



Falmouth Town Council

AMW/EJM

22nd January 2019

TO: All Members of the Licensing Committee
Councillors S D Eva (Chair), M C Morgan (Vice Chair), R J Bonney, A J Gillett, A Parker
and D W Saunby CC

All other Members for information.

Dear Councillor

I hereby invite you to attend a meeting of the Licensing Committee to be held in the Council Chamber, Municipal Buildings, The Moor, Falmouth on Monday 28th January 2019 at 5.00pm for the purpose of transacting the following business.

Yours sincerely

Town Clerk

AGENDA

Chairman's Announcements

1. **APOLOGIES**
To receive and approve apologies for absence.
2. **INTERESTS**
To receive declarations of interests in respect of items on the agenda.
3. **MINUTES**
To receive the minutes of the meeting of the Committee held on 14th January 2019. (1-2)
4. **CORNWALL COUNCIL LICENCES**
Variation to License, The Moth and The Moon, 31 Killigrew Street, Falmouth
To consider variation to license for The Moth and The Moon to include the first floor of the premises for licensable activities and to amend condition for the requirement of door staff. (3-20)

Grant of License, Star Glazers, 17 High Street, Falmouth

To consider License for Star Glazers for sale of alcohol on the premises only. (to follow)



Town Clerk
A.M. Williams FCIS

The Old Post Office, The Moor, Falmouth, Cornwall, TR11 3QA



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FALMOUTH TOWN COUNCIL

Minutes of a meeting of the Licensing Committee held on Monday 14th January 2019 in the Council Chamber, Municipal Buildings, Falmouth at 6.30pm.

Present: Councillors S D Eva (Chairman), M C Morgan (Vice-Chair), R J Bonney, A J Gillett, A Parker and D W Saunby CC

Councillor J M Spargo also attended

In Attendance: A M Williams (Town Clerk)

LSC279 APOLOGIES

None received.

LSC280 INTERESTS

None received.

LSC281 MINUTES

It was proposed by Councillor Parker, seconded by Councillor Morgan and

RESOLVED that the minutes of the meeting held on 7th January 2019 be agreed as a correct record of the proceedings and signed by the Chair.

LCS282 CORNWALL COUNCIL LICENCES

(1) Variation to Licence, Pasty Shack, 60 Church Street, Falmouth

The Chairman was disappointed that the applicant had not attended to present their application. He reported that an extension of hours was sought for late night refreshments from 2300 hours to 0300 hours Monday to Sunday. The applicant had submitted a supporting document to the request which was read by the Committee. The Police Licensing Officer objected to the application in its entirety as she believed another late night refreshment premises in Church Street would have a negative effect on crime and disorder.

It was proposed by Councillor Bonney, seconded by Councillor Saunby and

RESOLVED that the Council objects to the application to vary the licence, supporting the view of the Police as a further late night refreshment premises in Church Street would have a negative effect on crime and disorder.

(2) Variation to Licence, Falmouth Service Station, 60 Dracaena Avenue, Falmouth

The Chairman was disappointed that the applicant had not attended to present their application. The variation request sought an extension to sell alcohol to 24 hours daily, amendment to condition and alterations to premises.

It was proposed by Councillor Saunby, seconded by Councillor Morgan and

RESOLVED that the Council objects to the application to vary the licence and extended hours would have a negative impact on crime and disorder, and the conditions under the heading 'The protection of children from harm' and 'adult entertainment' were still relevant.

The Committee were unclear regarding the third aspect of the proposed variation and to the alterations to the premises that were proposed.

There being no further business to transact the Chairman declared the Meeting closed at 6.45pm.


Signed: Date:

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/  Ian M Vasey

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below





Premises licence number L118 005643
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Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Moth and The Moon 31 Killigrew Street Falmouth Cornwall TR11 3PW			
Post town	Falmouth	Postcode	TR11 3PW

Telephone number at premises (if any)	01326 315300
Non-domestic rateable value of premises	£6500

Part 2 - Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The proposed variation is that the first floor be included in the premises licence for licensable activities at The Moth and The Moon.

The first sentence in Annex 3 of the current Premises licence states 'activities required to be licenced under this application shall not be allowed on the first floor'.

The reasons for not granting the first floor licence during the licence hearing can be summarised as the following:

- Planning
- Fire Safety
- Public Nuisance to the resident at 33a

The planning department have confirmed that planning permission was not required as the flat, which previously occupied the first floor, was ancillary to the pub. Alexandra Webster, of andmore planning, acted as our agent on this matter and the council concluded they will not pursue any enforcement action for the change of use of the first floor.

A fire safety plan and fire risk assessment have been produced for The Moth and The Moon in line with the Regulatory Reform (Fire Safety) Order 2005. These documents were in place prior to the hearing but unfortunately not put forward. Fire fighting equipment and signage have also been tested and certified by an external company with compliance certificates issued.

The Public Nuisance concern has been addressed with an external and reputable acoustic testing company performing acoustic testing of the party wall between The Moth and The Moon and 33a. The paid advice service from the Community Protection Unit at Cornwall Council was used for advice on how to approach and address the Public Nuisance concern. The report concludes that the acoustic rating of the party wall is enough to not impact on the tenants at 33a.

All supporting documentation regarding the above points can be provided on request.

A variation is also requested for the removal of the requirement of door staff noted in Annex 2 under prevention of crime and disorder. Due to the size of the premises, it has become apparent since opening that door staff may not be commercially viable. In replacement of door staff, Coast2Coast security can offer the hire of a radio to the premises in which door staff in the local area can be reached if assistance is required. It could also be an option to have staff at The Moth and The Moon gain their SIA qualification. Door staff will however be used for busier occasions and/or events.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | 3) Provision of regulated entertainment (Please see guidance note) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the <u>performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	01:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	12:00	01:00	
Wed	12:00	01:00	
Thur	12:00	01:00	
Fri	12:00	01:00	
Sat	12:00	01:00	
Sun	12:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- The DPS will fully train all staff involved in the sale of alcohol in their responsibilities under The Licensing Act, this will include Challenge 25 training. Written, signed training records will be kept and made available by one of the responsible authorities on request.

b) The prevention of crime and disorder

- CCTV will be installed, operated and maintained at the premises. One camera will cover the entrance/exit door at all times. Images will be stored for a minimum of 14 days. There will be suitable trained staff on duty at all times who can download CCTV images if required by Police.
- There will be no admittance to the premises after 0100 hrs daily.
- All off sales will be in sealed containers.
- Adherence to pub watch scheme.
- Zero tolerance drug policy.

c) Public safety

- Appropriate fire safety policy.
- Annual risk assessment and policy review.

d) The prevention of public nuisance

- Signage and staff supervision to ensure orderly exit from premises and discourage congregation nearby after closing.

e) The protection of children from harm

- If a young person, who appears to be 25 or under asks for alcohol, they will be required to prove their age before they are served, unless the bar staff are certain (from personal knowledge or because they have seen proof of age on a previous occasion) that the person is 18 or over. The forms of proof of age that will be accepted are a passport, a photo driving licence, or a proof of age card that has a PASS accreditation hologram on it. Photocopies will not be accepted. All staff will be trained in this policy and reminded about it frequently.
- Records of training will be kept.

- A notice advising customers that they may be required to prove their age before they can buy alcohol will be displayed.

Checklist:



Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	Agent of Ian M Vasey

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	