

## LICENSING AND REGULATORY COMMITTEE

**DATE:** 14 October 2020

**REPORT OF:** Licensing Manager

**SUBJECT:** **Application for a New Premises Licence – The Cider House, Tucketts Farm, Lower Netherton, Newton Abbot, TQ12 4RL**

### PART I

#### RECOMMENDATION

That the Licensing and Regulatory Committee is requested to consider this application.

#### 1. THE APPLICATION

Applicant: **Daniel Hooper**

Premises: **The Cider House, Tucketts Farm, Lower Netherton, Newton Abbot, TQ12 4RL**

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 Sunday 10am to Midnight

Relevant licensable activities:

- Supply of alcohol.

Hours of licensable activities:

Supply of Alcohol 10am to 11.30pm

(on and off the premises)

Seasonal variation on all licensable activities

New Years Eve/Day Open of business on New Years Eve to close of business on New Years Day

Designated premises supervisor: **Daniel Hooper**

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Supply of alcohol is for consumption on and off the premises.

Steps to promote licensing objectives:

- General  
An original 17th century cider press and barrel store offering a cider tasting experience. Includes an enclosed courtyard where the ambiance of this idyllic setting can be enjoyed. Cider and wine to be made from produce grown on the farm.
- The prevention of crime and disorder
  1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
  2. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
  3. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
  4. Recognising the signs of drunkenness.
  5. The 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.
- Public safety  
In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
- The prevention of public nuisance
  1. Clear and legible notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
  2. The handling of kegs, bottles, cleaning equipment and bottle disposal shall not take place before 07.00 hours or after 23.00 hours.
  3. No deliveries (in relation to licensable activities) to the premises shall take place between 23.00 hours and 07.00 hours.
- The protection of children from harm
  1. There will be in place an 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
    - A passport
    - An identification card carrying the PASS hologram
  2. Unless such identification is produced the sale of alcohol must be refused.

### **Mediated Amendments – Police**

Prevention of Crime and Disorder – additional condition

- Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.

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### Conditions agreed – Environmental Health

Prevention of Public Nuisance – additional conditions

- Restriction to the playing of live music to the inside of the building only and to limit the playing of live music to once per calendar month with at least 4 weeks between events.
- All other amplified music both inside and external to the premises to be played at a volume to be agreed with the Environmental Health Department.

### Observation - Planning

The applicant has not yet sought planning or listed building consent for the proposed use. The building from which the sale of alcohol is proposed is a Grade II\* listed building. Before proceeding further with the venture, we would advise the applicant to engage with the planning team in the form of a pre-application enquiry to establish if planning or listed building consent is required, and what considerations are relevant to the proposal.

The applicant may also wish to obtain separate pre-application advice from Historic England.

## 2. RELEVANT REPRESENTATIONS

### Responsible authorities:

Police – no objection as conditions agreed.

Environmental Health Officer – no objection – conditions agreed.

Fire Officer – no objection.

Planning Officer – no objection - observations made

Food and Safety - no representation received.

Child Protection Agency - no representation received.

Weights & Measures – no representation received.

Health Authority - no representation received.

### Interested parties:

Four 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.

**Andrea Furness**  
**Licensing Manager**

<b>Wards affected</b>	<i>Kerswell-with-Combe</i>
<b>Contact for any more information</b>	<i>Andrea Furness</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>

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<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>