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20 September 2024

## LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Monday, 30th September, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Bradford, Hayes (Chair) and Rollason (Vice-Chair)

**Please Note:** Filming is permitted during the Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the meeting room you are consenting to being filmed.

## **AGENDA**

### **Part I**

1. **Apologies**
2. **Declarations of Interest (if any)**
3. **Minutes** (Pages 3 - 6)  
To approve and sign the Minutes of the meeting held on 28 August 2024.
4. **Request for Hackney Carriage Vehicle over 5 years - DA17 WTF** (Pages 7 - 26)

## **Part II: Items suggested for discussion with the press and public excluded**

5. **Local Government (Access to Information) Act 1985 -  
Exclusion of Press and Public**

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 5 of Part 1 of Schedule 12A of the Act.

6. **Application for Combined Hackney Carriage/Private Hire  
Drivers Licence** (Pages 27 - 36)

## **Part I: Items suggested for discussion with the press and public included**

7. **Local Government (Access to Information) Act 1985 -  
Inclusion of Press and Public**

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972 the press and public be allowed into the meeting.

8. **Application for a New Premises Licence – Baskervilles Ice  
Cream Parlour and Coffee Shop** (Pages 37 - 70)

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**LICENSING AND REGULATORY SUB-COMMITTEE****WEDNESDAY, 28 AUGUST 2024**Present:

Councillors Henderson, Peart and Rollason (Vice-Chair)

Officers in Attendance:

Licensing Officer

Legal Assistant

**114. APOLOGIES**

None.

**115. DECLARATIONS OF INTEREST (IF ANY)**

None.

**116. MINUTES**

The Minutes of the meetings held on 10 July 2024, and 30 July 2024 were unanimously approved as a correct record and signed by the Chair.

**117. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - WJ13 KVX**

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in August 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 20 August 2024. The Applicant was in attendance and answered questions put to them by the Sub-Committee.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

**Decision**

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the condition of a six month vehicle test to monitor the condition of the vehicle due to its age.

**118. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 10 YEARS - RV14 ELC**

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in July 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 12 August 2024. The Applicant was in attendance and answered questions put to them by the Sub-Committee.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

**Decision**

Accordingly, the Sub-Committee granted the new Hackney Carriage Vehicle Licence as detailed in the report with the additional condition of a six month vehicle test to monitor the condition of the vehicle due to its age.

**119. APPLICATION FOR A VARIATION OF A PREMISES LICENCE – THE ABBOT, 16 EAST STREET, NEWTON ABBOT, TQ12 1AG**

The Applicant attended the meeting and was permitted to speak and also answered questions put to them by the Sub-Committee.

The person who had submitted a representation did not attend the meeting and did not send a representative.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Rollason and seconded by Councillor Peart, and

**RESOLVED** that the Application in respect of a Variation of a Premises Licence for The Abbot, 16 East Street, Newton Abbot, TQ12 1AG be granted as set out in the report.

**Reasons for the decision:**

The Sub-Committee heard from the Licensing Officer who confirmed that the application had been submitted to extend the already licensed areas and no other amendments to the licence were being requested. The representation submitted was due to concern about public nuisance, specifically an increase in noise if the licensed outside area is extended.

The Sub-Committee then heard from the Applicant that they have worked in licensed establishments for many years and also run another bar in Newton Abbot. They purchased The Abbot in 2023 and are looking to modernise and update the venue. The Applicant explained that they have their own experienced security team who help to keep noise down. Signs are also used to remind customers to respect neighbours and music is turned down to a low level from 10.30pm. The garden bar has been running on a TEN for the past few months with no complaints.

The Applicant acknowledged that there has been an increase in customers since they took over the pub and as a consequence there has been some natural increase in noise. However, they have not received any direct complaints about noise, they are conscious of maintaining a good relationship with their neighbours and want to work with the community to achieve this.

In response to questions from the Sub-Committee the Applicant confirmed that the karaoke room has soundproofing which has been installed by a professional company. Noise limiters have been installed and you cannot hear the music from outside of the building. Music levels and placement of speakers including those in outside areas will not be drastically changed.

The Applicant explained to the Sub-Committee that the hope is to eventually open up the fencing on the car park to create a larger outside seating area which will be surrounded by acoustic fencing to mitigate noise levels. The fencing has not yet been installed but will be once the works to the outside area have been completed.

The Applicant explained further that they want a nice seating area available should customers choose to go outside. They think this will be able to seat around 25 people and there will be no specific standing areas. Door staff will also be placed around the premises to monitor noise and behaviour. The Applicant said that in any event most people are likely to leave the pub and move to town centre venues by 10.30/11pm.

The Applicant clarified for the Sub-Committee that a window above the car park is a stairwell window. They also responded to questions relating to rubbish and confirmed that they already have a large commercial bin but were happy to obtain another. A lot of the rubbish is not theirs and is blown into the car park which is picked up and there are plenty of bins within the pub. They also employ glass collectors and ensure areas are swept regularly etc. The pub does not currently serve food other than pasties and there are currently no plans to change this.

The Sub-Committee noted the concerns of the person who had submitted the representation and empathised that living near a pub could be noisy, especially during periods of good weather or sporting events. However, they felt that there was not enough evidence to support the concern that the extension of the licensed areas would cause a public nuisance. The Sub-Committee also noted the mention of parking concerns in the representation but did not feel that this went against the application as parking concerns are not one of the four licensing objectives. Only the one representation had been submitted and no complaints to the Applicants or to the Council appear to have been made in relation to the premises. There had also been no objection to the application from the responsible authorities. Should there be any issues in the future then residents are able to contact the Council and put a complaint in using the relevant processes and the Sub-Committee felt that this provided sufficient recourse if required.

The Sub-Committee having considered the application submitted and having heard from those present and being mindful of representations and Statutory Code of

Guidance and Licensing policy, felt that on balance it could not refuse this application.

The Sub-Committee thanked the Applicant for attending and answering their questions. They felt that the Applicant had shown they were experienced in running a licenced premises and believe that they want to be good neighbours. The Sub-Committee felt that the acoustic fencing which will be installed was a good idea and emphasised that this formed part of the reason as to why they were happy to grant the application as set out. The Sub-Committee also considered that currently there is outside seating and that the extra space to be added did not seem likely to result in large numbers of additional people standing outside making noise.

The Sub-Committee were satisfied that the Applicant was suitably experienced and would be able to promote and uphold the four Licensing Objectives and therefore deemed it appropriate to grant the variation of the premises licence as set out in the report.

Cllr D Rollason  
Chair

# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY SUB COMMITTEE

30 September 2024

### PART I

<b>Report Title</b>	<b>Request for Hackney Carriage Vehicle over 5 years.</b> DA17 WTF White Skoda Octavia
<b>Purpose</b>	For the Committee to consider the request included in this report, representations made by the proprietor of the vehicle and to determine whether the vehicle is fit for purpose and should be issued with a licensed plate.
<b>Applicant</b>	Mr Cosmin Moisa
<b>Options</b>	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
<b>Report Author</b>	Debbie Rosenveldt Licensing Officer licensing@teignbridge.gov.uk
<b>Appendices / Background Papers</b>	A: Request for licence B: MOT history C: Photographs D: Vehicle inspection sheet

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 1 June 2017  
Age of vehicle, if granted – 7 years and 4 months.

The vehicle no longer meets the Council’s licensing policy as it is over 5 years of age.

- 1.2 MOT expires – 9 March 2025 with no advisories.

- 1.3 Vehicle inspection completed at the Depot on 13 September 24 with no advisories.

- 1.4 **Licensing Officer:**  
Vehicle checked –  
Officer comments –

At the time of writing this report the vehicle had not been inspected by a licensing officer.

Recommendation:

Whether to grant a licence or not. If the Committee resolves to license the vehicle, a condition can be imposed requiring the vehicle to have six or four monthly vehicle inspections.

## **2. RELEVANT POLICY AND LAW**

2.1 Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

*A vehicle being presented for initial licensing is required to be under five years old at first registration.*

2.2 All vehicle licences are issued annually.

2.3 Section 43 of the Town Police Clauses Act 1847 provides that:

*'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and*

2.4 Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

*'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.*

2.5 The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public. The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

2.6 The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009, after taking into account the views from the trade, were as follows:

*"The Committee decided that vehicles being presented for initial licensing must be under five years old."*

2.7 2.8 Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides:



*'that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.'*

### **3. FINANCIAL IMPLICATIONS**

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates' Court.

