

## **LICENSING ACT 2003 SUB-COMMITTEE 2**

### **6 DECEMBER 2018**

Present Councillors Rollason (Chairman), Morgan and Winsor

In attendance Mr Hayles, Applicant

Officers in Attendance:

Marie Downey, Solicitor

Andrea Furness, Licensing Manager

Trish Corns, Democratic Services Officer

#### **1. ELECTION OF CHAIRMAN**

It was proposed by Councillor Winsor, seconded by Councillor Morgan and  
Resolved

That Councillor Rollason be elected Chairman for the meeting.

#### **2. MINUTES**

The Minutes of the meeting held on 21 August 2018 were confirmed as a correct record and signed by the Chairman.

#### **3. DECLARATIONS OF INTEREST**

There were no declarations of Interest.

#### **4. APPLICATION FOR A NEW LICENCE FOR THE PREMISES KNOWN AS THE RUST AND THE WOLF, ASHBURTON**

##### **4.1 Introductions**

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Officer, Democratic Services Officer and explained their respective roles.

The Chairman advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

## **4.2 Procedure to be followed**

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

## **4.3 The Council's Licensing Officer's Report**

The Licensing Manager referred to the report previously circulated with the Notice of Hearing and the agenda, which contained full details of the application. The Licensing Manager referred to the current conditions, circulated with the agenda. The premises would be known as The Rust and The Wolf. Two objection representations from residents had been received on the grounds of public nuisance. One objection had been resolved with a mediated amendment by the Police. The two objectors were not in attendance at the meeting. In response to questions the Licensing Manager advised that the police had not requested CCTV and that this was only usually requested if the closing hour was after midnight and there were crime and disorder issues in the locality. Late night refreshment had not been requested because the premises would not be open passed 2300hrs.

## **4.4 Address by Interested Parties**

### **4.4.1 Mr Hayles Applicant**

In attendance at the meeting was Mathew Hayles, the Applicant and Designated Premises Supervisor. He advised that he had spoken to one of the objectors. Following their discussion the objector seemed content with his application, but their representation was not formally withdrawn. He also referred to a document of approximately 100 signatures from existing customers in support of the new licence application to enable wine to be served with dinner. The Sub Committee agreed that this be circulated at the Hearing as additional information.

In response to questions, the Applicant advised that deliveries would be within working hours only; he has had previous temporary event notices and he has not been aware of any objections; the food service would cease at 2100hrs in the external courtyard area so as not to cause a noise nuisance to neighbours; and that the former use of the premises had been kitchen cabinet makers.

The Legal Adviser confirmed that she was not aware of any noise nuisance issues in relation to the premises having been reported to the Council's Environmental Health Department.

## **5. Decision**

"We have very carefully considered all the written and oral evidence and submissions from all the parties.

The Council's Licensing Policy states that terminal hours will normally be approved when the applicant can show that the proposal would not adversely affect the licensing objectives, unless after hearing relevant representations, the Council believes it necessary, proportionate and reasonable to restrict the hours requested. On the evidence that we have heard, we are satisfied that the Applicant is experienced and responsible, and we do not consider it is necessary, proportionate and reasonable to restrict the hours requested. We are satisfied on the balance of probability that the premises will not cause an unreasonable nuisance to local residents.

In the circumstances we grant the application as detailed in the report."

### **Rights of Appeal**

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the premises licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates' Court, 1<sup>st</sup> Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the premises, the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

CLLR DAVID ROLLASON  
Chairman

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