



Minutes of the Licensing Sub-Committee

23 November 2017

-: Present :-

Councillors Doggett, Thomas (D) and Thomas (J) (Chairman)

72. **Gio's Bar, 18 Esplanade Road, Paignton**

Members considered a report on an application for a Premises Licence in respect of Gio's Bar, 18 Esplanade Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the ground of the 'Prevention of Crime and Disorder'.	6 October 2017
Public Protection	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	11 October 2017
Member of the Public	Representation objecting to the application on the grounds of the 'Prevention of Crime and Disorder', 'Prevention of Public Nuisance' and 'Public Safety'.	Undated
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	25 September 2017
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	25 September 2017
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	5 October 2017
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	24 September 2017
Member of the Public	Representation objecting to the application on the ground of 'The	3 October 2017

	Prevention of Public Nuisance’.	
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Public Nuisance’ and ‘The Prevention of Crime and Disorder’.	Undated
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Public Nuisance’ and ‘The Prevention of Crime and Disorder’.	Undated
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Public Nuisance’, ‘The Prevention of Crime and Disorder’ and ‘Public Safety’.	20 September 2017
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Public Nuisance’, ‘The Prevention of Crime and Disorder’.	6 October 2017

Oral Representations received from:

Name	Details
Applicants	The Applicants outlined their application and responded to Members questions.
Police Representative	The Police Representative outlined their objection to the application and responded to Members questions.
Public Protection	The Public Protection Representative outlined their objection to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.

Decision

That the application for a Premises Licence in respect of Gio’s Bar, 18 Esplanade Road, Paignton be granted as applied for, subject to the following amendment:

All licensable activities shall cease at 1 a.m. and the Premises shall close at 1.30 a.m.

In addition, the Premises Licence shall include the conditions put forward by the Police, as agreed by the Applicant and the following three conditions:

- i) The Premises shall have a written noise management plan, in consultation with and agreed by, the Licensing Authority's Public Protection Officer.
- ii) The Premises noise management plan must be kept at the Premises and reviewed when appropriate to do so; and
- iii) The Premises noise management plan must detail management policies and practices to control all aspects of public nuisance emanating from this premise and its patrons.

Reason for decision

Having carefully considered all the oral and written Representations, Members resolved to grant the application with modifications, as they could not be satisfied that the mitigation put forward by the Applicant would ensure that The Prevention of Public Nuisance licensing objective would be promoted, due to the premises being in such close proximity to that of residential premises and commercial premises which offered guest accommodation.

Members noted the oral submissions of the Responsible Authorities in respect of the efforts and improvements made by the previous owners who are now the current managers to address noise nuisance emanating from the premises and its patrons but in the knowledge that these persons were imminently due to vacate the premises, they could not be satisfied at this stage that the new owners would maintain the same level of firm control and therefore had serious concerns that conditions alone would not ensure that The Prevention of Public Nuisance Licensing Objective would be promoted, if a 3am licence was granted.

In coming to that decision, Members noted from all the written and oral Representations, the impact such a late licence has had and would have on the nearby residential premises and commercial premises which offered guest accommodation, in what on some occasions had gone on until 4am.

Given that this premise was the only premises operating a 3am licence in the direct vicinity, Members were satisfied that there was a causal link of noise attributable to patrons leaving this premises and to allow it to continue with such uncertainty, was in their opinion not appropriate or proportionate.

Notwithstanding the Licensing Authority's Statement of Principles which clearly sets out the expectations on Applicants where they seek licensable activities after 11pm in residential areas, Members determined that it was appropriate and proportionate to permit a 1am licence with a closing time of 1.30am, given the areas mixed use and the need for the area to have diversity of use and that other premises in the same location operated a 1am licence without significant impact of neighbouring residential premises. In coming to this decision, Members had regard to the written and oral representations from members of the public and the Responsible Authorities.

In concluding, it was disappointing to Members that despite this being the second attempt in hearing this application, it continued to lack specific detail and clarity in what was a request for a 3am licence. Only after oral submissions from the Applicant, Members questioning and consideration of proposed further amendments that Members were able to determine this application.

Chairman/woman