### **4. LEGAL**

The Committee are required only to ensure that Public Safety is not compromised by the granting of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

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## Committee Request

Good Morning

I would like to request that my vehicle is considered for licensing as a Hackney Carriage.

It is a white Skoda Octavia. It was 1<sup>st</sup> registered 1<sup>st</sup> June 2017 and is 7 years and 3 months old. The vehicle has been licensed as a private hire in Torbay but I am now moving to Teignbridge to work as a Hackney Driver. The vehicle is in excellent condition inside and out and passed it's last MOT with no advisories.

I am starting out on my own and already have a school contract with Devon County Council. I cannot afford to change this top-quality vehicle for one that is a newer at the present moment in time as I am currently in the process of buying my first property. This vehicle is my pride and joy and I hope you can see from the pictures that it is kept in excellent order at all times

I hope that you will consider my application.

I have attached photographs of the vehicle inside and out.

Yours sincerely

Cosmin Moisa

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## Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrm=DA17WTF&make\\_result=SKODA&model\\_result=OCTAVIA&mot\\_first\\_used\\_date=2017-06-01&vehicle\\_age=2657&mot\\_expiry\\_date=2025-03-09&mot\\_expiry\\_date\\_days\\_left=181&user\\_satisfaction\\_banner=0&vehicle\\_data\\_origin=MTS&vehicle\\_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrm=DA17WTF&make_result=SKODA&model_result=OCTAVIA&mot_first_used_date=2017-06-01&vehicle_age=2657&mot_expiry_date=2025-03-09&mot_expiry_date_days_left=181&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) to help us improve.

[< Back](#)

# DAI7 WTF SKODA OCTAVIA

[Check another vehicle \(/\)](#)

Colour  
**White**

Fuel type  
**Diesel**

Date registered  
**1 June 2017**

MOT valid until  
**9 March 2025**

[Get an MOT reminder \(https://www.gov.uk/mot-reminder\)](https://www.gov.uk/mot-reminder) by email or text.

[Download test certificates \(/enter-document-reference?registration=DA17WTF\)](/enter-document-reference?registration=DA17WTF)

If you think the MOT expiry date or any of the vehicle details are wrong: [contact DVSA \(https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes\)](https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes).

[Show all sections](#)

## MOT history

Check mileage recorded at test, expiry date, and test outcome

[Hide](#)

Date tested  
**1 March 2024**

Mileage  
**141,185 miles**

MOT test number  
**8948 1085 2977**

**PASS**

Test location

Expiry date  
**9 March 2025**

[View test location](#)

Date tested  
**8 March 2023**

Mileage  
**101,411 miles**

MOT test number  
**4170 0711 5774**

# PASS

Test location

▶ [View test location](#)

Expiry date

**9 March 2024**

Monitor and repair if necessary (advisories):

- **Nearside Front Shock absorbers has light misting of oil (5.3.2 (b))**
- **Offside Front Shock absorbers has light misting of oil (5.3.2 (b))**

▶ [What are advisories?](#)

---

Date tested  
**7 March 2023**

# FAIL

Mileage  
**101,411 miles**

MOT test number  
**4424 9564 9342**

Test location

▶ [View test location](#)

Repair immediately (major defects):

- **Nearside Front Anti-roll bar linkage ball joint dust cover no longer prevents the ingress of dirt (5.3.4 (b) (ii))**
- **Offside Front Anti-roll bar linkage ball joint dust cover no longer prevents the ingress of dirt (5.3.4 (b) (ii))**

Monitor and repair if necessary (advisories):

- **Nearside Front Shock absorbers has light misting of oil (5.3.2 (b))**
- **Offside Front Shock absorbers has light misting of oil (5.3.2 (b))**

▶ [What are defects and advisories?](#)

---

Date tested  
**5 March 2022**

# PASS

Mileage  
**58,542 miles**

MOT test number  
**1393 5839 0580**

Test location

▶ [View test location](#)

Expiry date

**9 March 2023**

Monitor and repair if necessary (advisories):

- **Nearside Front Shock absorbers has light misting of oil (5.3.2 (b))**
- **Offside Front Shock absorbers has light misting of oil (5.3.2 (b))**

▶ [What are advisories?](#)

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Date tested

Mileage

14

MOT test number

10 March 2021

**PASS**

19,503 miles

Test location

▶ [View test location](#)

8311 9627 8362

Expiry date

**9 March 2022**

Date tested

**3 December 2020**

**PASS**

Mileage

**18,336 miles**

Test location

▶ [View test location](#)

MOT test number

**3607 6567 2725**

Expiry date

**2 December 2021**

Date tested

**24 May 2020**

**PASS**

Mileage

**Unknown**

Test location

▶ [View test location](#)

MOT test number

**4652 4574 2313**

Expiry date

**30 November 2020**

Monitor and repair if necessary (advisories):

- **COVID-19 6 MONTH EXTENSION**

▶ [What are advisories?](#)

### The MOT test changed on 20 May 2018

Defects are now categorised according to their severity - dangerous, major, and minor. [Find out more \(https://www.gov.uk/government/news/mot-changes-20-may-2018\)](https://www.gov.uk/government/news/mot-changes-20-may-2018).

## Check for vehicle recalls

See if SKODA OCTAVIA DA17WTF has outstanding recalls

▼ [Show](#)

[Cookies](#) [Terms and conditions](#) [Privacy notice](#) [Accessibility statement](#)

[MOT history API](#) [Service status](#)

Built by the [Driver & Vehicle Standards Agency](#)

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# Teignbridge District Council - Vehicle Inspection Sheet

Annual / 6 Monthly / 4 Monthly / MOT

Hackney Carriage/Private Hire

Owner

GSM2 Mota

Date

13-09-20

Plate No NOT ISSUED YET

Mileage

161676

No. Passengers 4

Registration No

DA17WTF

	Pass	Fail	Re-Tested	Comments
<b>Steering and Suspension</b>				
1 Steering Control	/			
2 Steering Mechanism/System	/			
3 Power Steering	/			
4 Transmission Shaft	/			
5 Wheel Bearings	/			
6 Front Suspension	/			
7 Rear Suspension	/			
8 Shock Absorbers	/			
<b>Lighting Equipment</b>				
9 Front and Rear Lamps etc.	/			
10 Headlamps	/			
11 Headlamp Aim	/			
12 Stop Lamps	/			
13 Rear Reflectors	/			
14 Direction Indicators	/			
15 Hazard Lamps	/			
<b>Braking System</b>				
17 ABS Warning System/Controls	/			
18 Condition of Service Brake System	/			
19 Conditions of Parking Brake System	/			
20 Service Brake Performance	/			
21 Parking Brake Performance	/			
22 Efficiency - Footbrake <u>86%</u>	/			
23 Efficiency - Handbrake <u>29%</u>	/			
<b>Tyres &amp; Wheels</b>				
24 Tyre Type & Condition	/			
25 Road Wheels	/			
<b>General</b>				
26 Compliance with current MOT reqs.	/			
27 Seatbelts Mountings/Operation	/			
28 Horn	/			
29 Exhaust Systems	/			
30 Exhaust Emission (Printout)	/			
31 Vehicle Condition Interior	/			
32 Vehicle Condition Exterior	/			
33 Seat condition	/			
34 Luggage space	/			
35 Doors/Locks operational	/			
36 Mirrors & View of the road	/			
37 Fuel System	/			
38 Speedometer operational	/			
39 Excise Licence/Date	/			
40 Fire Extinguisher with Sticker	/			
41 First Aid Kit with Sticker	/			
42 No Smoking Stickers	/			
43 Rooflight Operational	/			
44 Current MOT/Date	/			
45 Meter Fitted & Tested	/			
46 Fuel & Oil Leaks	/			
47 Tariff Card Displayed	<u>NOT ISSUED YET</u>			
48 Livery Compliant	/			
49 Windows Operational	/			

