

LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 28 AUGUST 2024

Present:

Councillors Henderson, Peart and Rollason (Vice-Chair)

Officers in Attendance:

Licensing Officer

Legal Assistant

114. APOLOGIES

None.

115. DECLARATIONS OF INTEREST (IF ANY)

None.

116. MINUTES

The Minutes of the meetings held on 10 July 2024, and 30 July 2024 were unanimously approved as a correct record and signed by the Chair.

117. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - WJ13 KVX

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in August 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 20 August 2024. The Applicant was in attendance and answered questions put to them by the Sub-Committee.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the condition of a six month vehicle test to monitor the condition of the vehicle due to its age.

118. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 10 YEARS - RV14 ELC

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in July 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 12 August 2024. The Applicant was in attendance and answered questions put to them by the Sub-Committee.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the new Hackney Carriage Vehicle Licence as detailed in the report with the additional condition of a six month vehicle test to monitor the condition of the vehicle due to its age.

119. APPLICATION FOR A VARIATION OF A PREMISES LICENCE – THE ABBOT, 16 EAST STREET, NEWTON ABBOT, TQ12 1AG

The Applicant attended the meeting and was permitted to speak and also answered questions put to them by the Sub-Committee.

The person who had submitted a representation did not attend the meeting and did not send a representative.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Rollason and seconded by Councillor Peart, and

RESOLVED that the Application in respect of a Variation of a Premises Licence for The Abbot, 16 East Street, Newton Abbot, TQ12 1AG be granted as set out in the report.

Reasons for the decision:

The Sub-Committee heard from the Licensing Officer who confirmed that the application had been submitted to extend the already licensed areas and no other amendments to the licence were being requested. The representation submitted was due to concern about public nuisance, specifically an increase in noise if the licensed outside area is extended.

The Sub-Committee then heard from the Applicant that they have worked in licensed establishments for many years and also run another bar in Newton Abbot. They purchased The Abbot in 2023 and are looking to modernise and update the venue. The Applicant explained that they have their own experienced security team who help to keep noise down. Signs are also used to remind customers to respect neighbours and music is turned down to a low level from 10.30pm. The garden bar has been running on a TEN for the past few months with no complaints.

The Applicant acknowledged that there has been an increase in customers since they took over the pub and as a consequence there has been some natural increase in noise. However, they have not received any direct complaints about noise, they are conscious of maintaining a good relationship with their neighbours and want to work with the community to achieve this.

In response to questions from the Sub-Committee the Applicant confirmed that the karaoke room has soundproofing which has been installed by a professional company. Noise limiters have been installed and you cannot hear the music from outside of the building. Music levels and placement of speakers including those in outside areas will not be drastically changed.

The Applicant explained to the Sub-Committee that the hope is to eventually open up the fencing on the car park to create a larger outside seating area which will be surrounded by acoustic fencing to mitigate noise levels. The fencing has not yet been installed but will be once the works to the outside area have been completed.

The Applicant explained further that they want a nice seating area available should customers choose to go outside. They think this will be able to seat around 25 people and there will be no specific standing areas. Door staff will also be placed around the premises to monitor noise and behaviour. The Applicant said that in any event most people are likely to leave the pub and move to town centre venues by 10.30/11pm.

The Applicant clarified for the Sub-Committee that a window above the car park is a stairwell window. They also responded to questions relating to rubbish and confirmed that they already have a large commercial bin but were happy to obtain another. A lot of the rubbish is not theirs and is blown into the car park which is picked up and there are plenty of bins within the pub. They also employ glass collectors and ensure areas are swept regularly etc. The pub does not currently serve food other than pasties and there are currently no plans to change this.

The Sub-Committee noted the concerns of the person who had submitted the representation and empathised that living near a pub could be noisy, especially during periods of good weather or sporting events. However, they felt that there was not enough evidence to support the concern that the extension of the licensed areas would cause a public nuisance. The Sub-Committee also noted the mention of parking concerns in the representation but did not feel that this went against the application as parking concerns are not one of the four licensing objectives. Only the one representation had been submitted and no complaints to the Applicants or to the Council appear to have been made in relation to the premises. There had also been no objection to the application from the responsible authorities. Should there be any issues in the future then residents are able to contact the Council and put a complaint in using the relevant processes and the Sub-Committee felt that this provided sufficient recourse if required.

The Sub-Committee having considered the application submitted and having heard from those present and being mindful of representations and Statutory Code of

Guidance and Licensing policy, felt that on balance it could not refuse this application.

The Sub-Committee thanked the Applicant for attending and answering their questions. They felt that the Applicant had shown they were experienced in running a licenced premises and believe that they want to be good neighbours. The Sub-Committee felt that the acoustic fencing which will be installed was a good idea and emphasised that this formed part of the reason as to why they were happy to grant the application as set out. The Sub-Committee also considered that currently there is outside seating and that the extra space to be added did not seem likely to result in large numbers of additional people standing outside making noise.

The Sub-Committee were satisfied that the Applicant was suitably experienced and would be able to promote and uphold the four Licensing Objectives and therefore deemed it appropriate to grant the variation of the premises licence as set out in the report.

Cllr D Rollason
Chair