

WEST DEVON LICENSING SUB- COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Licensing Sub-Committee** held on **Tuesday, 28th May, 2024 at 2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Cheadle
Vice Chairman

Cllr Jory

Cllr Southcott

In attendance:

Officers:

Lawyer

Senior Licensing Officer

Principle Environmental Health & Licensing Officer

Licensing Officer

Senior Democratic Services Officer

1. **Appointment of Chairman**

*LSC 1

It was **RESOLVED** that Cllr R Cheadle be appointed Chairman for the duration of the Sub-Committee meeting.

2. **Declarations of Interest**

*LSC 2

There were no declarations of interest declared.

3. **Application for New Premises Licence at Uphill Farm Walled Garden and Barn, Yelverton, PL20 6DF**

*LSC 3

The Senior Licensing Officer introduced her report on the application to the Committee as outlined on the agenda. The venue had been running events on a TENS basis. The hours for the new premises licence did

not exceed those granted in the planning permission granted in 2023. Any conditions in place in the planning permission would remain in place and would be enforceable should they be breached. If a Premises Licence were to be granted both sets of conditions would need to be complied with. During the consultation period representation was received from a local resident and from Environmental Health. The concerns related to the Licensing Objective of public nuisance due to the potential noise disturbance from music and customers at the premises. Environmental Health have since withdrawn their representation subject to agreement from the applicant to include four additional conditions. These are;

1. No more than 120 guests shall be present during any one event and up to date records of any covers paid for shall be kept and maintained and made available for inspection by the Licensing authority upon request.
2. The commitments in the lighting plan dated February 2023 shall be complied with or succeeding revisions on the plan if agreed in writing shall be complied with.
3. The commitments in the noise management plan dated April 2023 or subsequent provisions if agreed in writing shall be complied with at all times during events at which live and amplified music is played.
4. No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence.

She asked the Committee if they were minded to grant the application, to include the conditions in the Premises Licence. For clarification the Officer added that should the Premises Licence be granted to include the sale of alcohol on the premises, as is requested, the Live Music Act 2012 would be applicable. That means the applicants would automatically be allowed to provide amplified music or recorded music in the hours 8am-11pm or until the end of alcohol sales, whichever is the earlier.

The applicants has only applied to have recorded music for the hours of 23hrs- midnight on a Friday and Saturday evening, any music outside of these times would be covered by the Live Music Act, should alcohol be granted. If the Premises Licence be granted any conditions related to music will only be enforceable during those hours.

Since the publication of the agenda the Licensing department had received further information from the applicant and a local resident. These are listed as additional information in the papers.

The applicants stated the police had requested that the kitchen would be secure and lockable A fire risk assessment had been carried out and is reviewed annually. Staff briefings are carried out for the event of a fire. There are qualified first aiders on the premises. Staff are regularly reminded of Challenge 25 at staff briefings. Neighbours would be sent

a letter outlining how to contact the venue during an event. The applicant would attend the residence of the complainant to take meter readings. In the event they were breaching the level the sound system can be turned down remotely. A small 33 seat coach would be used to shuttle those attending events.

A resident who lived 250m S/SE of the venue, spoke to raise concerns around noise and traffic. He also raised concerns over who would monitor the timings of events and whether they stopped at the correct time. He questioned why the music had to go on until midnight and not stop at 11pm. He stated he would look to invest in cctv and a noise monitoring system on his property to carry out vision and sound recordings to see if the plan is adhered to. He felt the venue to run on a shorter time period of finishing earlier than requested to see how it went and then request to extend the time of the finish of events.

The Committee retired and, on their return, the Chairmans read out the following statement.

"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 relate to the promotion of the licensing objectives.

We have read carefully the written representation from all parties, plus the additional statements from persons here today.

We have also considered the additional conditions proposed by Environmental Health and accepted by the Applicant.

**It is our decision to:
Grant the application as submitted;**

The reasons for our decision are as follows;

Of the four licensing objectives, we conclude that the only possible consideration is the prevention of public nuisance. We believe that the constraints already imposed are sufficiently robust if adhered to. If evidence comes to light that conditions are not being met, the licence can be reviewed.

The Meeting concluded at 2.55 pm

Signed by:

Chairman