Brake Test Results	
NSF <u>329</u>	OSF <u>413</u>
NSR <u>223</u>	OSR <u>282</u>
NSH <u>217</u>	OSH <u>210</u>
Brake Weight	<u>1450</u>
Emmission Test Value	<u>6.5</u>
Re-show Items	
Date due by	

### Certificate

I hereby certify that I have carried out the various examinations of the vehicle as scheduled and the vehicle has **PASSED** / FAILED

I have also checked the fare/meter over a prescribed distance and it is correct

Signed: \_\_\_\_\_

Print Name \_\_\_\_\_

Passed Re-Test \_\_\_\_\_

Signed \_\_\_\_\_

Date 13-09-20

Date \_\_\_\_\_

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TEIGNBRIDGE DISTRICT COUNCIL

**LICENSING AND REGULATORY SUB-COMMITTEE**

CHAIR: Cllr Robert Hayes

**DATE:** 30 September 2024  
**REPORT OF:** Licensing Officer  
**SUBJECT:** **Application for a New Premises Licence –  
Baskervilles Ice Cream Parlour and Coffee Shop**

**PART I**

**RECOMMENDATION**

**That the Licensing Act 2003 Sub-Committee is requested to consider this application.**

**PART I**

**1. THE APPLICATION**

Applicant: The Baskerville Estate Ltd

Premises: Baskervilles Ice Cream Parlour and Coffee Shop, 2-4 Ford Street,  
Moretonhampstead TQ13 8LN

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the supply of alcohol. Attached is a copy of the location plan and plan of premises (Appendix A).

The operating schedule shows:

Hours Premises Open to the Public:

Monday to Saturday 9am to 11pm

Sunday 10am to 5pm

Relevant licensable activities:

- Supply of alcohol

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Hours of licensable activities:

Supply of Alcohol (on the premises)	Monday to Saturday	10am to 10.30pm
	Sunday	10am to 4.30pm

Seasonal variation on all licensable activities - none

Designated premises supervisor: Colette Lloyd

Supply of alcohol is for consumption on the premises.

Steps to promote licensing objectives:

- General  
Designated Premises Supervisor nominated; sufficient number of staff will be on the premises to cover busy times, with regular training of staff.
- The Prevention of Crime and Disorder  
The sale and supply of alcohol is for consumption on the premises only and shall be sold with the purchase of food.
- Public Safety  
Public safety measures are demonstrated within our operating schedule, with the majority of these measures being contained within our Health & Safety policy and risk assessments, which also addresses Health & Safety at Work and Fire Safety legislation and the relevant technical standards.
- The Prevention of Public Nuisance  
Achieved by creating an environment that controls any nuisance by training staff to increase their awareness and so that they can assess potential risks and work towards minimising any possible disturbance.
- The Protection of Children from Harm  
There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will 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, passport, or an identification card carrying the PASS hologram. Unless such identification is produced, the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for, or on behalf of, children under 18.

## TEIGNBRIDGE DISTRICT COUNCIL

### Mediated Amendments – Police

#### The Prevention of Crime and Disorder

**Staff Training** – all staff engaged in licensable activity at the premises will receive training and information in relation to the following:

1. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
2. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
3. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
4. Recognising the signs of drunkenness.
5. 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.
6. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

**Incident Log** – an incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

1. Any incidents of disorder or of a violent or anti-social nature.
2. All crimes reported to the venue, or by the venue to the Police.
3. All ejections of patrons.
4. Any complaints received.
5. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The log shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

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### The Protection of Children from Harm

**Refusals Register** – an alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

1. the date and time of refusal
2. the reason for refusal
3. details of the person refusing the sale
4. description of the customer
5. any other relevant observations.

The refusals register will 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.

## 2. RELEVANT REPRESENTATIONS

### **Responsible authorities:**

Police – no objection, conditions agreed as above.

Environmental Health Officer – no representation received.

Fire Officer – no objection.

Planning Officer – no representation received. However, Dartmoor National Park Authority have advised that the most recent planning permission states that the business should only be open to, and used by, customers between the hours of 7.30am and 10pm Monday to Friday and 8am and 10pm Saturday and Sunday. This condition states that no outdoor dining or drinking shall take place between the hours of 9pm and 9am

Food and Safety - no representation received.

Child Protection Agency - no representation received.

Weights & Measures – no representation received.

Health Authority - no representation received.

### **Interested parties:**

Nine representations received on the grounds of Public Nuisance.

Note: Relevant extracts from D.C.M.S. Guidance and the Council's own Licensing Policy are attached at the end of the report to assist members consider these representations.

TEIGNBRIDGE DISTRICT COUNCIL

**Report by:** Debbie Rosenfeldt

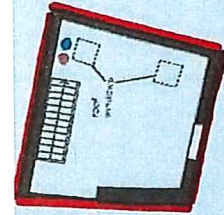
**Title:** Licensing Officer

<b>Wards affected</b>	<i>Moretonhampstead</i>
<b>Contact for any more information</b>	<i>Debbie Rosenfeldt</i>
<b>Background Papers (For Part I reports only)</b>	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities and Statement of Licensing Policy</i>
<b>Key Decision</b>	<i>No</i>
<b>In Forward Plan</b>	<i>No</i>
<b>Community Impact Assessment attached:</b>	<i>No</i>
<b>Appendices attached:</b>	<i>Appendix A – Location plan and plan of premises Appendix B – Representations Appendix C – National guidance Appendix D - Policy</i>

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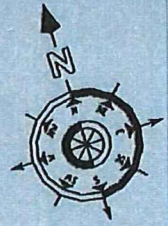
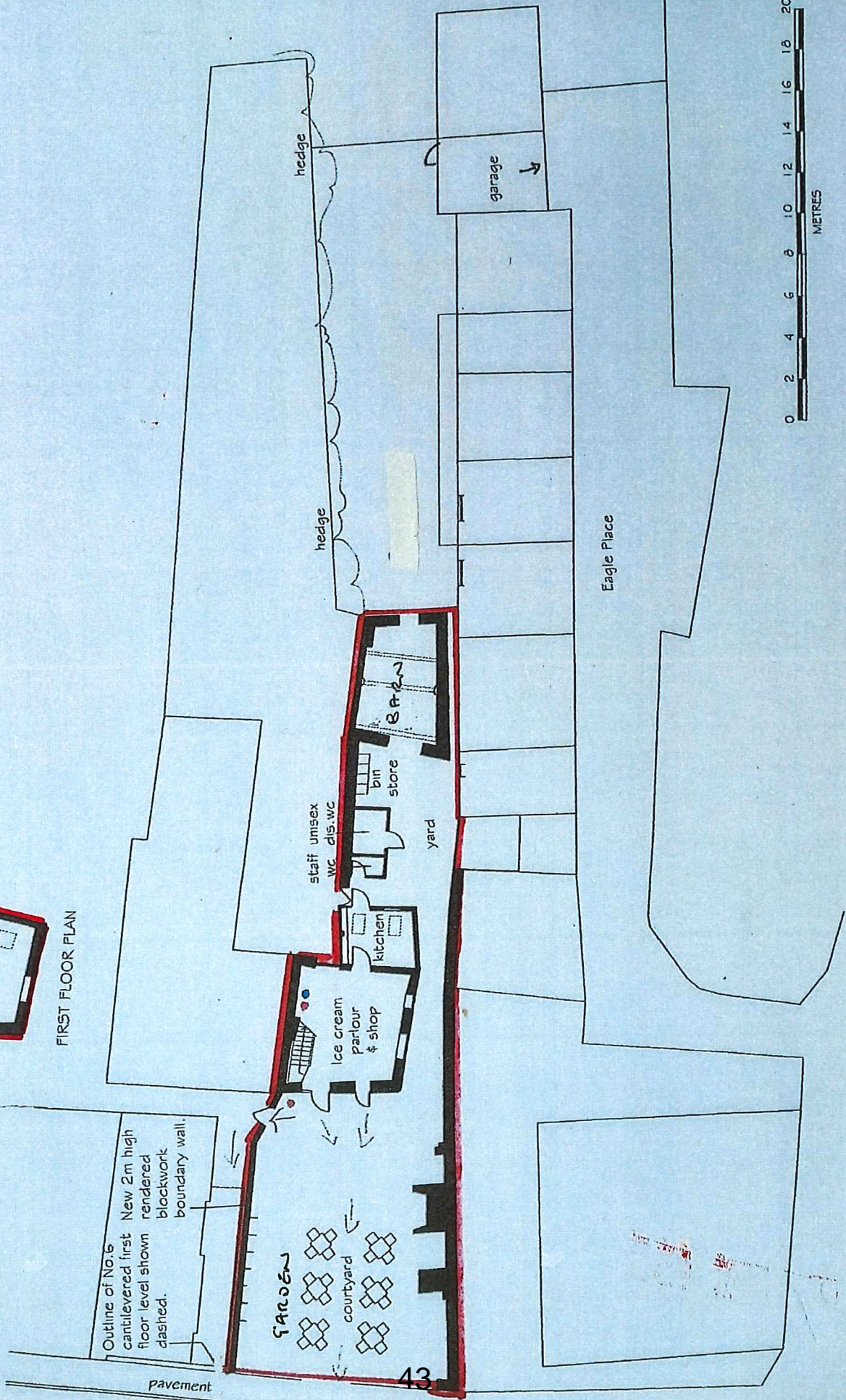


# APPENDIX A



FIRST FLOOR PLAN

Outline of No. 43 cantilevered first floor level shown dashed. boundary wall.



