

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB-COMMITTEE

CHAIR: Cllr Robert Hayes

DATE: 8 May 2025

REPORT OF: Vicky Limb – Licensing Officer

SUBJECT: **Application for a Variation to a Premises Licence – King William IV, Northumberland Place, Teignmouth TQ14 8BZ**

PART I

RECOMMENDATION

That this application be decided in accordance with the licensing objectives.

Financial Implications: The potential cost of defending an appeal in the courts.

Legal Implications: If there is an appeal against the decision the Council could find itself bearing the costs.

Risk Assessment: If the decision is not reasonably and lawfully made it could be overturned on appeal to the Magistrates' Court.

Equality Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: Not applicable

Impact on climate change: Not applicable

Additional information relevant to this application: The process of applying for these licences is prescribed by regulations made under the Licensing Act 2003. The applicant must copy their applications to the "Responsible Authorities" consisting of the Police, Fire Service, Weights and Measures (Trading Standards), body responsible for Health and Safety (Environmental Health), Environmental Health for nuisance, the Planning Authority, the Licensing Authority, the local Director of Public Health, the body responsible for Child Protection and the Home Office. If the application is submitted online the Licensing Authority must forward it to all Responsible Authorities.

Applicants are also obliged to advertise their applications in two ways – on the premises and in a local newspaper.

1. THE PREMISES

- 1.1 An application has been submitted to vary the premises licence for King William IV, Northumberland Place, Teignmouth TQ14 8BZ

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- 1.2 The premises has held a premises licence since 2005, which was when the Licensing Act 2003 first had effect. Although, it has been known by various names in that time and had various licence holders. The current Premises Licence has been held by East Street Pub Company Ltd since January 2023 and is attached as **Annex 1** (Licence no. TEIP000859)

Previous complaints and compliance issues

- 1.3 Since East Street Pub Company Ltd has held the licence, the Licensing Authority is unable to find any complaints about the premises on file, prior to the submission of the variation application on 4 March 2024. If any party has made complaints or experienced issues **prior** to the variation application being submitted on 4 March 2024, they should provide details of these to the Licensing Team with their response to the Notice of Hearing. This will allow, if necessary, time for copies of information to be made and circulated to all relevant parties (i.e. the applicant and members of the Sub-Committee).
- 1.4 The Sub-Committee should be aware that some of the parties that have submitted representations against the application have mentioned issues with the premises because of an event held on 29 March 2024.
- 1.5 This event was held under a Temporary Event Notice (TEN) which was submitted on 13 March 2024 to enable the sale of alcohol and the provision of regulated entertainment on 29 and 30 March 2024 from 17:00 to 00:00. The Premises User had stated on the TEN that it was to cover live music indoors for a total of 150 people.
- 1.6 So Interested Parties are aware, a TEN is a 'notice' and is submitted by a person to authorise licensable activities on a temporary basis. It is not an application and assuming the statutory provisions are complied with, and no representations are made by the Police or Environmental Health, TENs cannot be refused by the Licensing Authority.

Applicant: **East Street Pub Company Ltd**

Premises: **19 Northumberland Place, Teignmouth TQ14 8BZ**

The application is for a variation to be granted under the Licensing Act 2003 which includes extending the opening times of the premises, including a small additional area to the plan, adding late night refreshment and the removal, rewording and adding some new licensing objectives. Attached is a copy of the location plan and plan of premises (Appendix A).

The operating schedule shows: -

Opening Hours to the Public	Sun – Thurs	09:00 hrs to 02:30 hrs
	Fri – Sat	09:00 hrs to 03:30 hrs
	Boxing Day	09:00 hrs to 03:00 hrs
Provision of Live Music (indoors)	Sun – Thurs	12:00 hrs to 23:00 hrs
	Fri – Sat	12:00 hrs to 01:30 hrs
	Boxing Day	09:00 hrs to 03:00 hrs
Recorded Music (both)	Sun – Thurs	09:00 hrs to 02:00 hrs
	Fri – Sat	09:00 hrs to 03:00 hrs
	Boxing Day	09:00 hrs to 03:00 hrs
Recorded Music (indoors)		
Music to cease outside at 00:00 hrs (midnight)		
Late Night Refreshment	Sun – Thurs	23:00 hrs to 02:00 hrs

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Supply of Alcohol (both)	Fri – Sat	23:00 hrs to 03:00 hrs
	New Years Eve – Deregulated	
	Sun – Thurs	09:00 hrs to 02:00 hrs
	Fri – Sat	09:00 hrs to 03:00 hrs
	Boxing Day	09:00 hrs to 03:00 hrs

Designated premises supervisor: **Mr Matthew Wattis**

Supply of alcohol is for consumption on and off the premises.

