

LICENSING AND REGULATORY SUB-COMMITTEE

MONDAY, 14 APRIL 2025

Present:

Councillors Dawson, Gearon and Hayes (Chair)

Officers in Attendance:

Licensing Manager

Legal Assistant

166. APOLOGIES

None.

167. MINUTES

The Minutes of the meeting held on 12 February 2025, were unanimously approved as a correct record and signed by the Chair.

168. DECLARATIONS OF INTEREST (IF ANY)

None.

169. APPLICATION FOR A VARIATION TO A PREMISES LICENCE – DARTMOOR WHISKY DISTILLERY LTD, THE OLD TOWN HALL, BOVEY TRACEY, TQ13 9EG

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

RESOLVED that the Variation to a Premises Licence in respect of Dartmoor Whisky Distillery Ltd, The Old Town Hall, Bovey Tracey, TQ13 9EG be granted as set out in the report including the conditions previously agreed with Environmental Health but with an amendment to the opening hours requested to 10am-00.00am with the supply of alcohol to end by 11.30pm.

Reasons for the decision:

The Sub-Committee heard from the Licensing Manager who explained that the application had been submitted to vary the current opening hours of the premises from the current 10am-11pm to 10am-00.30am with the supply of alcohol and provision of

regulated entertainment to finish at midnight. In response to questions the Licensing Manager confirmed no official complaints had been received since 2019 and the Distillery has been licensed since 2016.

The Licensing Manager explained that after consultation with Environmental Health conditions had been agreed with the Applicant to amend the live and recorded music times to finish at 11pm every day and add a condition that windows will be closed when live or recorded music is played. Noise levels will also be monitored and recorded outside as set out in the detailed conditions.

The Applicant was permitted to address the Sub-Committee and confirmed that he had already fitted blackout blinds which assist with soundproofing as well as keeping windows and doors closed. The doors are being converted to being on an automatic closing system. He also has a handheld decibel monitor which is used to make sure levels are below the maximum legal level.

The Applicant continued and confirmed that signs have been put up to remind customers to keep noise levels down when outside and a new security system has been installed with the recordings held for 12months. These will be available for inspection if required.

The Applicant then stated that other establishments have later opening licences and hold noisy events with seemingly no objections, but it seems that this premises is being singled out by a handful of people.

In answer to Member's questions the Applicant confirmed that the decibel meter is handheld and is checked every 30 minutes. There had been complaints directly to the Applicant, but these were all from those who had submitted objections. The Applicant also confirmed he had sent a letter to the community to discuss matters prior to submitting the application but that only a handful had turned up. The Applicant then explained that he had been in business for 10 years. No food is served at the premises, but customers are actively encouraged to bring in takeaways, as other pubs do in the area, but all rubbish is disposed of by the Applicant and there are bins for customer's use as well.

The Applicant has spent a lot of money soundproofing, but as the building is Grade II listed there is a limit to what can be done. On average there are 1 or 2 occasions of live music a month, the rest of the time the premises is run as a normal bar. The premises is also let to charities for fundraising events. The decibel levels have been measured and come in below the recommended limit from Environmental Health.

The Objectors' spokesperson was then allowed to speak and confirmed that the main concern is that of public nuisance. The Objectors feel that the extended licensing hours are excessive and unreasonable and that the present licence is reasonable and tolerable for those who live in the vicinity of the premises.

The Objectors have complained to the Applicant on several occasions about excessive noise and there is concern that due to the Applicant advertising more, coupled with the increase in hours, the residents will face even more disruption.

The Spokesperson admitted that the conditions agreed with Environmental Health made them more comfortable with the application and appreciated that work had been done by the Applicant to deal with the issues being raised, such as the new window blinds. They added that if the licence were to be granted, they would also request that closed doors should be included as a condition along with the previously agreed windows when live music is played.

The Spokesperson continued and confirmed that other venues which have similar hours to the ones being requested do not cause a problem as they play music less frequently, often only in the afternoons and are smaller, so less people leave at the same time. The premises has a lot of strings to its bow as a distillery such as hosting coach tours and tastings amongst other events and so it is not felt it is comparable to other premises within the area.

The Spokesperson continued and noted that whilst music levels will stop at 11pm under the agreed conditions, there is still the noise of the customers leaving the Premises which will not be stopped by this condition, therefore the later premises licence is not suitable.

In response to further questions the Applicant confirmed the venue holds around 70 people, although usually only 40-50 people are there at any one time. The later licence will allow the Applicant to clear up and customers are likely to stagger their leaving times as opposed to all leaving at once. The decibel levels will be recorded in a book which will be available for inspection. Groups outside are also encouraged to move on and stop congregating outside of the premises and smoking is also discouraged.

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 licensable hours were appropriate in order to mitigate the level of public nuisance that may be increased by the longer opening hours.

The Sub-Committee felt that the Applicant had shown they were willing to work with neighbouring properties to mitigate the points raised by the Objectors, such as by installing door closures and agreeing conditions with Environmental Health to reduce the hours that music would be played. The Sub-Committee also noted that none of the other Statutory Authorities had objected to the variation request.

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 Applicant had confirmed he had received complaints directly about the noise levels.

The Sub-Committee felt that even though the Objectors live in the vicinity of licensed premises, they are still entitled to peace in their homes and understood their concerns should the hours be increased and subsequently the numbers of people making noise at a later time increases. The Sub-Committee noted that the Objectors felt noise levels had not been well managed to date and so were concerned as to how the Applicant would remedy this going forward.

However, the Sub-Committee felt that the Applicant had shown he was willing to work with neighbours to mitigate their concerns having already installed noise and light reducing measures along with agreeing conditions with Environmental Health.

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 Environmental Health. However, the Sub-Committee felt that an amendment to the opening hours requested was reasonable and these should be set at 10am-00.00am with the supply of alcohol to end by 11.30pm in order to reduce and mitigate the level of public nuisance to the surrounding neighbours.

Cllr Hayes
Chair