● FIRE  
● EXTINGUISHERS

All drawings are subject to change without notice.

PROJECION	DATE	BY	CHECKED
A	18.11.10 (Prof. Rev.)		

ALLAN B. MAT  
37 FOL  
BOVEY TRE  
TQ1  
Tel: (016  
Fax: (011  
emily.harding@a

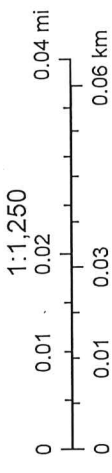
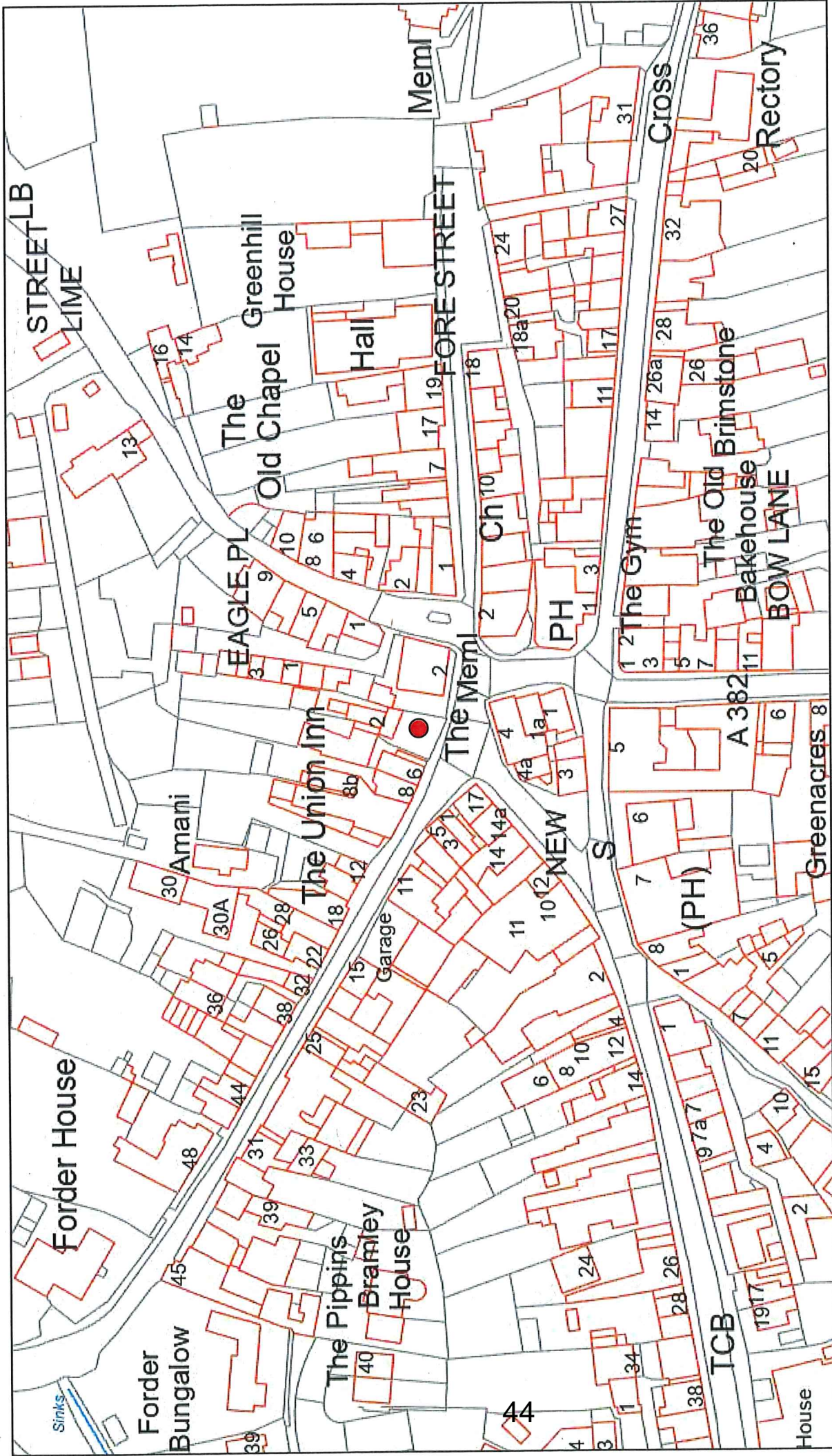
CHAF  
ARC

Mr C Lloyd &  
4A Ford St  
Moretonham

Proposed Alter  
SITE PLAN  
as propos

Scale 1:200 @ A1  
Drawing Number

Location plan



September 9, 2024



Scale: 1:400  
0 0.01 0.01 0.02 mi  
0 0.01 0.01 0.03 km  
Map Tile: SX7586SW Full Reference: SX75342 86102

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**From:** [REDACTED]  
**Sent:** Thursday, August 15, 2024 10:02 AM  
**To:** Ext Mail: Licensing <licensing@Teignbridge.gov.uk>  
**Subject:** 24/01072/LPRNEW

Application is for a premises licence for Baskervilles Ice Cream Parlour and Coffee Shop, 2 - 4 Ford Street, Moretonhampstead, TQ13 8LN  
Application number 24/01072/LPRNEW

Dear Teignbridge licensing officers,

I am writing to express concern about the abovementioned application in Moretonhampstead. This site is not suitable for the sale of alcohol.

1. With regard to public safety, the location is on a busy corner and is not a properly enclosed space but the site of a now-demolished old building which is being used as an ice cream shop and café. There is only an unsupervised small gate and a low wall between the premises and the A382. This road is used by vehicles of all sizes, including large logging lorries and heavy trucks regularly going to and from the nearby Thompsons yard. The corner is also hampered by poor visibility. Distractions presented by even moderately tipsy people leaving the site are likely to cause a danger to drivers as well as the consumers themselves.
2. There is also a danger of harm to those children and dependents whose guardians have been drinking. There is never any staff presence on the small gate, which simply pushes open, and the chances of children wandering out on to the A-road unattended and unnoticed by a parent is real. I might add that Baskervilles advertises itself as an 'ice cream parlour' – it is bound to attract families with children. Sale of alcohol alongside ice creams is inappropriate in this busy roadside setting.
3. Both of the above points are particularly pertinent given that the application includes hours after dark – until 10:30 pm six days per week.
4. With regard to public nuisance, the hours proposed are more than the local pubs are open. There are three pubs in Moreton and two of them (the Union and the Horse) regularly close early, before 9pm. There is every likelihood that if this establishment is allowed to serve alcohol late, it will attract the late-evening drinkers. But whereas in a pub their high spirits and noise are contained within solid walls, here there will be no protection from any rowdiness.
5. The application states the sale of alcohol is with the provision of food. I was under the impression that this establishment was not allowed to provide hot meals. Therefore, unless this has changed, we are talking about Baskervilles serving alcohol with light snacks. This will not have the same effect as serving with food. If this rule against serving food has been lifted, it does seem to me to be a whittling away of safeguards by degree. This whittling away will only be furthered by the granting of a premises licence.
6. Finally, I would like to make a point about the likely cultural impact on the town. When I came to Moreton twenty-five years ago, we had five flourishing pubs. First the Plymouth Inn closed. Then the Bell Inn did. The White Hart has had long periods of closure too, extending to years of being shut. The Bell and the three surviving pubs are all historic establishments – and they are the appropriate places for

drinking alcohol. Putting my professional hat on, the Union became a pub in 1686, the Horse is first recorded in 1726 and the White Hart was established in 1775. The Bell was first recorded in 1741. When pubs are under such financial pressure, they need to be supported.

