

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD REMOTELY VIA TEAMS, ON WEDNESDAY, 24 FEBRUARY 2021, 10:00 am

Present: Cllrs Dan Brown (Chair), Kate Kemp, and Dan Thomas
Becky Fowlds, Specialist Legal Services
Naomi Stacey, Specialist – Licensing
Tara O’Keefe, Senior Case Manager - Licensing
Janice Young, Specialist – Democratic Services
Anna Gribble, Senior Case Manager – Democratic Services
Steve Gardiner, Specialist – IT

Also in attendance and participating:

Mr A Apthorpe (Applicant)
Ms S Baylis (Applicant’s representative)

LSC.8/20 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. There were none.

LSC.9/20 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT DOLIUM, 7 FORE STREET, KINGSWEAR, DARTMOUTH, TQ6 0AD

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Dolium, 7 Fore Street, Kingswear, TQ6 0AD.

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A, B, C, D, E, and F of the presented agenda report). The Licensing Specialist reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

The Officer confirmed that, since the agenda had been published, further information had been received from the applicant to further address the four licensing objectives and this had been disseminated to Committee Members beforehand.

1. Address by the Applicant’s Representative

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

- The small number of customers who would be able to buy wine to consume on the premises, alongside a small amount of tapas;

- The applicant was also the Licensee of another pub in the near vicinity, and therefore well aware of his obligations towards responsible alcohol consumption; and
- The need for this service following the closure of the only other off-licence in the town.

Following questions from the Committee, the applicant confirmed that no one would be permitted to drink glasses of wine outside the shop. The applicant also clarified that the food menu would be limited to cold tapas only, as there would be no kitchen on the premises. The applicant confirmed he would wish to hold wine tasting evenings at the venue.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 10:18 am) to consider the application and then reconvened at 10:37 am.

2. The Decision

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

“We have considered the application for a new premises licence, we have considered the statement of licencing policy, the Government guidance, and our objectives that relate to the promotion of the licencing objectives. We have read carefully the written representations from all parties and additional information provided to us today. It is our decision to grant this application subject to two additional conditions, in addition to the standard decisions and those proposed by the applicant. Customers will not be permitted to take open containers of alcoholic drinks from the premises. Alcohol sold for consumption off the premises will be in sealed containers only. The reason for both conditions is to assist in the prevention of crime and disorder. The full written decision of the Committee will be sent to the applicant within five working days.”

The full written decision is as below:

- 1. The Licensing Sub-Committee was convened on 24 February 2021 to determine an application by the Applicant for a new Premises Licence under the Licensing Act 2003.*
- 2. The Sub-Committee considered the application form and representations received in writing and made at the hearing.*
- 3. The Sub-Committee decided to GRANT the Application, subject to additional conditions listed in the Schedule below.*

REASONS FOR THE DECISION

- 4. The Sub-Committee considered the application form together with representations received in writing, the Licensing Officer's report, and the representations of the Applicant.*

5. *The Sub-Committee considered the application in line with the four Licensing Objectives and consideration was also given to the Government Guidance issued under Section 182 of the 2003 Act, the submitted Operating Schedule and the Council's Statement of Licensing Policy.*
6. *The Sub-Committee received a presentation from the Licensing Officer who referred to the officer report and advised that no objections had been received from any of the Responsible Authorities. The officer confirmed to the Sub-Committee that the objections advising that there was no demonstrable need for the premises were not relevant and could not be taken into account. The Sub-Committee was referred to conditions proposed by the Applicant in section M of his application and the additional summary provided by the Applicant in response to the representations.*
7. *The Sub-Committee heard oral representations from Sophie Baylis on behalf of the Applicant who was also present. The purpose of the application was outlined as a wine shop in small premises with tables identified on the plan provided with the application, for limited food, namely tapas. The Sub-Committee was advised that the Applicant was the Designated Premises Supervisor at the Ship Inn which is in close proximity to the premises.*
8. *The Members of the public who had written in support and against the application had not requested to appear at the Licensing Sub-Committee and the Sub-Committee relied on the written representations received.*
9. *The Sub-Committee found that the application was for a small premises, primarily to sell wine, located on the main street in Kingswear and public houses were located in the vicinity. The Sub-Committee gave great weight to the fact that the Applicant was the current DPS for the Ship Inn and that the police had raised no objection to his suitability to hold a licence, had raised no objection to the application nor had they considered any additional conditions were necessary.*
10. *The Sub-Committee noted that no representations had been made in relation to the Licensing Objective regarding the Protection of Children from Harm. Mandatory Conditions relating to age verification will be imposed on the licence and the Applicant will adopt a Challenge 25 policy in respect of sales of alcohol in addition to the conditions proposed at Section M of the application.*
11. *The Sub Committee had noted the objection on the grounds of public safety because of the absence of a pavement directly outside the premises. In the absence of any concern from the police, the size and purpose of the premises and the conditions in section M and the additional summary submitted, the Sub-Committee considered that an objection on this ground could not be sustained.*
12. *The Sub-Committee did note the location of the premises may attract some customers to take advantage of the views on the opposite*

side of the road. Representations had been made that the application could result in public nuisance with consumption of alcohol off the premises. The Sub-Committee noted the Challenge 25 policy but felt it appropriate to impose two additional conditions as follows:-

- i) Customers will not be permitted to take open containers of alcoholic drinks from the premises.*
- ii) Alcohol sold for consumption off the premises will be in sealed containers only.*

13. Details of the hours permitted for licensable activities and opening hours and additional conditions are in the attached Schedule.

Activity	Description	Time from	Time to
Sale and Supply of Alcohol (consumption off the premises)	Monday to Saturday	10:00	23:00
Opening hours	Monday to Sunday	10:00	23:00

Additional conditions:

Prevention of crime and disorder/public nuisance

Customers will not be permitted to take open containers of alcoholic drinks from the premises.

Alcohol sold for consumption off the premises will be in sealed containers only.

Chairman

(meeting closed at 10:39 am)