

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 8 MAY 2025

Present:

Councillors Gearon, Hayes (Chair) and Rollason (Vice-Chair)

Officers in Attendance:

Licensing Manager

Legal Assistant

182. APOLOGIES

None.

183. DECLARATIONS OF INTEREST (IF ANY)

None.

184. APPLICATION FOR A VARIATION TO A PREMISES LICENCE – KING WILLIAM IV, NORTHUMBERLAND PLACE, TEIGNMOUTH TQ14 8BZ

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

Some of those who had submitted representations also attended the meeting and were represented by a Spokesperson.

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 Hayes and seconded by Councillor Rollason, and

RESOLVED that the Variation to a Premises Licence in respect of King William IV, Northumberland Place, Teignmouth, TQ14 8BZ be granted as set out in the report but with the following amendments to hours and conditions:

Opening hours:

Sunday – Wednesday 09.00 hrs to 01.30 hrs

Thursday – Saturday 09.00 hrs to 02.30 hrs

Boxing Day 09.00 hrs to 03.00 hrs (these were not subject to the variation application)

Provision of Live Music (indoors):

Sunday – Thursday 12.00 hrs to 23.00 hrs

Friday – Saturday 12.00 hrs 01.30 hrs.

Recorded music (both):

Sunday – Saturday 09.00 hrs to closing

Boxing Day: 09.00 hrs to 03.00 hrs (these were not subject to the variation application)

Music to cease outside 00.00 hrs (midnight)

Late Night Refreshment:

Sunday – Wednesday 23.00 to 01.00 hrs

Thursday to Saturday 23.00 to 02.00 hrs

Supply of alcohol (both):

Sunday – Wednesday 09.00 hrs to 01.00 hrs

Thursday – Saturday 09.00 hrs to 02.00 hrs

Boxing Day 09.00 hrs to 03.00 hrs (these were not subject to the variation application)

- Windows and doors to be closed from 21.00 hrs
- Last admission for patrons to be 01.00 hrs
- Beer garden to be closed at midnight for the consumption of alcohol but will be permitted to be used as a smoking area with a maximum of 10 people at any one time. Compliance to be monitored by a premises licence holder, bar supervisor or door staff.
- Prominent and legible notices to be displayed reminding patrons to keep noise levels low and respect residents.
- Half an hour before closing a premises licence holder, bar manager or door supervisor to be stationed at main doors to ensure as far as is reasonably possible customers leave the area promptly and quietly.
- All amplified music to be played through a sound limiter.
- Sound system to be subject to a limiter at a decibel rate set by Teignbridge District Council.

Reasons for the decision:

The Sub-Committee heard from the Licensing Manager who explained that the application had been submitted to make various amendments to the current licence to include extending the opening times, supply of alcohol times and allowing the serving of late-night refreshments. The Licensing Manager explained that there had been 20 objections, along with one from Environmental Health, mostly on the grounds of public nuisance. Conditions had been agreed with the Police and were set out in the report.

The Environmental Health Officer addressed the sub-committee and explained their reasons for objecting to the application. The road that the premises is situated on is narrow and amplifies noise something which the residents are already having to deal with. Whilst there had been no complaints since the premises was taken over by the Applicant, complaints had been received previous to that.

The Environmental Health Officer continued to explain that ambient noise levels should be around 34-40 decibels in residential areas with an acceptable tolerance level around 10 decibels higher than the ambient level. With music it is likely this will reach 60-70 decibels. Between the hours of 11pm-7am it should be quiet, and the Environmental Health officer did not see how this would be achievable if the new hours are implemented.

In response to questions the Officer confirmed historic complaints were due to noise levels around 2/3am. Door staff can only do so much and cannot stop people making

noise when leaving and moving down the street. The Officer also confirmed they were not aware of any other premises that had similar late opening hours.

The Applicant was permitted to address the Sub-Committee and confirmed that they and members of the management team have extensive experience in running licensed premises and have other pubs in the area, some of which currently have late night licences. Members of management staff have extensive training and recent qualifications include a level 3 designated premises supervisor award. The company invests in regular training and some of their employees are registered to provide this training.