Good town planning requires the right services provided in the right locations. An open-air, late-evening drinking café is precisely what Moretonhampstead does not need. In addition, it would be irresponsible to grant a licence that creates an unnecessary risk to drivers and visitors alike, and which will also have a detrimental impact on the neighbourhood.

Yours sincerely

Ian Mortimer, BA MA PhD DLitt FSA FRHistS

[REDACTED]

**The Licensing Section  
Teignbridge District Council  
Forde House  
Brunel Road  
Newton Abbot  
Devon TQ12 4XX**

19<sup>th</sup> August 2024

**The Baskervilles Ice Cream Parlour and Coffee House at 2-4 Ford Street  
Moretonhampstead**

To whom it may concern:

I am aware that the owner(s) of the above premises is/are again applying for a Premises Licence.

The previous application in October 2020 was turned down, and also dismissed at appeal.

I would urge the Licensing Authority to revisit the reasons for the refusal of the Licence, as the factors leading to those decisions are still valid.

The premises are surrounded by houses, and as the seating is mostly outside, it is inevitable that unacceptable levels of noise and disturbance would be created late into the evening.

I wish to remain anonymous, as there is a real risk of repercussions.

Hugh Arnold BSc(Hons) MCIOB

Moretonhampstead  
Newton Abbot  
TQ13 8LN  
23/8/24

The Licensing Section  
Teignbidge District Council  
Forde House  
Brunel Rd  
Newton Abbot  
TQ12 4XX

**Re: License application by Baskerville Estate Ltd for Premises license at 2-4 Ford St,  
Moretonhampstead ref 24/01072/LPRNEW**

Dear Sir/Madam,

I am writing to you in connection with the above application. I am resident adjacent to the application premises, my address is above. I wish to register my objection, in the strongest possible terms, to the grant of a Premises License in this case. I will set out my objections below.

They are, in summary:

1. The impact which the Public Nuisance caused by the granting of a license would have on our amenity and well-being.
2. Public Safety: insurance, fire safety and lack of Building Control approval.

I will now explain the concerns.

1. Impact from Public Nuisance noise on amenity and well-being of our household and other neighbours; The cafe has been established for a few years now so we know the level of noise it commonly produces. This is considerable during the day, and while it is an irritation and an annoyance, it is set against the background road noise from the lorries, coaches, cars and other vehicles that pass regularly during the day on the adjacent road, so that the noise from the cafe is, in relative terms, reduced by the background- it does not stand out as much, although at the rear of our property, where the cafe's additional seating and toilets extend well into a wholly residential area, it is often not reduced in that way. In the evening the road is much quieter and in particular there are no lorries or coaches. It is in these periods, when the town is much quieter, that the noise from the cafe will have a much higher impact on the local residents, especially in the summer months when the warm weather means my family and all other local residents are obliged to open windows to keep their houses cool. The open nature of the cafe site, which has a very small indoor space and a large outdoor seating area means that noise is not contained within the premises, but echoes out, and reverberates around The Square such that it is louder at first and second floor windows than at ground level. If the licence is granted then the opening hours will change from the current 0930-1630(approx) current level, to closing at 2300.

*To extend the period over which we are obliged to put up with the noise from the cafe would therefore affect our amenity, well-being and quality of life severely.*

This point also applies to our numerous neighbours. We believe there would be no evening activity at the cafe if an alcohol licence was **not** granted. The open-air seating section of the cafe is about a metre away from my 14-yr old son's window; if noise went on there until at least 2300 his sleep would be disturbed with all of the negative impacts this brings. It is worth saying that the cafe staff would still continue to work after the closing time of 2300, cleaning, tidying away cups, plates and glasses (this is particularly noisy in a stone



courtyard) and preparing for the following day- this would continue the noise nuisance(as the operations are mostly outdoors) after 2300.

Another concern in terms of impact on our lives is the coming and going of customers from the premises at late hours of the night. There are sometimes groups of people going to or from the premises who stand in the street outside the premises having loud conversations, which during the day is fine. However, were this to happen late at night(when, as I've stated, it is much quieter) it would disturb all the residents nearby. I must make the point that the cafe site has a direct boundary with six separate dwellings, and there are another five with a direct line of sight to the site over which noise travels unabated. Further to that there are more houses on the other sides of the adjacent dwellings; although the cafe site is in the 'centre' of town, it is still surrounded by numerous residential dwellings; the impact on the lives of the people living in those dwellings should be taken into account.

It is also clear that people who have consumed alcohol (even with the service of food alongside) tend to be less inhibited and therefore talk louder. The mitigation proposed by the cafe is that they train their staff to be 'aware and assess the risk of nuisance'. It is unclear how this would be used to bring about the reduction of harm from nuisance- no amount of training will bring them to abate the very activity upon which their job depends. It is noteworthy that the applicants do not mention any specific means of mitigating noise- it implies that they do not recognise the impact their business has on the surrounding neighbours who have to put up with it, and this on its own should inform the reader that the likely level of care in this area will be low.

It may be that the applicants intend to argue to the sub-committee that they have used Temporary Event Notices recently to cover evening activities, and that there have not been any noise complaints as a result of those temporary events, thereby showing the soundness of their cause; in reply, as it were, I would say that it would be churlish and somewhat futile, for me or any other to make a noise complaint during a Food Festival or the local Carnival- the whole street is thronged with people and noise is inevitable and the exact source impossible to distinguish. These kind of one-off infrequent events are not a matter of concern- they are a welcome part of the life of the town; what is far more serious in my view is that there could be *noise until 2300 on a daily basis, 6 days a week*, creating an unacceptable level of intrusion and disruption in our lives.

I also note that the planning permission under which the business operates does not allow business to continue after 2100 outdoors and 2200 indoors. This should also be taken into account given that the applicants have applied for opening until 2300. I trust those assessing the licence will see this in a poor light- if it is an accident, it shows incompetence in a very important area; if not, it suggests an intent to circumvent the protections put in place by the planning permission for the neighbouring residents.

2. Public Safety. Lack of Building Control approval; The Devon Building Control Partnership website states that the application for approved plans (for the extensive demolition and rebuilding work done to the building, 2016 to 2020), under the Building Regulations, has been rejected, so there is no way of knowing if the building is safe to use or fire-safe for persons entering. The Health and Safety Policy and Risk Assessments mentioned in the application have not been provided along with the application, although reference to them forms an integral part of the application itself. How are we, the public, supposed to know whether this has actually been done or not? Specifically if the risks due to lack of Building Control approval have been assessed and mitigated for. In turn, the question arises, if Building Control plan approval was not awarded, how can the establishment show that they have valid insurance in place? Only by reading the small print on an insurance policy can this be determined; it is a matter of significant concern as part of the buildings on my property connect to their cafe building- a fire in the cafe would also be catastrophic for my property. Furthermore it brings into question the validity of any Public Liability Insurance which they possess- clearly a Public Safety issue.

## **Conclusion**

To conclude, I would like to say that the best outcome for my household and all of our neighbours would be that the Council refuses to grant the Premises License applied for. If the above

objections which I have laid-out are not seen to be sufficient to warrant refusal, then we would suggest that a simple compromise would be to restrict the hours of sale of alcohol on or off the premises to end at 1700 hours every day. This would deal with many of the above concerns, though not with the Public Safety problem.

Yours Faithfully  
Hugh Arnold  
BSc(Hons) MCIOB

[REDACTED]  
Moretonhampstead

TQ13 8LT

Licensing

Teignbridge DC

By email only

29th August 2024

To whom it may concern,

**Re: application number: 24/01072/LPRNEW**

**Premises Licence for Baskervilles Ice Cream Parlour and Coffee Shop, 2-4 Ford Street,  
Moretonhampstead, TQ13 8LN.**

We are writing to oppose the above application. Our main points to bring to your attention are; public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

We objected to the original application in the autumn of 2020 and were heartened by the refusal decision of the Sub-Committee at that time; some of their reasons are still valid today and are included in our objections.

