

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON 6 FEBRUARY 2012**

Present: Cllrs J I G Blackler, P K Cuthbert and J W Squire
G Munson, Business Support Manager
N Wopling, Licensing Officer
T Johnson, Solicitor
G Lewis, Environmental Health Officer

Insp A Tomlinson, Devon & Cornwall Constabulary
Sgt D Green, Neighbourhood Team Leader, Devon & Cornwall
Constabulary
L Carlo – Licensing Officer, Devon & Cornwall Constabulary

Mr P Walton, Director of Star Studded Entertainments Ltd, Applicant
Rebecca Abbott
Mr M Trembath, (Representing Mr R Trembath, Managing Director,
Abbots Quay Ltd)
Mr R Rose-Price

LSC.22/11 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.23/11 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

**LSC.24/11 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 gave a resume of the previous meeting held on 12 January 2012 which had been adjourned to enable a report to be submitted to the Environmental Health Service from the Acoustic Consultant (LSC.21/11 refers). The Consultant had been appointed by Mr Walton to prepare a scheme of sound insulation and noise control measures report in regard to the premises. This had now been received and distributed to all relevant parties.

Subsequent to the previous meeting, the Licensing Officer further informed that it had been requested by Mr Walton, that he be replaced by Mr Andrew Northcott as the designated premises supervisor and this had been accepted.

2. Address by Environmental Health Officer

The Committee was informed that the Noise Consultant had been contacted by the Environmental Health Officer (Pollution Control) with a number of questions arising from his report. A copy of the email containing both the questions, and the responses from the Acoustic Consultant, had been distributed to the Committee Members and the Applicant and these were discussed.

The chief points of concern from the Environmental Health Officer had been:

- The reliability of the readings taken on the 2nd floor balcony during T1, T2 and for ambient level;
- Whether the impact of any noise on adjacent properties had been factored into his report;
- Whether potential noise levels from patrons leaving the premises or congregating to smoke in designated areas would be problematic;
- The adequacy of ventilation in the premises to negate the need for windows and doors to be opened during entertainment;
- The adequacy of current sound insulation to mitigate any noise generated by live bands;
- The requirement to install an in house sound system with an electronic in circuit noise limiting device, as opposed to that which emitted a warning (light?) when set limits were being exceeded;
- Whether any background noise readings had been taken representative of the latest time that the premises might be open.

3. Address by Mr P Walton

Mr Walton informed that the extractor fans referred to in the report which dominated the background noise readings, were turned down when the premises became less busy. In regard to the adjacent properties, one of the residents had informed him that he was not disturbed by any noise in relation to the premises and he had not received any complaints from the other adjacent properties. He went on to say that in regard to the concerns about noise from patrons leaving the premises, there would be CCTV installed and staff would be instructed to advise patrons to be considerate when exiting the site.

Members asked how the membership would operate. In response, he informed that there would be different levels of membership. Holiday makers for example would be granted a temporary membership. Names and addresses would be required for membership.

Members expressed some concerns about the limited entry and exit points, particularly during a situation such as a fire requiring a speedy evacuation.

The Licensing Officer informed that a Fire Officer had inspected the premises and although he had concerns about the 3rd floor, as this was not part of the proposed licensed premises he had not objected to the premises licence application.

4. Address by Mr R Price and Mr R Trembath

Mr R Price disputed the statement by the applicant that the extractor fans were switched off when the premises was less busy, noting that in his experience the fans were not switched off until the kitchens were closed. Mr Trembath further expressed concerns that windows could be opened during hot periods and that he had been able to hear noise emanating from the kitchen area.

5. Address by Licensing Officer (Devon & Cornwall Constabulary)

The officer expressed her concerns that this would not in reality be a Members only club by virtue of the seasonal trade requiring temporary memberships and that the proposals could enable the establishment to be run as a nightclub facility.

Members expressed concern about the potential for underage drinking. In response, Mr Walton informed that all those aged 18 to 21 would be required to present ID in order to be issued with a wrist band for purchasing alcohol.

6. Address by the Business Support Manager

The Business Support Manager requested that a condition of the use of an in-house sound system fitted with a sound limiter device, as opposed to one emitting a warning be applied to the license if granted.

7. Committee's Deliberations

8. The Decision

The Chairman then proceeded to announce the decision as follows:

“We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that related to the promotion of the four licensing objectives.

Upon hearing all relevant representations, examining all the evidence submitted for all the relevant authorities and representors, it is our decision to grant the licence subject to the pre-agreed amendments to the times for licensable activities to take place, together with the following conditions:

1. Environmental Health is to set the upper noise limit to be used;
2. The Applicant is to complete all such sound-proofing works as prescribed by Environmental Health and/or the Applicants consultant;
3. The kitchen window is to be hard glazed and non-openable;
4. An electronic sound limiting device to be installed and set to the maximum level as prescribed by Environmental Health;
5. Vents to be installed before any licensable activity is permitted and subject to the approval of Environmental Health;
6. No licensable activities to take place until such times as Environmental
7. Health provides confirmation that all required actions and conditions have been met.

Chairman