The Applicant manages its own SIA team and so have agents with specific knowledge of the areas they work in and the issues each place faces. The Applicant employs a professional to deal with the CCTV, sound systems and equipment to monitor noise levels. This person is very experienced and has been employed by another local council to undertake work on events.

The Applicant further explained that having listened to those who had submitted representations, they had revisited the application and have agreed to reinstate some of those conditions they had requested to be removed. These include all amplified music to be played through a sound limiter. The beer garden will close at midnight for alcohol and at that point only smoking will be allowed with a maximum of 10 people at any one time. All existing conditions/licensing objectives not mentioned will be kept as set out in the report.

The Applicant explained further that since they had taken over the premises there had been no problems, in fact they had recently passed an unannounced visit from the police and were told they were the only premises that had no issues. The Applicant is aware of the previous troubles residents had faced from this premises and others in close proximity but stressed they were not responsible; they have high standards and operate high quality venues. They want to invest in the local area and provide a place for where people go for relaxation, be that holiday makers, shift workers etc. it is felt that the longer hours may help reduce issues as people will be ready to go home and not feel the need to keep chatting in the street. They have found this to be the case with their other premises. The door staff also walk the block encouraging people to move on.

In response to questions from members the Applicant explained that some of the conditions had been moved under other headings in an effort to tidy up the application or removed as already mentioned within the licence as a statutory condition.

The Applicant explained that they will monitor sound levels by using a sound limiter installed by a professional and the limit is set by the local authority. They also believe the building to be sound proofed as this was a condition in the existing licence, although they do not have any receipts to confirm this. They can only assume the council would have been shown evidence when the condition was imposed.

The Applicant continued to say the premises has only held live music events twice since being taken over by them and are likely to only happen once a week and certainly not until 1.30am. This had been kept at 1.30am purely as it was in the existing licence. Recorded music will cease outside at midnight and there will be no drinking in

the beer garden from midnight in an effort to keep noise levels down. The pub is a traditional one with TVs, pool tables and does not have a dance floor. Late night refreshment is intended to be used for hot drinks, there is no plan for hot food as there is no kitchen on site.

The building has an internal porch and double doors, and they are looking to put a porch on the back door as well. There are blackout blinds which helps to reduce noise and light levels, air conditioning and double glazing so no real need to have windows open. There are only toilets and residential flats above the pub. Members of staff receive in house training to monitor noise levels and they also have a management plan and complete risk assessments. There will also be no re-entry to the pub from 1am which will help to limit the amount of people going in and out. The Applicant confirmed no consultations had been undertaken with members of the public in relation to the application.

In response to questions from objectors about how they will manage people going outside to smoke, the Applicant restated that from midnight the 10 people in the beer garden will be monitored and if customers go out the front to smoke they will be encouraged to go to the smoking area. Whilst the Applicant cannot stop people from smoking outside the front of the building, they can encourage them to go to appropriate areas and if customers want to come back into the pub, they need to comply with this. The Applicant also highlighted that many people now vape instead of smoke and so it is likely that less people will go outside to smoke anyway.

In response to further questions from the Objectors, the Applicant confirmed both live and recorded music would go through the sound limiter.

The Applicant stated that the company has a great reputation and plenty of experience in running late night establishments successfully. They note the need to work with residents which is why they had reinstated some of the conditions they had originally requested to be removed along with adding additional conditions in to mitigate the risk of nuisance to residents. They are happy to introduce the DPS and manager to residents, but they cannot be held responsible for issues caused by previous owners' decisions.

The Objectors were given a chance to address the sub-committee and expressed their concerns about the application. Many people have lived in the area for years and have had to put up with the problems caused by this premises under previous ownership and others in the area. Whilst some issues have been addressed by the closing down of other premises, that concern of public nuisance, particularly excessive noise will remain if this licence variation is granted. The Objector agreed with the Environmental Health officer that there is a funnel effect with noise, and it simply cannot be allowed to happen. It was expressed that whilst there may be laws to deal with underage drinking, smoking etc these things still happen and cause disturbances.

