

**MINUTES** of a **MEETING** of the **LICENCING SUB COMMITTEE** held on 3 December 2024 at 2.00 pm

**Present  
Councillors**

J Buczkowski, F J Colthorpe and  
J M Downes

**Also Present  
Officer(s):**

Harriet Said (Team Leader (Commercial), Public Health),  
Thomas Keating (Specialist Lead (Licensing) Officer),  
Philip Langdon (Solicitor), Amy Sully (Specialist Officer)  
and Angie Howell (Democratic Services Officer)

**13 APOLOGIES**

There were no apologies for absence.

**14 ELECTION OF CHAIR**

Councillor F J Colthorpe was elected as the Chair of the Sub-Committee.

**15 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR THE SEAHORSE, 10 NEWPORT STREET, TIVERTON, DEVON, EX16 6NH**

An application had been received for new premises licence for The Seahorse, 10 Newport Street, Tiverton, Devon, EX16 6NH.

The Chair introduced the Members of the Sub-Committee and officers that were 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 a public session and that there would be no time limit for speakers.

The Sub-Committee confirmed they had received and read the paperwork circulated in advance of the meeting.

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

- There were several issues which warranted attention to clarify issues and elements of confusion.

- The overview was to establish the purpose of the Hearing, the agreed conditions and proposed updates to the application and to clarify non-licensable music, conditions and safeguarding for local residents.
- The purpose of the Hearing was to enable the applicant to address the Sub-Committee and address concerns raised in representations received. It was also an opportunity for those that had made representations to elaborate on objections.
- The applicant had agreed a number of conditions with the Police and agreed a further number of conditions as shown in Annex 3.
- The Licensing Officer had comments on two of those conditions with regard to live performances, the sound levels, how this would be monitored regularly and the equipment used. Also with regard to a DPS (Designated Premises Supervisor) whether they would attend meetings such as Pub Watch and LVA.
- When representations were received the Licensing Authority would encourage the applicant to discuss those issues.
- The applicant emailed all interested parties and as a result the application had been amended to reduce the opening times and amended the capacity of people in the building from 60 down to 40.
- An agreement could still not be made by due to other representations received.
- Additional information submitted by all parties had been circulated to the Sub-Committee in advance of the meeting.
- As a result of amendments to the Licensing Act 2003 a range of activities no longer required a licence across England and Wales.
- Live music and recorded music did not require a licence if:
  - (i) It took place between 8am-11pm
  - (ii) It took place at an alcohol on-licensed premises; and
  - (iii) The audience was no more than 500 people if the music was amplified.
- A number of conditions that had been suggested would likely be suspended:-
  - (i) The requirement for door staff when there was live music playing
  - (ii) Live music to be limited to once a month
  - (iii) All doors and windows to be kept closed whilst there was live and recorded music taking place.
- The applicant did not need to apply to play music.
- There was however protection for residents:-
  - (i) Public nuisance was a licensing objective. Anyone could review a licence at any time. An application would then go before a Sub-Committee who could then apply conditions to the licence however those conditions could only be applied at a review.
  - (ii) Environmental Health could deal with any noise issues.

The Chair asked if there were any questions from other parties – at this point there were no questions.

The Chair invited the applicant to present his case. The applicant informed the Sub-Committee of the following:-

- He had found the entire process very upsetting as he felt the comments were disruptive and unfair.

- He had taken over the lease 12 months ago and had been working on repairs since then and had opened the pub on a few occasions.
- He felt the opening times which had now been amended were very reasonable.
- Comments had been taken on board with regard to CCTV.
- With regard to noise pollution there would be no live music after 11pm.
- He had invested in a decibel meter to monitor the noise and would keep records.
- On previous occasions the highest decibel reading had reached 56.4 decibels and had been reduced to 48.2 decibels when the doors were open. On both occasions no issues had been reported.
- The legal noise exposure was 87 decibels and anything that exceeded 70 decibels was considered disturbing.
- The previous licence holder had applied for Temporary Event Notices (TENS) every time there was an event. There had been no TENS licences since March 2020.
- To suggest music was only played once per month was unfair as he wished the pub to be open as a community gathering where people could come and play folk music once a week.
- Congregating on the street was not completely within his control and he could not dictate where people talked on public highways.
- Ashtrays had been placed as far away as possible on Castle Street to limit the cigarettes thrown on the floor. This could be removed.
- The capacity with seating was 49.5 following a health and safety assessment.
- To hire a door man was not a viable option financially and the pub would have to close if this was a condition. The only way to make this viable would be to remove the furniture and increase the capacity to 80 people.
- The Seahorse would be a community project as it had always been.