**Public Safety**

We as residents are continuing to experience increased risk to safety when navigating our way past the site via car, foot and bicycle. Disabled access is poor and often obstructed. The site is located on a busy A382 cross road. We are concerned that the introduction of alcohol and potential increased footfall to the site could increase the already existing risk to our and others safety.

**Cyclists** - Moretonhampstead is a popular cyclist destination and is a part of the Land's End to John O'Groats route. Throughout the year, Baskervilles Ice Cream Parlour and Coffee Shop is popular with cyclists parking up their bikes whilst they get refreshments and obstruct the pavement. Although they have made some attempt to make onsite parking available for bicycles, it is not sufficient.

**Deliveries** – There are no loading bays close by to the site and staff and delivery vehicles are often parked on the double yellow lines obstructing the pavement and main road, forcing pedestrians on to the unsafe road.

**Bus Stop** – The proposed site is approximately 5 meters from the 178, 359 and South Dartmoor Community College bus stop, buses stop here several times a day. This causes another obstruction and makes it difficult to safely navigate the cross roads.

**Traffic** – The A382 is a busy road with regular articulated lorries passing through from the Thompsons site 0.3 miles away, large agricultural vehicles and trailers as well large tour buses visiting Dartmoor in the summer and other times throughout the year.

### Prevention of Public Nuisance

The nature of the site would enable outside alcohol consumption in an extremely central and over looked location with no sound proofing or protection. The site is not enclosed properly and is over looked by many residential properties and we as local residents are concerned about being able to prevent public nuisance, there no longer being a regular, if at all, Police presence in the town.

During existing opening hours there is a notable level of noise to be heard from the Applicants' venue when we are in our own property. This includes people talking, which escalates with an increase in numbers; the clattering of pots and pans. The high stone wall surrounding the property does not deflect or absorb the noise.

**Residential properties** – There are approximately 10 residential properties that overlook the site that could be negatively affected by noise and antisocial behaviour as a result of drinking alcohol until 23:00 hours.

### Protection of Children from Harm

**Road safety** - as stated and explained above, there is a high risk associated with crossing the road due to a multitude of obstacles is made extremely hard and dangerous with young children either on foot or in a pushchair.

**School Bus Stop** – As stated above, the site is situated 5 metres from the school bus stop. Children that come off the school bus in the afternoons are subject to potential risk as they will have to pass by the site with no barriers or protection from inebriated punters.

**Residential Properties** – As stated above, the site is over looked by residential properties. The proposed increase in opening times together with the proposed late hour in which alcohol may be sold, could adversely affect the ability for local children to get to sleep causing harm due to excessive noise. And as seen with previous applications (notably Planning) by the Applicants, no doubt additional noise will be made by the provision (authorised or not) by on site music.

### The Prevention of Crime and Disorder

We are concerned about the potential increase of crime and disorder that has previously been noted and experienced by us and some other local residents.

As detailed before in previous objection letters, we would describe the owners of The Baskerville Ice Cream Parlour and Coffee Shop as bullies and people who push the boundaries. We have witnessed threatening and abusive behaviour, trespass and damage to private property and to ourselves. The

Police have previously been called and attended to such damage to property to another local resident near our home.

There are many examples where the owners of the Baskervilles Ice Cream Parlour and Coffee Shop have ignored or bent the rules to suit themselves; it is apparent that the owners have total disregard for the law.

We are deeply concerned about the suitability of the Applicants and their questionable characters to hold a premises licence. If they are prepared to bend and shape the rules to suit themselves, we question the responsibility given to either of them as licence holders.

As always, the people who make these decisions do not have to live with the consequences. As in 2020, we trust that the Sub-Committee will decide what is in the best interests of the existing residents rather than the Applicants.

Yours faithfully

**Steve and Louise Adams**

 Moretonhampstead

[REDACTED]

---

**From:** Frank V Arnold [REDACTED]  
**Sent:** 31 August 2024 11:27  
**To:** Ext Mail: Licensing  
**Subject:** Application Number 24/01072/LPRNEW

**Categories:** [REDACTED]

To whom it may concern

I am writing to object to the above application which concerns Baskerville Ice Cream Parlour and Coffee Shop, 2-4 Ford Street, Moretonhampstead, TQ13 8LN and the proposed sale of alcohol on it's premises. As the owner of 1. Eagle Place, Moretonhampstead and also in the interests of the tenant and family therein I have to object to this application in respect of the negative impact on public wellbeing that will ensue. Community life will be adversely affected especially in the following areas:

- # Prevention of crime and disorder;
- # Public safety;
- # Prevention of public nuisance;
- # Protection of children from harm.

There are many other factors which need to be taken into account including the suitability of the premises of the above named ice cream parlour and the impact of additional vehicle movement in and around the area. The premises services it's customers outdoors in the main thus magnifying any noise and disruption on the community.

The application contains statements relating to the above risk factors and relies heavily on staff numbers and staff training as the means to control the situation. This is not a guarantee but a wish list only.

I know many of the local people and am aware that they have similar objections. My own son and his family live next door to the ice cream parlour at 6 Ford St. He, Hugh Arnold, will be able to speak on my behalf at any hearing; I live in Oxfordshire so am unlikely to be able to attend.

I should be happy to answer any questions you may have regarding the above

Yours Sincerely

Frank V Arnold PhD. C Chem. FRSC.

[REDACTED]  
Banbury  
Oxon.  
OX16 3WS

(tel. [REDACTED])

Sent from [Mail](#) for Windows

[REDACTED]

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**From:** Will Cattell [REDACTED]  
**Sent:** 01 September 2024 17:04  
**To:** Ext Mail: Licensing  
**Subject:** 24/01072/LPRNEW - objection to Baskervilles Application

**Categories:** Deb

Dear Licencing Department,

I am writing in order to object to the Baskervilles licensing application. My main objection relates to the prevention of public nuisance. I feel that the shift in opening hours from 1630 to potentially 2300 along with the purchase of alcohol risks serious noise disturbance to residents of Ford Street. Training staff to be increasingly aware will not mean that noise would not occur, and the open air courtyard that compromises the majority of Baskervilles Ice Cream and Coffee Shop borders a number of residential properties.

All of the other licenced premise in MOretonhampstead offer enclosed areas for outdoor eating and drinking, i.e. areas that do not border residential properties, and I do not think that Baskervilles - already a busy cafe - can guarantee the noise limitation that is required in this area.

Many thanks for considering this,

Will Cattell

[REDACTED]

---

**From:** Astrid Arnold [REDACTED]  
**Sent:** 01 September 2024 22:59  
**To:** Ext Mail: Licensing  
**Subject:** Alcohol Licence application 24/01072/LPRNEW

**Categories:** [REDACTED]

Dear Licensing staff,

I write concerning the Baskervilles current application for a Premises Licence, 24/01072/LPRNEW at 2-4 Ford Street, Moretonhampstead.

I wish to reiterate and support all the points my Husband, Hugh Arnold, has made in his letter to you. If a licence is granted which allows the cafe to be open until 11pm at night, it will harm our community significantly, with the noise and disturbance of the movement of intoxicated people in the street outside our house, and in the open air cafe premises which are right next to my teenage son's bedroom window. He, as well as my daughter, should have the right to sufficient sleep to be able to concentrate properly at school and develop. The applicants have not shown any realistic method of mitigating the impact on us in their application, and we doubt they will provide sufficient staff to be able to control the disturbance and noise that will arise from their activities, as we anticipate that most of their customers will be spending their time on the premises outside due to the very limited inside space (as is currently the case with the ice cream and cafe customers). The stone walls surrounding the premises funnel the noise outwards just like a speaker.

If the sale and consumption of alcohol were to take place mainly inside a building, as in the case of a pub, then the owners of the premises would have much more control over the mitigation of any noise nuisance. In this case however, that would be very difficult to achieve, due to the above mentioned very limited inside space.

