

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES, THURSDAY 3 DECEMBER 2009**

Present: Councillors Carter, Pannell and Squire
D Jenkins Evans, Monitoring Officer, SHDC
G Lewis, Environmental Health Officer, SHDC
G Munson, Licensing and Administration Manager, SHDC
D White, Member Support Services Manager, SHDC
N Wopling, Licensing Officer, SHDC

LSC.10/09 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.11/09 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.12/09 DETERMINATION OF AN APPLICATION FOR THE VARIATION OF
A PREMISES LICENCE UNDER THE LICENSING ACT 2003: THE
BARREL HOUSE, 59-59A HIGH STREET, TOTNES TQ9 5PB**

1. Licensing and Administration Manager's Report

A report was presented to the Sub-Committee which outlined the application. It was noted that the original application had sought to increase the occupancy figures of the upstairs Ballroom from a maximum of 60 to 120.

This request had resulted in the Police submitting an objection on the grounds of the prevention of Crime and Disorder licensing objective. To overcome this objection, the Police had asked that a CCTV system be installed. Members noted that this request had consequently been agreed by the applicants.

The Fire Service had also submitted an objection and were primarily concerned in respect of the lack of alternative means of escape. Subject to the inclusion of certain conditions, the Fire Service would consider an increase in capacity to 90 persons only. The officer also confirmed that these conditions had already been accepted by the applicants.

In addition, and following a series of noise issues, a representation had also been received from the Environmental Health Officer (EHO). The Sub-Committee was informed that the EHO was in attendance for this hearing and was intending to present her views.

An objection had also been received from an interested party who lived above the premises and was believed to have connections to the adjoining licensed premise. This submission had expressed concern that any proposed increase in capacity would result in additional disturbances arising from the noise of music and people.

In his concluding comments, the officer stressed that the Sub-Committee should not be concerned with any ongoing issues regarding the current licence. However, attention should be focused upon determining whether an increase in maximum capacity from 60 to 90 people would still meet the licensing objectives.

2. Address by the applicants

In their presentation, the applicants made particular reference to:-

- their firm belief that by increasing the capacity by 30 would not jeopardise the licensing objectives. In addition, this increased capacity could stop people who were currently unable to enter the premises from congregating outside;
- their quick responses to any noise complaints;
- the purpose of applying for the variation. Members were advised that the application was seeking to increase the capacity of the premises in order to assist the business in the current economic climate and not to antagonise local residents;
- the wide range of entertainment provided at the premises. The applicants stressed that the premises offered a wide variety of entertainment, relating from music based events to poetry and discussion groups;
- the nature of the objection from an interested party. It was felt that this objection originated from the relations of a rival business;
- the CCTV system having already been installed;
- the premises not being associated with excess alcohol consumption or cheap drink promotions;
- recommended fire safety improvements having already been implemented;
- the number of licensed premises in close proximity. When bearing this in mind, the applicants did not feel that an additional 30 people would have a significant impact and highlighted the difficulties in establishing from which premise the noise was being generated;
- encouraging customers to leave the premises quietly. Moreover, the applicants were proposing to increase the staff presence around the exits to ensure that customers left quietly;
- the applicants having restored the building for the benefit of Totnes.

3. Committee Questions to the Applicants

For clarity, the applicants confirmed that the numbers of attendees at events were currently monitored either via the purchase of tickets in advance or by on the door stamps.

4. Address by the Environmental Health Officer

The Environmental Health Officer advised that her main concern was in relation to the objection submitted by the neighbouring resident. The officer proceeded to inform that she had not witnessed a noise issue at present, but did acknowledge that it was inevitable that a greater capacity would lead to an increased noise level. To counter the noise impact of crowds congregating outside the premise, the officer was recommending that any music must be stopped at least thirty minutes prior to closing time.

The Sub-Committee noted that the officer had been made aware of one particular recent event at which the noise impact was excessive. This finding had been accepted by the applicants who had since cancelled any future events arranged for this DJ. The building was not considered to be designed or built to contain very loud dance music. In reply to a question, the officer did state that there was a theory whereby a certain level of acoustic sound would be absorbed by an increased capacity within a venue.

Once all parties were satisfied that they had no further questions or issues which they wished to raise, all parties (with the exception of the Sub-Committee, Monitoring Officer and Member Support Services Manager) left the meeting room.

5. The Decision

On behalf of the Committee, the Member Support Services Manager then announced the decision as follows:

“The Committee has considered the application to grant a variation of a premises licence and has considered the Statement of Licensing Policy, the government guidance and the obligations that relate to the promotion of the four licensing objectives.

The Committee is therefore minded to grant this variation to increase the capacity for members of the public in the main dining/events space – the Ballroom upstairs – from 60 to 90, subject to inclusion of the following conditions:-

1. That the Authority has to be satisfied that the CCTV system is installed and operative before the capacity of the premises is increased. The CCTV system will be installed and operative at all times, while the premises are trading and the equipment to be maintained to the satisfaction of the chief of police. Recorded images to be retained for 30 days and made available to Police Officers on request. If the CCTV equipment is inoperative, the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action; and
2. To minimise disruption, that stewarding be provided on the exits of the premises between the times of cessation of the entertainment and the closing time”.

Chairman