

TORRIDGE DISTRICT COUNCIL
LICENSING SUB-COMMITTEE MEETING

Wednesday, 4 December 2019 - 11.30 am

PRESENT Councillor K James (Chair)

Councillors M Clarke and J McKenzie

LICENSING ACT 2003 - APPLICATION FOR A VARIATION TO PREMISES
LICENCE - THE SILK LOUNGE, 6 COOPER ST, BIDEFORD

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torrridge District Council staff present. He advised that the hearing had been convened to consider an application for a variation to premises licence – The Silk Lounge, 6 Cooper St, Bideford.

The Councillors present declared that they had no personal or pecuniary interest in the application.

The Chair asked the applicant and the objectors to identify themselves.

The procedure for the hearing was explained and the Lead Licensing Officer was invited to present his report.

The Lead Licensing Officer presented information relating to an extension of current hours for the supply of alcohol; extended opening hours on Friday and Saturday; the supply of alcohol, live and recorded music in external area on Monday to Sunday from 12:00 to 23:00 and the removal of all existing conditions of licence and replacement with new conditions.

The Lead Licensing Officer advised that no representations had been received from the responsible authorities but there had been 2 letters of objection.

The panel was reminded of the 4 licensing objectives

The Committee was guided to consider whether:

- To grant the application as submitted
- To modify timings and/or the conditions of the licence to the extent necessary to promote the licensing objectives
- To reject all or part of the application.

The Chair thanked the Lead Licensing Officer for his report. There were no questions for the Lead Licensing Officer.

The applicant was invited to make his submission.

The applicant outlined the current licensing hours and usage of the premises. Currently the outside of the premises was not used. The application sought to:

1. Extend current hours for the supply of alcohol, recorded music and late night refreshment on Friday and Saturday to 02:00. (Currently 01:00).
2. Extend opening hours on Friday and Saturday to 02:30. (Currently 01:30).
3. To permit supply of alcohol, live and recorded music in external area on Monday to Sunday from 12:00 to 23:00. (Currently the outside area is not licenced and the rear garden is not used.)

Responding to the objections Mr Allan confirmed that the Silk Lounge has a maximum capacity of 70 people. He elaborated on the application to supply alcohol, live and recorded music in the external area, explaining that there were no plans to open 7 days a week - this was just a practicality to save having to apply for a temporary licence any time they wished to stage a special event. He added that no complaints had been received following the 2 events which had taken place in August and November. For clarity, he confirmed that the previous application had been withdrawn, not rejected.

Moving forward, he declared that management and staff are approachable and urged the public to talk to them if there were any problems.

The Chair invited the objectors to make their representations.

Mrs Millar addressed the panel, speaking also on behalf of her husband. She stated that the playing of loud music outside the Silk Lounge had had a significant effect on their lives. They had been unable to hear the television; they could not use the bedroom until the music had stopped; the loud music had reverberated throughout the house; windows had to be shut and they could not have had guests use the garden flat.

They had been put under considerable stress and were concerned about their wellbeing. The house had been purchased for its atmospheric peace and relaxation.

Mr Boyd told the panel he had owned his property for 18 years and had lived there for 12 years. He too said that the noise levels during the August and November events had been horrendous. Photographic evidence was shown to the licence holder of ropes securing the stage to Mr Boyd's garden wall.

It was noted that there were no complaints about what was going on inside the premises.

The Licence Holder responded that there were other establishments in Cooper Street where the noise levels were much greater than the Silk Lounge was capable of

producing. He reiterated that the application sought permission to play low volume music 5 or 6 times a year outside.

The Chair asked for confirmation that the licence was not required for 7 days a week. The licence holder confirmed that the application had been submitted for 7 days because special dates fall on different days each year. He added that the Silk Lounge wished to repeat the summer event and wished to play low volume music outside at that event. In response to a question about live music inside the premises Mr Allan confirmed that this usually happened every Friday. The Chair asked whether consideration had been given to playing recorded music through to the garden rather than staging live music.

The Sub-committee retired at 12.05 to consider its decision. The Lead Licensing Officer was called upon to give technical guidance.

The Sub-committee returned at 12.44.

The Chair stated that it had not been easy but the Sub-committee had reached a decision which he hoped would enable all parties to move forward. The application and evidence of all parties had been carefully considered and Sub-Committee believed that the relevant licensing objective identified in the representations was the prevention of public nuisance and they had focused on the steps they believed appropriate for the promotion of this objective.

The Sub-committee had obtained advice and clarification from the Lead Licensing Officer as follows:

The hours requested in the outside area – clarified
 Opening days and hours of existing licence – clarified
 Conditions that could be added – advised
 Restrictions which could be put in place regarding music

The Sub-committee had had regard to the Guidance issued by the Home Office under s. 182 of the Act, to the Council's Statement of Licensing Policy and all the evidence presented to the panel and had decided therefore to grant the application with the additional conditions that there shall be no live music playing in the rear garden at any time and that notices be placed in the garden to remind customers to leave quietly and respect the neighbours.

The Chair confirmed that the reason for the decision was that the Sub-committee believed the playing of live music in the garden would be detrimental to the neighbouring amenity and cause a nuisance.

The Chair concluded that any party may appeal against the decision to the Magistrates Court within 21 days and he thanked everybody for attending.

The Lead Licence Officer recapped for clarity that a variation to the existing licence had been granted as follows:

Current hours for the supply of alcohol, recorded music and late night refreshment on Friday and Saturday be extended to 02:00.

Opening hours on Friday and Saturday be extended to 02:30.

The supply of alcohol and recorded music, but no live music, in the external area be permitted on Monday to Sunday from 12:00 to 23:00.

All existing conditions of the licence be removed and replaced with the new conditions as detailed in appendix A of the report.

The Lead Licensing Officer advised Mr Millar, in response to his question, that there was no set decibel level for music and should there be any complaints in the future these should be directed to the Licensing Department.

The meeting commenced at Time Not Specified and closed at Time Not Specified

Chair:

Date: