

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 12 JANUARY 2012

Present: Cllrs J I G Blackler, P K Cuthbert and J W Squire
S Amos, Member Services (minutes taker)
T Johnson, Solicitor
G Lewis, Environmental Health Officer
G Munson, Business Support Manager
N Wopling, Licensing Officer

Members also in attendance and not participating:
Cllr R D Gilbert

Also in attendance and participating:
Applicant: Mr Phillip Walton, Director of Star Studded Entertainments Ltd
Interested Party: Mr Roger Trembath, Managing Director, Abbots Quay Ltd
(also representing two other interested parties)
Representatives for the Police Authority

LSC.19/11 APPOINTMENT OF CHAIRMAN

RESOLVED

That Cllr Squire be appointed Chairman for the duration of the meeting.

LSC.20/11 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Whilst not a Member of the Sub-Committee, Cllr Gilbert declared a personal interest in Item 4: "*To Determine an Application for a New Premises Licence* – (minute LSC.21 /11 below refers) by virtue of having known the applicant personally for quite some time and remained in the meeting during the discussion.

L.SC.21/11 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE – HIDEAWAY SPEAKEASY, 5a MILL STREET, KINGSBRIDGE TQ7 1ED

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and specifically advised that the premises was previously used as an Indian restaurant and was still currently licensed for the sale and supply of alcohol only. The licence contained licence conditions carried over from the 1964 Licensing Act meaning that alcohol could only be sold or supplied as ancillary to a meal. The applicant had requested to be licensed for a range of regulated entertainment activities.

The Licensing Officer informed the Committee that since receiving the application, the applicant had made Mr Andrew Northcott the designated premises supervisor and confirmed that Mr Northcott had consented to accept this position.

Due to nature of these entertainment activities and the hours requested, four representations had been received from interested parties either living in the vicinity or with business interests in the vicinity of the premises. The main concerns related to public nuisance caused by noise from music and noise from people leaving the premises. Two of the representations also mentioned their concern that premises of this nature may increase anti-social behaviour and crime and disorder in the area.

In relation to noise nuisance, comments had also been received from Environmental Health. Following a visit to the premises, Environmental Health Officer, Georgina Lewis, had requested that a number of conditions relating to noise control be included on the licence and in place before entertainment was permitted at the premises.

Comments had also been received from the Police requesting that amendments be made to the hours permitted for certain licensable activities, to the opening hours, and for additional conditions to be included on the premises licence to address prevention of crime and disorder licensing objective. The Police had discussed their requests with the applicant and the Council subsequent received confirmation from Mr Walton that he was in agreement with these requests.

Since receiving these representations, the Licensing department had held a meeting with Mr Walton where the main concerns had been discussed that had been mentioned in the objections and his intentions for the business. Following this meeting the Licensing department had assisted Mr Walton to put together a 'package' of proposed amendments to the application relating to the licence and opening hours, including conditions requested by Environmental Health under prevention of public nuisance and the Police under prevention of crime and disorder, as well as to clarify points which were unclear on the original application.

In addition, the Licensing Officer informed the Committee that in relation to point 2.5 of the presented agenda report (refer to page 4) a clerical error had been addressed where the condition had been replaced with "When alcohol is available to be purchased, there will be a personal licence holder present".

The applicant had also agreed to significantly reduce the hours applied for licensable activities but had requested tweaks to the hours for films, live music and recorded music on Fridays and Saturdays by increasing these to midnight.

One of the conditions requested by Environmental Health, which was condition number one on page 58 of the presented agenda report, requested that an accredited noise consultant be appointed to prepare a scheme of sound insulation and noise control measures report that must be approved by Environmental Health and fully implemented before entertainment may take place.

The Committee was informed that Mr Walton had employed a noise consultant and that the Licensing department had received a copy of an email from the consultant, Sean Bruce, containing preliminary calculations relating to the sound insulation. Mr Bruce's report suggested that a number of works would be required.

It was confirmed that a full report had not yet been completed and received by Environmental Health.

The Chairman enquired of the Council's Solicitor as to whether the meeting could proceed in the absence of a full report from the noise consultant due to the relevance of this report to the licence application. In reply, the Solicitor advised that the meeting should be adjourned for a maximum of three weeks to allow time for the report to be received and considered.

After consulting with Cllr Blackler and Cllr Cuthbert, the Chairman confirmed that this meeting should be deferred to take place on Monday 6 February 2012 at 10.00 am in the Cary Room.

Chairman