

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB-COMMITTEE

CHAIR: Cllr Robert Hayes

DATE: 14 April 2025

REPORT OF: Licensing Manager

SUBJECT: **Application for a Variation to a Premises Licence –
Dartmoor Whisky Distillery Ltd, The Old Town Hall, Bovey
Tracey, TQ13 9EG**

PART I

RECOMMENDATION

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

1. THE APPLICATION

Applicant: Dartmoor Whisky Distillery Ltd

Premises: Dartmoor Whisky Distillery, Old Town Hall, Bovey Tracey, TQ13 9EG

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the regulated entertainment – plays, films, live and recorded music and 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 1000hrs to 0030hrs

Relevant licensable activities:

- Supply of alcohol.
- Provision of regulated entertainment: plays, films, live and recorded music.

Hours of licensable activities:

Performance of Live Music (Indoors)	Monday to Sunday	10am to Midnight
Playing of Recorded Music (Indoors)	Monday to Sunday	10am to Midnight
Plays (Indoors)	Monday to Sunday	10am to Midnight
Films (Indoors)	Monday to Sunday	10am to Midnight
Supply of Alcohol (on/off the premises)	Monday to Sunday	10am to Midnight

Designated premises supervisor: **Mr Gregory Leslie Millar**

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

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Steps to promote licensing objectives:

- General

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- The prevention of crime and disorder

A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.

A structured training programme surrounding substance misuse will be in place. Training will be undertaken at regular intervals but at least annually for all staff that deal with persons who are in the possession of or incapacitated with drugs or the combined effect of drugs and alcohol.

Records will be maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training.

Records will be available for inspection by an authorised officer of a responsible authority at all reasonable times. The records will be retained for at least 12 months.

The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and local authority.

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals and enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 14 days with date and time stamping. (Offers on applications more than 14 days are acceptable).

Viewable copies of recordings will be provided on request to the Police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998 (or any replacement legislation) OR a staff member from the premises who is conversant with the operation of the CCTV system, shall be always on the premises when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 1998 (or any replacement legislation).

The applicable condition will be based on the size/location and business operation of the premises, assessed on an individual basis.

The CCTV system will be capable of downloading images to a recognisable viewable format.

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There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

The CCTV system will be fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document www.informationcommissioner.gov.uk (or any renewed equivalent guidance which is subsequently issued) regarding installation of CCTV is provided at the premises.

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Licensing Authority and the Police must be informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means this was done and to whom the information was reported. Immediate steps must be taken to put the equipment back into action. The Licensing Authority and the Police shall be informed when faults are rectified.

A staff member from the premises who is conversant with the operation of the CCTV system shall be always on the premises when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 1998 or any replacement legislation).

- Public safety

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- The prevention of public nuisance

No collections of waste or recycling materials (including bottles) from the premises shall take place between 10:00 hours and 18:00 hours on the following day.

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

- 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:

- o A photo driving licence
- o A passport
- o 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.

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:

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

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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.

Online sales

Alcohol can only be ordered for delivery to a residential or business address and not to a public place.

Full address details, including postcode, must be given when placing an online order for alcohol.

At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.

Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.

All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.

Training surrounding the procedures for online alcohol orders will be undertaken.

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.

Conditions Agreed – Environmental Health

1. Amend the live and recorded music finish times from 24:00 till 23:00 for every day.
2. Add a condition that stipulates all windows will be closed when live or recorded music is played.
3. Noise levels will be monitored and recorded outside the premises during live and record music.

The report is currently set out as applied. The agreed conditions with Environmental Health have not yet been amended, if the sub-committee grant the licence, these changes will be carried out before the licence is issued.

2. RELEVANT REPRESENTATIONS

Responsible authorities:

Police – no objection.

Environmental Health Officer –no objection as conditions agreed.

Fire Officer – no objection.

Planning Officer – no response received

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Food and Safety - no response received.

Child Protection Agency - no response received.

Weights & Measures – no response received.

Health Authority - no response received.

Interested parties:

Seven representations were 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.

Mrs Andrea Furness
Licensing Manager

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