The following questions/statements were raised by Other Parties:-

- Q: Concerns with regard to management and the level of control over the Seahorse if the applicant was also working at different bar at the same time.  
A: The applicant explained that previous workers from Courtney's had expressed an interest in coming back to work at the Seahorse.
- Q: Would live bands now be held at the Barley Mow?  
A: The applicant explained that the Seahorse would be a place where people could come and talk which is why the noise level on the speakers would be limited and controlled by his mobile telephone.
- Q: Would there be any live music after 11.00pm?  
A: The applicant confirmed that there would be no live music from 11.00pm. It would be background music played until 12:00pm and refreshments such as coffee would be provided for free.

The Sub-Committee had no questions to ask.

The Specialist (Licensing) Officer asked the following questions:-

- Q: Were you offering CCTV as a condition?

- A: The applicant explained that he would be happy to accept this as a condition of the Licence and that he had spoken to the Police about it who had suggested it was installed.
- Q: The proposed condition in the application stated that there would be no admission or readmissions after midnight however on a different page in the application it stated the door will close at 11:00pm with last orders 30 minutes before that.
  - A: The applicant clarified that if it was agreed that the opening hours on a Friday and Saturday would be 12:00pm then there would be no re-admissions after 11:00pm and last orders would be 11:30pm.
  - Q: Was a Fire Risk Assessment carried out to confirm the capacity numbers?  
A: The applicant confirmed that a Fire Risk Assessment had been carried out and that is where the figure of 40 for capacity had come from.
  - In the application it stated that under 12's would only be permitted if accompanied between the hours of 10:00-21:00. However, the premises did not open until midday.
  - A: The applicant explained that they wished to open in the morning to serve tea, coffee and cake. There would be nothing licensable until midday.
  - Can you confirm that the recorded music between 11.00pm and midnight would only be background music played on Friday and Saturday nights?
  - A: The applicant confirmed that this was the case and the volume would be controlled with his mobile telephone.

The Chair invited the Other Parties to present their case. The following questions/statements were raised by Other Parties:-

Peter and Kate Clayton-White

- They were residents of Castle Street and in general welcomed the efforts of the applicant when responding to concerns. However they still had the following concerns:-
  - (i) Excessive noise and public safety.
  - (ii) The original closing times submitted by the applicant of midnight each night suggested a lack of consideration to local residents.
  - (iii) Despite the 4 Licensing Objectives none of the proposals helped to curtail alcohol nuisance and disorder outside the pub.
  - (iv) Section 8.8 in the Licensing Policy referred to wider considerations including Anti-Social Behaviour and Section 8.9 suggested that applicants should have particular regard to those issues and have systems in place to control noise and disturbance inside and outside of the pub.
  - (v) There should be a condition to employ door staff to deal with unruly behaviour and to ensure that alcohol did not go outside and to monitor the number of people entering the building. They would also be able to deal with noise levels along with smokers and vapers outside.
  - (vi) There were concerns about unacceptable noise levels when music was being played and there should be no music played after 11.00pm.
  - (vii) Doors and windows should be kept shut with air conditioning installed.
  - (viii) They really had no wish to deny the licence and were not being malicious but still had concerns about potential noise and public order issues that would need to be addressed.

The applicant asked if, whilst the previous licence holder was there, did she call for a review when acoustic music was being played? Mrs Kate Clayton-White confirmed that they did not and did not feel it was appropriate.

