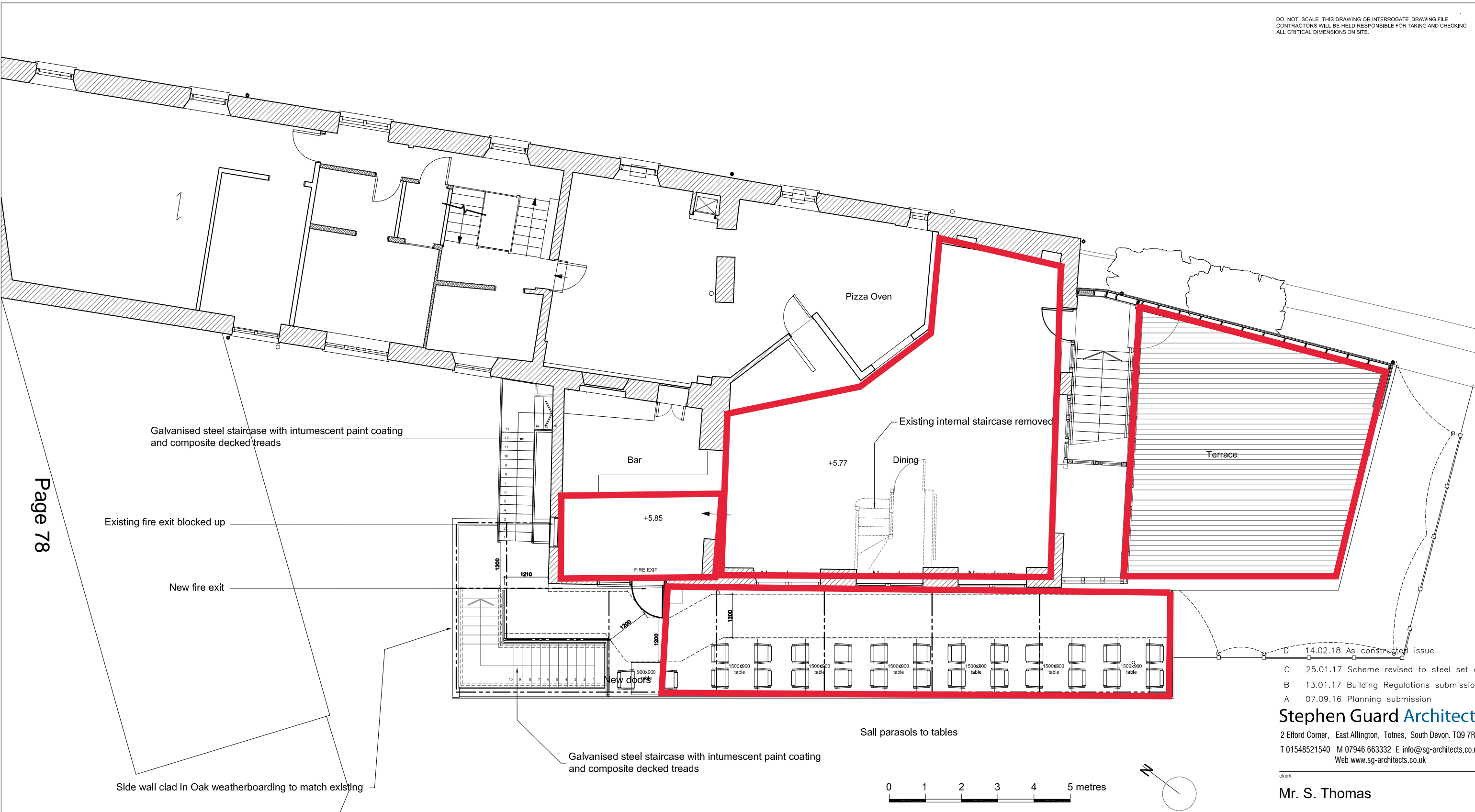
Revisions:

Status:

Issued for Client Review
21st February 2022
Prior to submission for
Planning Permission

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Galvanised steel staircase with intumescent paint coating and composite decked treads

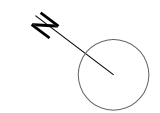
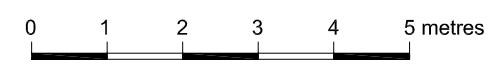
Existing fire exit blocked up

New fire exit

Side wall clad in Oak weatherboarding to match existing

Galvanised steel staircase with intumescent paint coating and composite decked treads

Sail parasols to tables



- D 14.02.18 As constructed issue
- C 25.01.17 Scheme revised to steel set out
- B 13.01.17 Building Regulations submission
- A 07.09.16 Planning submission

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client
Mr. S. Thomas

project
 New 1st floor balcony and stairs to 2nd floor
 The Crabshell Inn, Kingsbridge

drawing
Proposed First Floor Plan

| date | scale | drawn | checked |
|-----------|-------|-------|---------|
| July 2016 | 1:100 | sg | sg |