Pictures were shown of one objectors' property which is 6.5metres from the premises to highlight how close buildings are and the impact that excessive noise levels have on their daily life and will have if the hours are increased. It was mentioned that another nearby business has closed due to noise complaints, and the residents cannot have continuous noise disturbing them especially at night when people are trying to sleep and have work the next day.

The Objectors noted the point about the longer opening hours possibly helping with large groups leaving at once but were concerned that instead of one disturbance this would just result in continuous/recurring noise at various points throughout the night and early morning which would actually be worse. They can just about cope now as the disturbances do not happen all week due to the current opening hours.

In response to questions from the Sub-Committee about the impact on them as no official complaints have been put in, the Objectors confirmed it does affect them but not continuously at the moment. The Objectors stated that although the security team had recently helped them when a resident had been racially abused in the street, it still shouldn't happen in the first place. It is felt that longer opening hours will increase the risk of behaviour such as this happening.

The Environmental Health Officer then mentioned that the sound limiters are tamper proof but can be modified by a nominated person. There are also concerns that 10 people in a pub garden smoking in the early hours will in their opinion constitute a statutory nuisance. They also felt that the Applicant had not adequately established how residents will be protected from those leaving the premises.

The Sub-Committee having considered the application submitted and having heard from those present and being mindful of Statutory Code of Guidance and Licensing policy, felt that on balance it could not refuse this application but did feel that an amendment to the application was appropriate in order to mitigate the level of public nuisance that may be increased by the longer opening hours and in order to promote and uphold the licensing objectives.

The Sub-Committee felt that the Applicant had shown they were experienced in running similar establishments and thought they had submitted a good application and presented themselves well. They were impressed with the level of training that staff members undertake and noted the additional conditions re-instated by the Applicant and to be included such as all music to go through a sound limiter at a decibel level which will be set by Teignbridge District Council.

The Sub-Committee also noted that the beer garden will be closed from midnight for alcohol consumption and people will only be permitted to use this for smoking with a maximum of 10 people at anyone time. This will be monitored by a responsible person such as door staff who will also not allow people to smoke right outside the front of the premises. Last admissions to the pub will cease at 1am and prominent and legible notices will be displayed requiring patrons to respect the needs of local residents. Live music will be indoors only, and recorded music played outside will cease at 00.00. Windows and doors will also remain closed from 9pm to reduce the level of noise.

The Sub-Committee noted that conditions had been agreed with police and that whilst the Environmental Health officer had objected on the grounds of public nuisance from excessive noise, no conditions or amendments to the application had been suggested that could go towards mitigating this.

The Sub-Committee further considered that there had been no official complaints received by the Licensing Authority despite the allegations of public nuisance but noted

that the Objectors had stated the security team for the premises had helped on more than one occasion to deal with public nuisance.

The Sub-Committee were empathetic to the Objector's concerns and accepted there had been many issues in the past which had caused problems for them and understandably made them worry these would continue or increase with the longer opening hours. However, the Sub-Committee did not feel it was reasonable to assume the problems would continue now the premises was under new ownership and penalise the Applicant by refusing the application outright. They felt that the Applicant had shown they were willing to work with neighbours to mitigate their concerns having already agreed to various conditions.

The Sub-Committee accepted that there is a balance to be found between the needs of the local residents and the needs of businesses within a close town centre location such as this and felt that reducing the opening hours along with adding conditions would help to provide this balance.

Taking all matters into consideration the Sub-Committee were satisfied that the Applicant was suitably experienced and would be able to promote and uphold the four Licensing Objectives and deemed it appropriate to grant the variation of the licence as set out in the report including the conditions previously agreed with the Police. However, the Sub-Committee felt that an amendment to hours requested along with the addition of conditions was reasonable in this situation in order to reduce and mitigate the level of public nuisance to the surrounding neighbours whilst allowing the premises to extend its opening hours.

Cllr Hayes
Chair