

11 September 2019

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

A meeting of the **Licensing Act 2003 Sub-Committee 2** will be held on **Thursday, 19th September, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Clarence, Nuttall and Russell

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

## **A G E N D A**

### **Part I**

1. **Apologies for Absence**
2. **Election of Chairman**
3. **Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the meeting held on 24 July 2019.
4. **Declarations of Interest**
5. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is considered that the Committee would be unlikely to exclude the press and

public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

6. **Bremridge Farm, Ashburton - Application for a New Premise Licence** (Pages 7 - 10)
7. **Part II: Items suggested for discussion with the press and public excluded**

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## **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

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TEIGNBRIDGE DISTRICT COUNCIL

**LICENSING ACT 2003 SUB-COMMITTEE**

**CHAIRMAN:** Cllr Rollason

**DATE:** 19 September 2019  
**REPORT OF:** Licensing Officer  
**SUBJECT:** **Application for a New Premises Licence – Bremridge Farm, Ashburton TQ13 7JX**

**PART I**

**RECOMMENDATION**

**That the Licensing Act 2003 Sub-Committee is requested to consider this application.**

**PART I**

**1. THE APPLICATION**

**Applicant:** Alexander John Radley Young and Robert James Radley Young

**Premises:** Bremridge Farm, Ashburton, Devon TQ13 7JX

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the provision of regulated entertainment, the retail sale of alcohol and late night refreshment on any Monday to Sunday.

Premises details:-

The premises consists of a Conference/Function Hall (Approximately 120 covers, theatre style). Adjoining 4 en-suite bedrooms, a kitchen and a lounge/dining area with a kitchenette, plus well provided WC facilities. The business is primarily linked to the on-site Medical Device Companies already at Bremridge (S.R.A & R.S.L.). Over the years, these 2 companies have progressed considerably. S.R.A created a Skills Lab to the highest degree for practical, hands' on training purposes. Surgeons come from all over the U.K. to use this facility, many on a regular basis. The main hall in the new premises will enable live medical surgery via satellite and broadband to be viewed by a large audience. Although the Skills Lab is superbly equipped, the space is limited and large conferences provide valuable training opportunities.

The business is not a full time operation, the premises will only be in use for scheduled booked conferences and various other events.

## TEIGNBRIDGE DISTRICT COUNCIL

To maximise use of this facility, the intention is to hold other events, such as musical concerts (classical or modern), plays (Small cast, one woman/man show), Private functions and weddings.

The business/premises is by no-means a bed and breakfast, the accommodation will only be available to guests attending a conference or private function.

During the week the main hall would be used mainly by businesses holding conferences or training sessions in office hours. The space would also be ideal for numerous rehearsal, such as choir, orchestra and theatre.

The operating schedule shows:-

Hours Premises Open to the Public:

Sunday to Thursday	09.00 to 23.00
Friday and Saturday	09.00 to 02.00

Relevant licensable activities:

- Supply of alcohol.

Monday to Thursday	11.00 to 22.30
Friday and Saturday	11.00 to 01.30
Sunday	12.00 to 22.30
- Provision of Regulated Entertainment (Indoors only)

Plays - Monday to Sunday	18.00 to 23.00
Films – Monday to Sunday	19.00 to 23.00
Live Music – Sunday to Thursday	14.00 to 23.00
Friday and Saturday	14.00 to 02.00
Recorded music - Sunday to Thursday	12.00 to 23.00
Friday and Saturday	12.00 to 02.00
Performance of dance	
Sunday to Thursday	14.00 to 23.00
Friday and Saturday	14.00 to 02.00
- Provision of late night refreshment

Friday and Saturday	23.00 to 02.00
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a) General - all four licensing objectives (b, c, d, e)

The licensee and all other staff must be aware of the correct steps to take to promote the four licensing objectives.

b) The prevention of crime and disorder

.As the licence holder and DPS, I will train all staff members about the hours and activities permitted by the premises licence and the conditions attached.

Clear signage of "The challenge 21 Scheme" which will be in operation will be displayed at the point of sale of alcohol.

Alcohol will stop being served half an hour before closing time.

Training will be given on procedures for refusing to serve alcohol.

## TEIGNBRIDGE DISTRICT COUNCIL

The personal licence holder will be on duty at all times.  
CCTV shall be installed at the main entrance for security

### c) Public safety

To avoid overcrowding, the maximum number of patrons attending a concert shall be no more than 120 (Theatre Style). Including staff and entertainers, 200 standing.  
A suitable and efficient air circulation and heating system has been installed throughout the premises.

There are sufficient WC facilities, which will be monitored and checked at regular intervals.  
The collection of empty glasses and bottles will be done on a regular basis, to avoid a build up.

As shown on the plans, there is an outside area for the consumption of alcohol, plastic cups shall be issued.

Unobtrusive but effective outside lighting is in place for Health and safety/Security reasons.

### d) The prevention of public nuisance

The performance of live music will be limited to a maximum of 4 hours, including breaks.

No speakers for amplification shall be placed outside the premises.

All external doors and windows are double glazed and shall be kept shut at all times during regulated entertainment.

The personal licence holder or nominated person will monitor and control sound levels.

The designated smoking area will have suitable receptacles and regularly checked.

Clear notices shall be displayed at all exits requesting patrons to leave quietly and quickly.

No disposal of bottles will take place before 09.00 hrs or after 18.00 hrs.

All waste will be properly presented and placed out for collection.

### e) The protection of children from harm

All staff will be trained regarding the verification policy, "proof of age", in relation to the sale or supply of alcohol.

Clear signage will be on display at the point of sale of alcohol, including "The Challenge 21 Scheme", which will be in operation.

Unaccompanied children under the age of 14 years old will not be allowed on the premises at any time.

Only Films or Plays of Universal (U) or Parental Guide (PG), would ever be shown.

## 2. RELEVANT REPRESENTATIONS

### Responsible authorities:

Police – No representation received.

Environmental Health Officer – Representation received - objecting

## TEIGNBRIDGE DISTRICT COUNCIL

Fire Officer – No objection.

Planning Officer – No planning permission.

Child Protection Agency - no representation received.

Weights & Measures – no representation received.

Home Office – no representation received.

### **Interested parties:**

24 representations have been received on the grounds of Public Nuisance, these have been circulated with the notice of hearing.

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.

### **Hayley Carpenter Licensing Officer**

<b>Wards affected</b>	<i>Ashburton and Woodland</i>
<b>Contact for any more information</b>	<i>Hayley Carpenter/Debbie Rosenfeldt</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>
<b>Community Impact Assessment attached:</b>	<i>No</i>
<b>Appendices attached:</b>	