One further point is that the granting of a licence for the sale of alcohol during the evening could set a precedent which then further erodes our peace and stability- a future owner or tenant of the Ice cream parlour premises (if the current owners sell or lease the property) could seek to extend what would already be a bad situation for us, potentially applying for a music licence or even extending the hours of business further into the night. Please help by refusing this application which will ensure we are able to continue living peacefully here with our family.

Yours Sincerely

Astrid Arnold  
[REDACTED]  
Moretonhampstead  
TQ13 8LN



[REDACTED]  
Moretonhampstead  
TQ13 8ND

2<sup>nd</sup> September 2024

Teignbridge District Council

To Whom It May Concern

**Re: Alcohol License Application 24/01072/LPRNEW**

I write with regard to the Alcohol License application submitted by Baskervilles Ice Cream Parlour And Coffee Shop, 2 - 4 Ford Street, Moretonhampstead TQ13 8LN.

I strongly object to this application due to the potential disturbance on our small residential community within this conservation area.

I moved into this property eight years ago as it provided the quiet and peaceful home I was looking for. It has been my expectation to stay here for many years to come. I believe an approval of this application would deny my own and my surrounding neighbour's rights under Protocol 1, Article 1 of the Human Rights Act 1998: Right to peaceful enjoyment of your property.

The houses in the terrace in Eagle Place are small and it is often necessary for me to have windows open for ventilation. Any sounds coming from the premises of 2 Ford Street are very noticeable. If Baskervilles was to become a licensed premises, seven days per week, with opening times until 11pm every evening for six days per week, this would surely have a huge impact on our quiet neighbourhood.

We are a close knit community made up of families, and older and more vulnerable people. We live harmoniously and quietly alongside each other and we fear the quality of our lives will be greatly affected by this business.

I request this application be denied due to impact on nearby residencies. Currently there are further residential homes under construction behind Eagle Place, which will add to the number of homes affected by any noise and disruption.

In addition, Moretonhampstead has three public houses, with a fourth due to reopen in the spring. All of these established premises have struggled following the pandemic and as such all need supporting, rather than adding further competition to their businesses.

Yours sincerely

Janette Staton

[REDACTED]

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**From:** Jane Willis [REDACTED]  
**Sent:** 03 September 2024 10:39  
**To:** Ext Mail: Licensing  
**Subject:** Baskerville Ice Cream Parlour 24/01072/LPR New

**Categories:** [REDACTED]

FAO Teignbridge Licensing Officer

I am concerned about this application to grant an alcohol license and extend the opening hours of this coffee shop and Ice cream parlour into the evening. I fear that the granting of a license from 10am to 23.30pm, 6 days per week will create noise in the centre of this quiet village at night time and create a Public Nuisance.

In the countryside where there is little noise or traffic, the sound of people's voices outdoors in the evening is much more apparent than it is in busier urban environments. My experience is that when people drink, their voices get louder and they are less aware of the noise they are creating. These premises have very little indoor seating so customers will be mostly sitting outside in close proximity to people's homes. I would have no objection to the business being granted an alcohol license during the daytime. It is the evening opening that I am concerned about.

A few years ago The Bell Inn at the end of Cross street where I live, had a table outside it on the pavement where people would sit drinking late into the evening talking loudly. This caused local residents much disturbance and distress. Your department was involved at the time.

Jane Willis  
[REDACTED] Moretonhampstead, TQ13 8NL  
[REDACTED]

## National Guidance

### National guidance regarding premises is as follows:-

- ‘14.9 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.*
- 14.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.*
- 14.11 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.*
- 14.12 Statements of policies should make clear that:*
- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and*
  - conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.*
- 14.13 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.*
- 14.24 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.*
- 14.29 As noted above, there should be an evidential basis for the decision to publish a Cumulative Impact Assessment. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:*
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
  - Statistics on local anti-social behaviour offences;*

- Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- Environmental health complaints, particularly in relation to litter and noise;
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- Residents' questionnaires;
- Evidence from local and parish councillors; and
- Evidence obtained through local consultation.

14.30 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- Changes in terminal hours of premises;
- Premises capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

14.33 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The CIA should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 14.47.

14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

14.41 The CIA must also stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for

*premises with different styles and characteristics. For example, while a large nightclub or high-capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.*

- 14.46 *CIAs must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.'*

**National guidance regarding licensing hours is as follows:-**

*'14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.*

14.52 *Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.'*

**National guidance regarding non-duplication of other regimes is as follows:-**

*'14.14 Statements of licensing policy should reflect the general principles regarding licence conditions set out in Chapter 1 of this guidance.*

14.65 *The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.*

14.66 *There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.'*

**National guidance regarding standardised conditions:-**

*'10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to*

*implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.'*

APPENDIX

## Licensing Policy Considerations

It is considered that the following have a bearing upon the application:

- 3.1 The Council, as the Authority, has a duty under Section 4 of the Act to carry out its licensing functions with a view to promoting the four licensing objectives. Each objective is of equal importance and there are no other licensing objectives. The licensing objectives are:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harm
- 3.2 These objectives are the only matters to be taken into account in determining applications and any conditions attached must be necessary to achieve the licensing objectives. If there are no relevant representations, then an application must be granted and will be subject only to the mandatory conditions and the applicant's operating schedule.
- 4.1.1 The licensing function is only one means of delivering the licensing objectives and should not be seen as a panacea for solving all alcohol and entertainment-related problems within the community. The Authority recognises that as well as the licensing function there are a number of other mechanisms for addressing alcohol-related crime and disorder such as:
- planning controls
  - Community Alcohol Partnerships
  - installation and/or expansion of CCTV systems in problem areas
  - Public Spaces Protection Orders (Crime and Policing Act 2014)
  - S.27 and s.30 Dispersal Orders (Anti-Social Behaviour Act 2003)
  - police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise (Licensing Act, ss.160 & 161)
  - the power of Responsible Authorities and other persons to apply for a review of the licence (see 9.2)

The Authority will therefore continue to work in partnership with other licensing authorities, the Responsible Authorities, other agencies such as South Devon and Dartmoor Community Safety Partnership and with local businesses and residents in a co-ordinated approach to tackling alcohol-related crime and anti-social behaviour.

- 4.1.3 In discharging its licensing function, the Authority will comply with relevant legislation Section 17 Crime and Disorder Act 1998, The European Convention on Human Rights, which is applied by the Human Rights Act 1998, The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and Equality Act 2010.

The licensing authority will also have regard to other legislation, strategies, policies and guidance in its decision making.

- 4.1.4 The central purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The Authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community. The Authority will expect applicants and licence holders to demonstrate that they have given thought to and have in place adequate measures to ensure that the operation of their premises will not have an adverse effect on the quality of life of persons living and/or working in the vicinity of the premises.
- 4.3.3 The Authority recognises that it is a fundamental principle of the Act that the licensing function should not duplicate other statutory regulation.
- 5.3.1 When determining a licence application, the overriding principle adopted by this Authority will be that each application will be determined on its merits. The Authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to promote the licensing objectives. The Authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The Authority will give reasons for any such departure from policy.
- 5.3.2 The Authority will expect applicants to demonstrate in their applications active steps for the promotion of the licensing objectives. When determining an application, a key consideration for the Authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community.
- 5.3.3 The Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, anti-social behaviour, littering, fouling, noise and the capacity of the infrastructure and police resources to cope with the movement of large numbers of people, particularly late at night and in the early morning.
- 5.3.4 Since the introduction of the Act, the Authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The Authority will expect applicants to have particular regard to these issues and to include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises. Existing licence holders will also be expected to demonstrate – through the effective management of their premises – that they are taking appropriate and reasonable steps within their control to minimise disorder, anti-social behaviour and public nuisance.
- Public nuisance is not defined in the Licensing Act 2003 and retains its broad common law meaning. It should be noted that public nuisance can include low-level nuisance affecting a few people living locally as well as major disturbance affecting the whole community. It may also include the reduction of the living and working amenity and environment of persons and businesses in the area of licensed premises. (Home Office Guidance 2.16 (S182 April 2018))*
- 5.3.5 When deciding whether to grant a licence, the Authority may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities



proposed, or that the management of the premises is not sufficiently competent to protect the public from harm or nuisance.