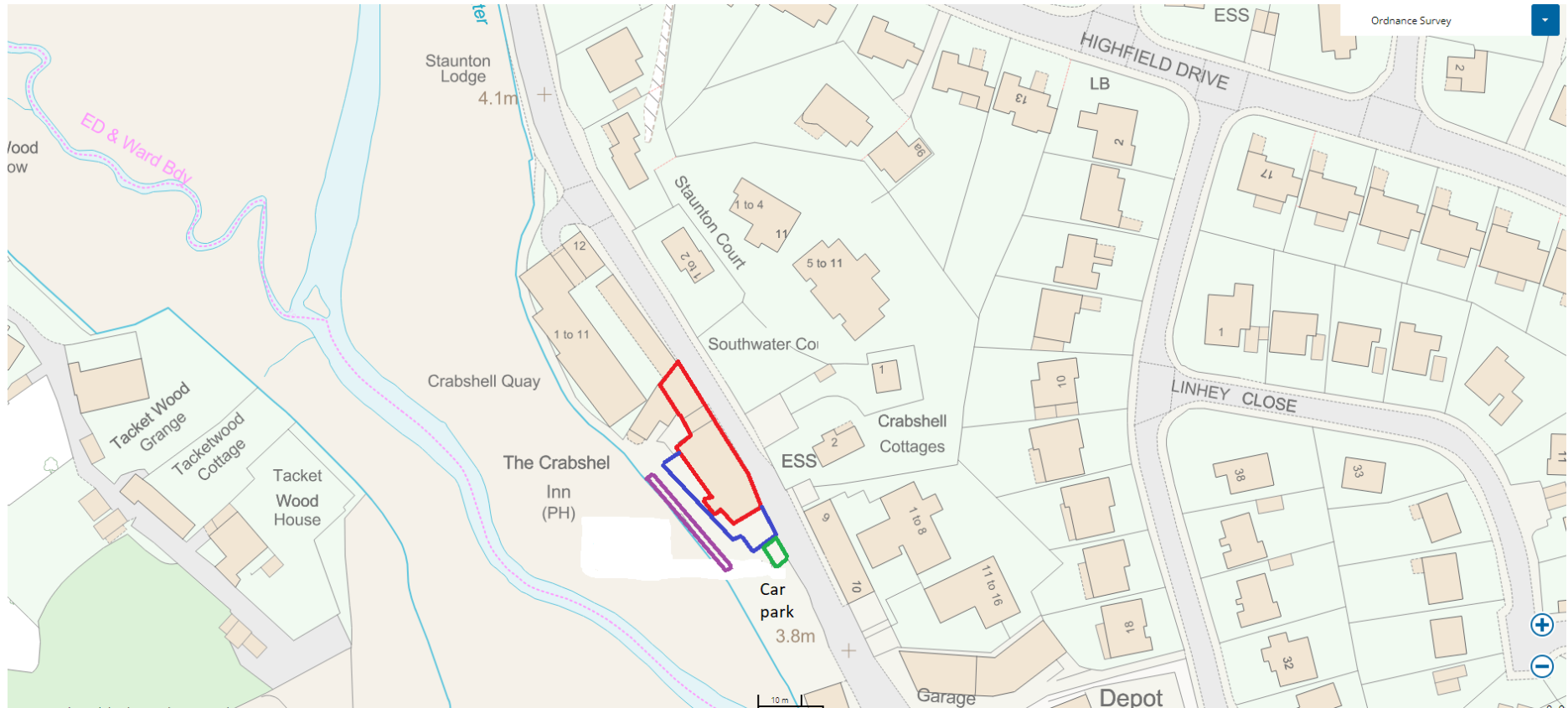
status

FOR INFORMATION

| job no | dwg no | revision |
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| SG16-05 /06 | | D |

APPENDIX C – Location Plan

Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ



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Key



= Licensed building



= Waterfront seating, not included on premises licence plan



= Licensed external areas



= Proposed Shepherd Hut location

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APPENDIX D - Representations

The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ

Representation 1

Received 6.3.24

Dear Harry

KTC's Planning Committee proposes that one of the Licensing Objectives would not be met at its meeting yesterday:

119.2 Amendment to Variation to Premises Licence

An application from St Austell Brewery Company Limited to amend the variation for the Premises Licence at The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ.

The application is to:

Vary the layout and design of the premises to include the "Shepherd Hut Servery" as part of the permitted licensable area.

To add the following conditions to Annex 2:

The "Shepherd Hut Servery" shall be used between the hours of 12.00 until 23.00 Monday to Sunday. **The external area will remain open for customers for consumption of food/drink until the premises closes to the public.**

Amendment highlighted in bold type

KTC: Recommend Refusal on the grounds that one of the licensing objectives "Public Safety" would not be met. The area in the vicinity of the Shepherd Hut is a car park. A Premises License would create greater footfall in the area and therefore be a hazard for families with children attempting to negotiate traffic flow.

Regards

Martin

Martin Johnson

Town Clerk

Kingsbridge Town Council, Quay House, Ilbert Road, Kingsbridge, TQ7 1DZ

Representation 2

Received 14.3.24

Dear Harry,

Further to yours of 22nd February, the Councillors would make the following comments re the amendment to one of the conditions in the application from St Austell Brewery Company Limited to vary the premises licence for The Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ:

- The planning application to regularise the shepherd hut servery has been refused, as such there should no longer be a need for this application to proceed.
- The proposed permitted licensable area is in the car park to the side of a public right of way. None of which are adequately separated from each other.
- This business is busy throughout the entire year, it is particularly popular with both residents and visitors. During peak season footfall to this site should not be underestimated.
- Actively encouraging a significant increase to the amount of external eating and drinking will increase the noise and smells coming from the site, this will impact on all surrounding businesses and neighboring properties, including those across the water.

To approve the extension of the sale of food/drink directly from the car park for a period of eleven hours per day does not meet with at least three of the four licensing conditions, those being public safety, the prevention of public nuisance and the protection of children from harm.

We request that no extension is granted.

Kind regards

Mrs Katharine Harrod
West Alvington Parish Clerk