

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

## **1 AUGUST 2019**

### Present:

Councillors Rollason (Chairman), Bradford and Jenks

### Officers in Attendance:

Trish Corns, Democratic Services Officer  
Hayley Carpenter, Licensing Officer  
Marie Downey, Solicitor

## **1. MINUTES**

The minutes of the meeting held on 23 April, 2019 were approved as a correct record and signed by the Chairman.

## **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **3. APPLICATION FOR A PREMISES LICENCE VARIATION - THE DEN, TEIGNMOUTH CARNIVAL**

### **3.1 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.

### **3.2 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.

### **3.3 The Council's Licensing Manager's Report**

The Sub-Committee considered an application for a premises licence variation for Teignmouth Carnival for the provision of:

- Regulated entertainment,
- The retail sale of alcohol and late night refreshment on the Saturday and Sunday proceeding carnival week.
- Remove the provision of regulated entertainment, the retail sale of alcohol and late night refreshment on the Sunday at the end of carnival week.
- Increasing the annual licence from 7 days to 8 days at the end of July beginning of August annually.
- Decrease in licensing hours of 30 minutes.
- Removal of outdoor sporting events.

The hours sought were as set out in the report circulated with the agenda. The event had operated for the past ten years under a premises licence. For the past 5 years the weekend proceeding carnival week had been licensed under a temporary event notice.

The Council has received three letters of objection from one objector, on the grounds of public nuisance, in particular loud music and antisocial behaviour. The objector was not present at the Hearing.

### **3.4 Address by Interested Parties**

#### **3.4.1 Applicant's Representative**

The applicant's representative, attended the hearing and in response to questions advised that:

- Music would finish at 2230hrs Sunday to Monday, 2300hrs Friday and Saturday and 2315hrs on the last Saturday.
- There would be 30 minutes brakes between live and recorded music, and no more than 8 hours of music in any one day.
- The stage location and orientation would be such to have minimum impact on residents.
- Line-array speakers will be used and directed away from residential properties and towards the sea. These speakers disperse sound only in the direction they are orientated.
- Parked lorries will be positioned to act as a sound barrier.
- The music genre will be family, cover and tribute bands.
- Individual members of the Carnival Committee have been DBS checked inline with their employment, but not separately as a Committee.
- The under 25yr old policy will be in place.
- Access to the Den will be controlled.

### **3.5 Decision**

The letters of objection were referred to again and its content considered. It was noted that the latter part of the objection letter raised generic issues and was not specific to the application.

“We have carefully considered all the written material and also the oral submission on behalf of the Applicant.

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 appropriate, reasonable and proportionate to restrict the hours required. We do not consider that it is appropriate, reasonable and proportionate to restrict the hours, because we have not seen any evidence which would support doing so.

We are satisfied that the applicant is experienced and responsible, and we are satisfied, on the balance of probability, that the event will not cause an unreasonable nuisance to local residents.

In the circumstances we grant this 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 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 event the Council’s Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

CLLR D ROLLASON  
Chairman