

MINUTES of a **MEETING** of the **LICENCING SUB COMMITTEE** held on 17 May 2024 at 10.00 am

**Present
Councillors**

L J Cruwys, J M Downes and
L G J Kennedy

**Also Present
Officer(s):**

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Thomas Keating (Specialist Lead (Licensing) Officer), Philip White (Specialist (Licensing) Officer), Gemma Wood (Specialist Support Public Health) and Angie Howell (Democratic Services Officer)

7 APOLOGIES

There were no apologies.

8 ELECTION OF CHAIRMAN

Councillor L Kennedy was elected as Chairman of the Sub-Committee.

9 DETERMINATION OF A NEW PREMISES LICENCE APPLICATION FOR WEMBWORTHY VILLAGE HALL, THE VILLAGE, WEMBWORTHY, CHULMLEIGH, DEVON, EX18 7QR

An application had been submitted for a new premises licence for Wembworthy Village Hall, The Village, Wembworthy, Chulmleigh, Devon, EX18 7QR.

The Chairman introduced the Members of the Sub-Committee and officers present and explained the process for the Hearing.

There were no declarations of interest.

The Licensing Sub-Committee agreed that the meeting should be heard in public session and that there would be no time limit for speakers.

The Specialist (Licensing) Officer outlined the contents of the report as follows:-

- The village hall had a typical layout, situated on the outskirts of Wembworthy Village and was set back about 30 metres off the road.
- There was a grassed area immediately outside for picnic benches.
- Temporary Event Notices (TENs) had previously been used to authorise licensable activities.
- There had been 10 TENs in 2023 and 2 so far in 2024. The applicant was the Premises User for 5 of the TENs in 2023 and had also submitted the 2 in 2024.
- The Licensing Team did not find any details of complaints made about the premises on its systems for the above events.
- The application was for the supply of alcohol for consumption both on and off the premises on a Friday, Saturday and Sunday and for recorded and live music to be played indoors during the hours of 12.00-23.30.
- The Responsible Authorities under the Licensing Act 2003 were notified of the application and none made representations.
- The Licensing Team did receive a representation from a neighbour Mrs Ross who was unable to attend today.
- An overview of the issues considered relevant were:-
 - (i) The potential for disruption;
 - (ii) The potential for noise;
 - (iii) The potential for light pollution;
- The Sub-Committee must have regard to any relevant representations.
- The Sub-Committee were reminded of their options in reaching a decision regarding the Application. This included:-
 - (i) To grant the licence as applied for;
 - (ii) To grant the licence subject to appropriate modifications;
 - (iii) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (iv) To refuse to specify a Designated Premises Supervisor;
 - (v) To reject the application.

The applicant read from a statement he had prepared informing the Sub-Committee of the following:-

- The reason for the licence was to reduce the cost of applying for TENs and to create a vibrant community in a rural village.
- It would be a large saving to the village hall as applying for TENs on a monthly basis would cost approximately £252 per year. However a Premises Licence would only cost £70 per year.
- It was an old village hall and maintenance was costly and endless. Events with a bar often raised the most money and were easy to organise.
- Since May 2023 the success of the social evenings had been fantastic and had not only raised much needed funds for the upkeep of the hall but was also a get together for all members of the community and to make new friends.
- The customers were mindful of neighbours and people, all but one of the neighbouring properties, attended the events on a regular basis.
- Any events were ran in accordance with the four licensing objectives which the applicant took very seriously.

- Discos were held once or twice a year only, which were well advertised in advance and finished before midnight and this would not change.
- The outside area was lit by very low voltage festoon lights along the front of the hall and into the tree. The security light was installed a few years ago for safety reasons and came on automatically with movement all the time.
- Since meeting with Mrs Ross and finding out about the issue, the light had been moved so that it shone down towards the ground rather than straight out. There had been no complaints about the light in the few years it had been installed.

The following questions/statements were raised by the Sub-Committee:-

- Cllr L Kennedy asked the applicant if a security camera had been installed. The applicant confirmed that there was no security camera only a security light which had been installed when the electrics were all re-done 2-3 years ago.
- Cllr L Kennedy asked how noise was monitored. The applicant explained that the village hall did not often have music playing; they had 2 discos a year which people could probably hear. He indicated that they could try to keep the windows and doors closed, this was difficult in the summer. People had been made aware of the issue. Posters were placed on doors asking customers to keep the noise down due to neighbours. He also explained that they had not received any complaints. He confirmed that the issue would be monitored and addressed if necessary. Also a new roof that had recently been fitted had insulation which should help to reduce noise.
- Cllr J Downes asked if the applicant intended to play live music outside. The applicant confirmed that this would not be the case. All music would only be played inside.
- Cllr J Downes asked why the applicant had not included Mondays (for bank holidays) in their application. The applicant explained that people would not attend events on those days.
- Cllr J Downes asked about the play area outside of the village hall and whether this would be used by the village hall. It was explained that it could not be used by the village hall though youngsters may go outside to play there.
- Cllr L Cruwys asked about the previous TENs that had been submitted. It was explained that the other 5 TENs that had been applied for were by the Clerk of the Parish Council (who had a personal licence) but now the applicant would be dealing with them going forward.
- Cllr L Cruwys asked if a TEN had ever been refused to the village hall. It was confirmed that a TEN had never been refused.
- Cllr L Cruwys asked if the village hall intended to increase events held. The applicant confirmed that there was only so much the Committee would do each year. There may be a small increase due to trying to cover the costs of the roof which had cost £27,000 but that it would not get out of hand.
- Cllr L Kennedy asked if the village hall was a charitable committee. The applicant confirmed that it was.

Mr Flynn, assisting the applicant explained the following:-

- Events would not be held every week. Applying for the Licence was simply for ease of organising events in the future to help bring the village together – events such as the Coronation, Jubilee etc.
- Parking had never been an issue and he hoped the lighting complaint had now been resolved.
- The social evenings held were quiet and music played was from a stereo and finished early.
- Bigger events ran later and would not happen regularly throughout the year and times on the application would be strictly adhered to.

The applicant also confirmed that he was very strict at ensuring timing deadlines were complied with.

Members of the Sub-Committee then retired to reach a decision in private accompanied by the Council's representatives from Legal and Democratic Services.

The Sub-Committee returned and the Chairman made the following statement:-

The Sub-Committee took into account the relevant legislation, the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the report of the Licensing Officer and the relevant representation submitted, together with the presentations of those present at the hearing.

In particular, the Sub-Committee noted the following:

- The Responsible Authorities e.g. the Fire Service, Environmental Health etc. had made no representations.
- That concerns that had been raised about possible disruption of the peace, noise and light pollution in the representation received.
- The Sub-Committee considered that the 3 issues raised fell under the licensing objective of prevention of a public nuisance.
- The applicant had offered a condition within the application regarding the display of notices requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
- In addition, prior to the hearing the applicant, as a result of meeting with the other party, had changed the position of the automatic security light to shine down toward the ground.
- The Village Hall Committee was small and only held a handful of events throughout the year.
- The limited nature of the activities, days and times applied for.
- The response from the applicant that he was strict in regard to timing and time limits.
- The response from the applicant that he would keep the issue of noise under review.

RESOLVED that:-

The application for a new Premises Licence at the Wembworthy Village Hall be granted as applied for.

Reasons for the decision:

Given the above considerations, the Sub-Committee was of the opinion that there was no overriding concern about public nuisance which supported the refusal of the application.

The Legal Representative then outlined the rights of appeal to the Magistrates Court and stated that formal notification would be sent in writing to all parties.

(The meeting ended at 11.15 am)

CHAIRMAN