

LICENSING ACT 2003 SUB-COMMITTEE 1

16 AUGUST 2019

Present:

Councillors Bradford, Hocking and Nutley

Officers in Attendance:

Hayley Carpenter, Licensing Officer

Marie Downey, Solicitor

Trish Corns, Democratic Services Officer

David Eaton, Environmental Protection Manager

1. APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Hocking, seconded by Councillor Bradford and Resolved

That Councillor Nutley be elected Chairman for the meeting.

2. MINUTES

The Minutes of the meeting held on 24 May, 2019 were confirmed as a correct record and signed by the chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. TEMPORARY EVENTS NOTICE - THE FERRY BOAT INN, 4 STRAND, SHALDON

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 Manager's Report

The application is for a Temporary Event Notice in respect of The Ferry Boat Inn for the provision of the sale by retail of alcohol, regulated entertainment (amplified music) outside the premises in the beer garden at the premises, for the hours specified below between the hours of 1200hrs Saturday 24th August 2019 to 2000hrs on Monday 26th August 2019. The specific hours are: Saturday and Sunday 1500 – 1900hrs, and Monday 1500 – 2000hrs.

The Ferry Boat Inn has a premise licence to provide the sale by retail of alcohol and regulated entertainment on the premises only and does not include amplified music in the beer garden.

4.4 Address by the Objector – Environmental Protection Manager

The Environmental Protection Manager advised that an objection was submitted on the grounds of public nuisance, because of complaints received from residents about recent amplified music in the beer garden on 21 July, 2019. The premises is within an area of mixed commercial and residential. The sound of music would travel depending on weather conditions. The premises is close to the beach being separated by the road. The beer garden backs onto the beach and is separated from the premises by the road.

4.5 Address by the Applicant

The applicant submitted that he took on the premises as the new licensee December 2018. He is a Shaldon resident and has been for the past few years. Non amplified music could be played in the beer garden between the hours of 1100 – 2330hrs Monday to Saturday and 1200 – 2230hrs Sunday. Other premises within the vicinity and Teignmouth have live amplified music playing until 2300hrs in outside areas. The TEN was submitted so that he could provide the performance of live amplified music during the Shaldon regatta bank holiday weekend festival. The event would be policed and monitored by staff, and he envisaged up to 250 people, including staff and performers, could visit the beer garden over the course of the requested hours but not all at the same time. There would be a variety of live bands with breaks in between the bands so the music would not be continuous. He was liaising with residents, and immediate neighbours and businesses within the vicinity to ensure all were content with the situation.

Non amplified live music has performed in the beer garden but had not been worthwhile because patrons could not hear the performers over the background noise.

In response to questions the Environmental Health Officer advised that it was not suitable to set a decibel limit for the sound in advance because there were many factors which would affect the noise level and from where it could be heard.

The Licensing Officer advised that the Live Music Act enabled all premises to have live, amplified music until 2300hrs. However, the condition requiring no amplified music in the beer garden of The Ferry Boat was historical and was added to the licence whilst the previous licensee was at the premises.

4.5 Decision

“We have carefully considered all the written material and also the oral submission on behalf of the Applicant and objector, and we accept the TEN as submitted.

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 J NUTLEY
Chairman