

WEST DEVON LICENSING SUB- COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Licensing Sub-Committee** held on **Thursday, 6th October, 2022** at **2.00 pm** at the **Meeting Room 3 - Kilworthy Park**

Present: **Councillors:**

Chairman
Vice Chairman

Cllr Leech
Cllr Ratcliffe

Cllr Pearce

In attendance:

Monitoring Officer
Licensing Contractor
Licensing Specialist (via Teams)
Specialist – Environmental Health
Democratic Services Officer
Applicant (via Teams)

4. **Appointment of Chairman**

*LSC4

It was **RESOLVED**

That Cllr Pearce be appointed Chairman for the duration of the Sub-Committee meeting.

5. **Declarations of Interest**

*LSC5

No interests were declared by the Committee Members

6. **Application for a Temporary Events Notice at The Stannary Arms, Legion House, 2 King Street, Tavistock, PL19 0DS.**

*LSC6

The Sub Committee considered an application for the granting of a Temporary Events Notice at The Stannary Arms, Legion House, 2 King Street, Tavistock, PL19 0DS.

The Licensing Specialist took Members through the application that was before them for a Temporary Events Notice. It was noted that there had been several complaints received by the Environmental Health department in regard to noise levels at various events at this establishment where residents were kept awake after 11pm. Environmental Health Officers had spoken to the Landlord on three occasions in regard to the complaints received.

Mr Beech stated that adjustments could be made to the event by moving the music from the function room into the bar area. He confirmed three bands and one singer would be performing on the night.

The Environmental Health Specialist read out the list of complaints received which were all recorded after the normal licensing time of 11pm.

The Sub-Committee retired and when the members returned the Chairman read out the following statement setting out the Sub-Committee's decision and the reasons for it:

The Decision

The Sub-Committee decided to **REFUSE** the application;

The aim of the Licensing Act 2003 is to provide a more flexible licensing system, by reducing the burden of unnecessary regulation, but still maintaining public order and safety. The 2003 Act makes it clear that licensable activities are to be restricted only where it is necessary to promote the four Licensing Objectives.

A temporary event notice allows licensable activities at a temporary event. It is intended to be a light touch process and as is the case here, may be given in respect of premises which already have a premises licence to cover licensable activities not permitted under the existing authorisation. The statutory scheme does however give the Police and the Environmental Health the opportunity to object to a temporary event notice on the basis of the Licensing Objectives. Where one or both object, a hearing must be held. Following which we may decide to impose conditions which already apply to an existing premises licence at the venue, or issue a counter notice to prevent the event going ahead.

It is against this background that we heard that Martyn Beech gave notice of his intention to hold a temporary event in the Function Room and Bar Area at The Stannary Arms Tavistock. During the hearing Mr Beech suggested that he had intended that the live music would be in the Function Room until 11pm with the music moving to the Bar Area between 11pm and 1.30am, but would be willing to confine the live music to the Function Room for the whole of the event. We were advised that modification of a temporary event notice was only

possible before a hearing had been held or where it had been agreed that a hearing was unnecessary. Equally, we were advised that we could not impose a condition to that effect. Accordingly, the Sub-Committee has considered the temporary event notice as it was submitted.

The Stannary Arms is a public house and has a premises licence, which applies to the area in which the event is to be held. The premises are located within the town centre of Tavistock, as such there is a mix of uses and occupiers. These include residential premises and occupiers.

The nature of the proposed temporary event was a charity event with local bands playing live to raise funds for a local charity. The notice said that the licensable activities would be the retail sale of alcohol; the provision of regulated entertainment and the provision of late-night refreshment between 7pm and 2am on 7 October 2022. The regulated entertainment, ie the playing of live music would however only be between 7pm and 1.30pm. The maximum number of people that would be present on the premises at any one time would be 100.

On 27 September 2022 the Council's Environmental Health Specialist, Sarah Harcombe objected to the temporary event notice. The objection set out concerns about public nuisance, in particular the absence of information about how Mr Beech planned to deal with late night noise. The Environmental Health Specialist elaborated on the reasons for those concerns at the hearing. She explained that noise nuisance after 11pm had been a particular problem with a number of complaints being received from nearby residents. 11pm being the time after which recorded music was prohibited under the terms of the premises licence. The Environmental Health Specialist provided details of the complaints received. She concluded by saying that she considered the complaints to be credible.

In response and in further explaining the details of the event Mr Beech said he had planned to hold a mini music event in aid of a local mental health charity. There would be three live bands who would play until 11pm with a solo singer singing to a backing track from then until 1.30am. He explained the layout of the premises and that the Function Room did not have any windows and he suspected that the complaints emanated from events in the Pool Room which had a large window. Mr Beech also told us about his future plans for dealing with noise issues.

1. Having considered all that has been said and presented to us, the Sub-Committee has decided that the event would undermine the Licensing Objectives and should not take place.
2. We have reached this decision because of the history of noise complaints and the failure to respond effectively, we were not satisfied that the event would take place without there being a noise nuisance being caused to neighbouring residents. Accordingly, to allow the event to take place, with or without

conditions, would in the view of the Sub-Committee fail to promote the Licensing Objectives.

3. Following the giving of the counter-notice all parties have the right to appeal to the Magistrates' Court.

The Meeting concluded at 4.00 pm

Signed by:

Chairman