#### Mr Martyn Bragg

- Explained that all the points he had wished to raise had already been covered and that he had no further comments.

#### Party Submitted as Annex 6

- Explained that she endorsed what previous parties had said and had nothing more to add.

#### Stephen Hargreaves

- Did not want to prevent the business from enriching the area but noise was a serious issue.
- Castle Street was a residential street and noise from smokers outside could be very noisy.
- Late night music was a real concern and did not feel it unreasonable to place a condition that live or recorded music ceased by 11pm.
- To keep smokers off Castle Street entirely.
- There were disabled residents in Castle Street and the noise was very disturbing.
- Would it be possible to build a lobby so that when the door opened with people coming in and out the noise would be reduced?
- The management of the pub and concerns that the applicant would not be the DPS and had concerns about how this would work?

The applicant explained that the DPS would be in his own name in approximately one month's time. With regard to noise issues he would be happy to give his email and telephone number to report any problems with noise. However this information would not be displayed in the pub window. The ashtrays provided were there as a temporary measure and they could be removed.

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

- Councillor J Downes explained that despite the public concerns which he fully understood the licensee did not need to do any of the above. Music could be played until 11:00pm and he was encouraged that the Licensee was aware of this but he was still happy to condition this.

The Specialist (Licensing) Officer confirmed that a note of all conditions suggested both today and in the run up to the Sub-Committee today had been noted and he had received all written submissions. He explained that the applicant had applied for longer hours for live music and recorded music on Christmas Eve and New Year's Eve so conditions would also relate to those events.

The applicant confirmed that on Christmas Eve and New Year's Eve no live music was planned. He hoped that bagpipes would be played on New Year's Eve as a tradition that he wished to continue with.

The Chair invited all parties to summarise:

- The applicant had nothing more to say.
- Other Parties had nothing more to say.

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 Licensing Committee had today held a Hearing in order to determine the premises licence application for the Seahorse at 10 Newport Street, Tiverton, Devon, EX16 6NH.

The application was made by Mr James Frost and Miss Natalie Green.

Relevant representation had been made by Mr Peter and Mrs Kate Clayton-White, Mr Martyn Bragg, Mr Stephen Hargreaves and a person who wished to remain anonymous.

The Sub-Committee had decided the application.

The Sub-Committee had had regard to promoting the licensing objectives, the government guidance issued under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy and the representations.

**RESOLVED that:-**

The application for the premises licence should be granted subject to conditions consistent with the operating scheduled but modified as follows:-

The property adjoins a residential property and was in a residential area.

The opening times shall be as offered:-

Monday	12:00 – 22:00
Tuesday	12:00 – 22:00
Wednesday	12:00 – 22:00
Thursday	12:00 – 22:00
Friday	12:00 – 24:00
Saturday	12:00 – 24:00
Sunday	12:00 – 21:00

No live music or recorded music after 11:00pm.

Opening times extended to 1:00am on Christmas Eve and 2:00am on New Year's Eve.

No alcohol or other drinks shall be supplied during the 30 minutes before closing time.

No admissions or re-admissions of customers after 11:00pm on a Friday or Saturday night.

We were pleased the applicant had offered CCTV and would encourage its installation and its use. We did not feel that there was a need at this time for it to be conditioned.

The conditions as agreed with the Police at Annex 3 of the Licensing report shall also apply except the need to attend the meetings of the LVA and Pubwatch.

**Reasons for the decision:**

- (i) The Sub-Committee noted the representations made. The Sub-Committee also noted the responsible authorities had made no representations to the application.
- (ii) The Sub-Committee noted the concerns about possible noise nuisance, increased crime and disorder and public safety in the representations received; and additional information provided at the Hearing today.
- (iii) The Sub-Committee felt the offers of reducing opening hours made by the applicant as well as additional conditions agreed within the policy to allay the concerns expressed.
- (iv) The Sub-Committee would like to remind the parties that should future concerns arise the matter should be reported to the Police and the Licensing Authority to deal with such matters.

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 16:45pm)

**CHAIR**