5.3.6 When determining an application, the Authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant may be disregarded. The Authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the Authority will consider their application or representation but may attach less weight to it.

5.3.7 It should be noted that, when determining an application, the Authority is making a judgement about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.

3.5.1 Public nuisance can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the wider community. Nuisance is generally attributable to noise (from loud music or from rowdy customers), vibration, light pollution, noxious smells and litter. Applicants will be required to demonstrate that they have adequate measures in place in their applications to prevent nuisance and disturbance.

3.5.2 Noise from people entering and leaving licensed premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers under the influence of alcohol are often less inhibited about their behaviour and may be unaware of the noise they are creating. As background noise levels are lower at night, any noise is more intrusive for residents trying to sleep.

3.5.3 The Authority will require applicants to take appropriate and proportionate measures for the prevention of public nuisance. Such measures may include those listed in the [Authority's Information Pack – Pool of Licensing Conditions](#)

6.1 In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours beyond midnight higher standards of control and supervision will be expected in order to promote the licensing objectives - especially for premises situated in or near residential areas.

6.2 The Act does not provide for standard closing times. Licensed premises will generally be permitted to sell alcohol during the hours they intend to open provided they can demonstrate to the satisfaction of the Authority that the premises will be operated in a manner consistent with the licensing objectives, Home Office guidance (S182) and this Policy. However, there is no presumption that applications for extended hours will take precedence over the human rights of local residents and businesses.

6.3 The licensed hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives. The Authority may, however, set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area or is necessary to achieve one or more of the licensing objectives.

*Home Office Guidance 10.14 (S182 April 2018). 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.*

6.4 The Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other 'flashpoints' in areas where there have already been incidents of disorder and disturbance.

6.5 In considering licence applications, the Authority will consider the adequacy of measures proposed to deal with the potential for crime, disorder and/or nuisance having regard to all the circumstances of the case. The Authority strongly encourages the adoption of best practice. This includes the expectation, as an item of best practice that CCTV will be provided in those premises that wish to trade in the sale of alcohol beyond midnight for the purpose of preventing crime and disorder and public safety. Applicants should carry out a risk assessment with regard to CCTV and are expected to include CCTV in their operating schedule. Where they elect not to do so, they are strongly advised to provide information explaining that omission. For example, that the risk assessment has shown CCTV to be unnecessary.

7.1 Conditions attached to a premises licence or club premises certificate are a key element of the regulatory framework established by the Act. There are three types of conditions:

- mandatory conditions set out in the Act,
- conditions consistent with the operating schedule, and
- conditions imposed by the Authority.

*The Licensing Authority may only impose conditions on a premises licence or club premises certificate where it has received a relevant representation about an application. The application will then be determined at a hearing by a Licensing and Regulatory Committee. If no relevant representation is received, the application must be granted on the terms applied for subject only to the mandatory conditions and conditions consistent with the Operating Schedule.*

7.2 Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:

- be appropriate, reasonable and proportionate
- be enforceable
- not duplicate other statutory requirements
- be relevant to the particular type, location and character of the premises concerned
- not be standardised
- not replicate offences set out in the Act or in other legislation
- be written in a prescriptive format

7.3 The Authority encourages applicants to seek technical advice from the appropriate Responsible Authorities when preparing their Operating Schedules as this will enable any problems to be resolved at an early stage and will reduce the likelihood of representations.

7.4 Experience has shown that many of the conditions volunteered by applicants are poorly worded, unclear or ambiguous and therefore unenforceable. As an aid to applicants, the Authority has prepared a menu of suggested measures to promote the licensing objectives which applicants are encouraged to consider when preparing their operating

schedules. These measures are not prescriptive but will help to ensure that licence conditions are expressed clearly and consistently and enable enforcement to be carried out equitably. The conditions can be viewed within the [Information Pack](#). The Authority, in consultation with the applicant, may amend the wording of proposed conditions where this is unclear, ambiguous or unenforceable.

*Home Office guidance 10.5 (S182 April 2018) states that it is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.*

- 7.5 The Authority will pay particular attention to the effect – potential or actual - of licensable activities on those living, working or otherwise engaged in the area concerned and, where relevant representations are received, may attach conditions if it considers it appropriate for the promotion of the licensing objectives.
- 7.6 Conditions attached by the Authority to Premises Licences and Club premises certificates will relate to matters falling within the control of individual licensees. It is recognised that the licensing function cannot be a mechanism for the control of disorderly behaviour by individuals once they are beyond the direct control of the licence holder. However, the Authority and Responsible Authorities may take action where it can be established that there is a clear linkage between disorderly behaviour and a specific premises.
- 7.7 The Authority will not impose inappropriate or over-burdensome conditions on licences. The Authority may, however, impose conditions where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives.
- 7.8 Although it is not a legal requirement, the Authority recommends as good practice - in respect of premises licensed to sell or supply alcohol for consumption on the premises – that a Personal Licence holder is on the premises at all times to make or authorise such sales or supplies. The Authority is keen to encourage the presence of properly trained staff on licensed premises. Applicants may wish to consider including this as a condition of licence, where appropriate, as a measure to promote the licensing objectives. Where this is not possible (because the premises is too small or because staffing levels do not permit) or when the Premises Supervisor/Personal Licence holder will be absent for a significant length of time, a responsible person should be authorised to oversee the sale of alcohol in the place of the Premises Supervisor/Personal Licence holder. The Authority will expect the authorisation to be made in writing, kept securely on the premises and made available for inspection by an authorised person if requested. Copies of the authorisation should be sent to the Authority and the police.

*NB. 'Authorisation' does not mean direct supervision. The government recommends that Personal Licence holders give specific written authorisations to individuals they are authorising to sell or supply alcohol and that such individuals are clearly identified (Home Office Guidance 10.29 - 10.35 (S182 April 2018))*

- 8.1 Cumulative impact assessments (CIA) were introduced by the Policing and Crime Act 2017, with effect from 6 April 2018.
- 8.4 If the Authority receives relevant representations suggesting that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type and thereby creating problems of disorder and nuisance over and above the impact from the individual premises themselves, the Authority may consider the issue of cumulative impact when determining an application. The onus is on any person, or

organisation, making such representations to prove the assertion that the grant of the licence would cause the cumulative impact claimed.

- 8.5 The Authority does not propose to operate a quota system of any kind, which would have the effect of pre-determining any application; nor does it seek to impose general limitations on trading hours in particular areas. The Authority recognises that pubs, clubs, restaurants, hotels, theatres, concert halls and cinemas have contrasting characteristics and styles of operation. Proper regard will be given to those differences and the impact they are likely to have on the promotion of the licensing objectives
- 11.1 The Authority recognises that drug use is not something that is relevant to all licensed premises. However, where relevant representations are received, the Authority may need to impose special conditions for certain types of venues in order to reduce the sale and consumption of drugs and to create a safer environment for customers using the premises. The conditions to be imposed in such cases will be taken from the Government Department pool of conditions which take into account the report "Safer Clubbing" published by the Home Office. The sale or use of new psychoactive substances (NPS) (so called Legal Highs) the Authority will consider any issue with NPS in line with current legislation and government policy. Where the Authority deems such conditions to be appropriate for the promotion of the licensing objectives, it will seek advice from the local Drugs Action Team and the Police.
- 12.1 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed by the Security Industry Authority. The Authority recognises that certain premises, because of the nature of their operation, their capacity, their licensed hours and the licensable activities provided, may require stricter supervision for the purpose of reducing crime and disorder and public nuisance. In such cases, where relevant representations are received, the Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 12.2 The Authority recognises that Door Supervisors have an important function in terms of supervising customers not only inside premises but also outside. Door Supervisors will therefore be expected to take a pro-active role in managing the behaviour of customers outside premises in order to minimise any disturbance and nuisance to nearby residents. Licence holders should ensure in particular that, at closing times, they have sufficient Door Supervisors to effectively control 'surges' of customers leaving premises.
- 12.3 Whenever security operatives are employed at licensed premises to carry out any security function such operatives must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Strategy.

It is a mandatory condition of a Premises Licence that where the licence requires personnel to carry out security activity (e.g. screening of customers, dealing with conflict management, crowd control) such personnel are licensed by the Security Industry Authority. (Licensing Act 2003, s.21).