Steps to promote licensing objectives: showing those conditions requested to be removed and bold where added.

- General

~~There will be no re-entry to the premises after 12.30am except for customers who have exited in order to smoke.~~

SIA registered Door Supervisors are to be employed from 21:00 until close of premises on Thursday, Friday and Saturday nights and on all occasions where the sale of alcohol extends beyond midnight. The number of door supervisors shall be at a ratio of 1:75 or part thereof.

Discernibly quieter music will be played during the final half hour of licensable activities. Prominent and legible notices must be displayed at all exits requesting that patrons respect the needs of local residents and that they leave the premises and area quietly.

Trade waste is not to be placed outside the premises for collection prior to 07.00 hours on any day.

~~All windows on the premises are to be kept closed after 6pm when entertainment is taking place, including live and recorded music.~~

~~That the beer garden be closed from midnight.~~

- The prevention of crime and disorder

SIA registered door supervisors will be employed from 21.30 hrs if the premises are to remain open for the sale of alcohol beyond midnight. There will a minimum of 1 door supervisor Sunday to Thursday and be a minimum of two door supervisors on a Friday and Saturday night.

Door Supervisors will be employed at a ratio of 1:75 or part thereof.

From 10 pm drinks will be served in toughened/shatterproof glasses and no alcohol is to be served in glass bottles of which it is intended or likely that a person shall drink.

Regular glass and bottle collection must be undertaken throughout the premises

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV system.

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

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The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 31 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- vii. Drugs Awareness

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.
Signage asking patrons to leave the premises quietly.

INCIDENT LOG

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature

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- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

- Public safety
~~Signage as stated in (b) above.~~

The compere or disc jockey operating the sound system is required to inform patrons of the need to leave quietly and respect the residents in the neighbourhood during the last hour before closure.

- The prevention of public nuisance
Windows and internal doors will be closed from midnight.

All amplified music and associated speech shall not be at a level to cause a statutory noise nuisance at nearby residential dwellings.

The Licence Holder or nominated person will monitor and assess the impact of any entertainment activities on neighbouring premises at the start of the activity / entertainment and periodically throughout the night. Sound levels at the nearest residential properties will be recorded. Action will be taken to reduce noise levels if they are found to be excessive of any levels stipulated by the Local Authority.

The Licence Holder or nominated person will control the sound levels during regulated entertainment.

Customers will not be allowed to consume drinks outside of the front of the building.

~~The internal doors to both lobbies to be not fixed open during events covered by the Licence.
All amplified music used in the course of the Licence to be connected to and played through the sound limiter present in the premises.~~

~~The sound system is subject to a limiter at a decibel level set by Teignbridge District Council.
The walls of the whole of the premises have been professionally sound proofed.~~

- The protection of children from harm

Children will not be permitted in the premises unless accompanied by a responsible adult.
Children will not be permitted to remain on the premises after 2300.

CHALLENGE 25

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the

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premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

2. RELEVANT REPRESENTATIONS

Conditions Agreed – with relevant authorities

The report is currently set out as applied. The agreed conditions with the Police have not yet been amended, if the sub-committee grant the licence, these changes will be carried out before the licence is issued.

Responsible authorities:

Police – no objection as conditions agreed

SIA registered door supervisors will be employed from 21.30 hrs if the premises are to remain open for the sale of alcohol beyond midnight. The intention of the premises to close before midnight will be recorded in a register prior to 21.30hrs for inspection by an authorised officer of a responsible Authority.

When the premises intend to open beyond midnight there will a minimum of 1 door supervisor Sunday and Thursday and be a minimum of two door supervisors on a Friday and Saturday night

Environmental Health Officer – objection.

Fire Officer – no objection.

Planning Officer – no objection

Food and Safety - no response received.

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Child Protection Agency - no response received.

Weights & Measures – no response received.

Health Authority - no response received.

Interested parties:

Twenty representations were received on the grounds of Public Nuisance, Crime and Disorder

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.

Ms Vicky Limb
Licensing Officer

Wards affected	<i>Bovey</i>
Contact for any more information	<i>Miss V Limb</i>
Background Papers (For Part I reports only)	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities and Statement of Licensing Policy</i>
Key Decision	<i>No</i>
In Forward Plan	<i>No</i>
Community Impact Assessment attached:	<i>No</i>
Appendices attached:	<i>Appendix A – Location plan and plan of premises Appendix B – Representations Appendix C – National guidance Appendix D - Policy</i>