



## Minutes of the Licensing Sub-Committee

28 March 2013

-: Present :-

Councillors Addis, Bent and Ellery

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### 35. Election of Chairman/woman

Councillor Bent was elected as Chairman for the meeting.

### 36. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Ellery instead of Councillor Parrott.

### 37. Minutes

The Minutes of the meeting of the Sub-Committee held on 3 January 2013 and 24 January 2013 were confirmed as a correct record and signed by the Chairman.

### 38. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ4 5DS

Members considered a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance', 'The Protection of Children Harm' and 'Public Safety'. The Representation also proposed conditions should the application be granted.	7 March 2013

Public Protection	Representation objecting to the application on the grounds of 'Public Safety' and 'The Prevention of Public Nuisance'. The Representation also proposed additional conditions should the application be granted.	12 February 2013
Police	Representation advising that two of the additional conditions proposed by the Police in their representation dated 7 March 2013 had been agreed, one additional condition had been withdrawn with the fourth additional condition remaining unresolved.	26 March 2013

## Additional Information:

A request from the Police had been received for an extension of time for oral representations. The Chairman agreed to the request and permitted all parties 15 minutes for oral representations.

## Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Police	The Police Representative outlined their representation as set out in the submitted report and responded to Members questions.
Public Protection	The Senior Environmental Officer outlined his representation as set out in the submitted report and responded to Members questions.

## Decision:

That the application for a Variation to a Premises Licence in respect of Park Lane, Torwood Street, Torquay be granted as applied for subject to the following:-

- i) the Applicant's proposed additional condition 1 under the heading The Prevention of Crime and Disorder within his application be amended to read:-

"In relation to the consumption of food and drink (alcoholic or non-alcoholic) on the ground floor terrace, there shall be no consumption after 2 a.m. on Friday and Saturday and after midnight from Sunday to Thursday.";

- ii) that the existing conditions on the licence be amended as proposed by the Police and agreed by the Applicant as set out in paragraphs 1) and 3) of the letter from the Police dated 26 March 2013;
- iii) that the conditions proposed by the Senior Environmental Health Officer in his Memorandum dated 12 February 2013 (except for the condition relating to smoking in the external areas) and agreed by the Applicant be added to the licence; and
- iv) with regard to the area having the benefit of the Pavement Café Permit granted by Torbay Council the Sub-Committee impose a further condition:

“The consumption of alcohol shall cease in the Pavement Café area at 10 p.m.”

#### Reasons for Decision

The Sub-Committee carefully considered all the written and oral representations made. They had regard to the Council’s Licensing Policy and noted that the application premises were within the area to which the Council’s Special Saturation Policy applied. Therefore, as two Responsible Authorities had made relevant representations, there was a rebuttable presumption, in relation to this variation application, that it would normally be refused on the basis that to grant would add to the problems of public nuisance in the area. However, the presumption can be rebutted if the applicant can demonstrate that there will be no negative cumulative impact on the Licensing Objective the Prevention of Public Nuisance.

The Sub-Committee considered the views of the Police and Public Protection and had regard to the representation from the Applicant on how to manage the problems identified. The Sub-Committee feel that the conditions being imposed will ensure the Licensing Objectives are not undermined particularly in relation to ‘The Prevention of Public Nuisance’.

#### **39. Licensing Act 2003 – An application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay TQ1 2BB**

Members considered a report on an application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay. The Premises are situation within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the grounds ‘The Prevention of Crime and Disorder’ and ‘The Prevention of Public Nuisance’.	6 March 2013

Public Protection	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	19 February 2013
Police	A google map with the Licensed Premises located around the Harbourside and their closing times listed.	Circulated on 26 March 2013

Additional Information:

A request from the Police had been received for an extension of time for oral representations. The Chairman agreed to the request and permitted all parties 30 minutes for oral representations.

Oral Representations received from:

Name	Details
Applicants Legal Representative	The Applicants Legal Representative outlined the application and responded to Members questions. The Applicants Legal Representative circulated a copy of his oral representation which included an undertaking made by the applicants.
Police Legal Representative	The Police Legal Representative indicated that the Police were no longer objecting to the application being granted and proceeded to outline their representations regarding the application and responded to Members questions.
Public Protection	The Senior Environmental Health Officer outlined his objection to the application and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Pasty 'n' More, 11 Victoria Parade, Torquay be granted as applied for in accordance with the Operating Schedule subject to the following:

- i) that the terminal hour of the licence be 0430 Monday to Sunday; and
- ii) that in relation to SIA door supervision the following condition be added:

“There shall be a minimum of one SIA door supervisor on duty at the premises whenever the premises are open beyond 0100, who shall remain on duty until 30 minutes after the premises have closed and whilst on duty shall wear a hi-visibility top in order to distinguish them from Members of the Public”.

Reason for Decision:

The Sub-Committee carefully considered all the written and oral representations. The Sub-Committee had regard to the Council's Licensing Policy and noted that the application premises were within the area to which the Special Saturation Policy applies. However, as there was no proposal for alcohol to be sold at these premises the Special Saturation Policy does not apply and so there is no rebuttable position that this application should normally be refused on the basis that these premises would add to the problems of crime and disorder and public nuisance in the area.

Nevertheless, in light of the relevant representations made, the Sub-Committee, in accordance with the Council's Licensing Policy, have carefully considered the adequacy of measures proposed by the Applicant to prevent crime and disorder and prevent public nuisance.

The Sub-Committee find that granting the licence on this basis and with the added conditions will address the problems identified by the responsible authorities and will serve to promote the Licensing Objectives.

Finally, whilst not being part of their decision or reasons, the Sub-Committee wish to have it recorded that they note the Applicant's Undertaking to the Sub-Committee and the Responsible Authorities as set out in Summary of Oral Submissions provided by the Applicant's Legal Representative.

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Chairman/woman