



## **Minutes of the Licensing Sub-Committee**

**12 April 2018**

**-: Present :-**

Councillors Doggett, Sykes and Stocks

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### **5. Election of Chairman/woman**

Councillor Doggett was elected as Chairman for the meeting.

### **6. Apologies**

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Stocks instead of Councillor Thomas (J).

### **7. Twenty 1 Ltd, 21 Victoria Parade, Torquay**

Members considered a report on an application for a Premises Licence in respect of Twenty 1, 21 Victoria Parade, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	19 March 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	20 March 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance', 'Public Safety', 'The Protection of Children from Harm' and 'The Prevention of Crime and Disorder'.	15 March 2018

Additional Information:

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 15 minutes to make their representation.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to Members questions.
Member of the Public	A Member of the Public read out a statement on behalf of a fellow resident.
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 Twenty1, 21 Victoria Parade, Torquay be granted as applied for; subject to the following additional conditions:

1. No patrons shall be permitted on the first floor balcony area between 11pm - 8am;
2. No more than 10 patrons shall be permitted on the first floor balcony area at any one time.
3. All patrons using the first floor balcony area shall be seated at all times;
4. The first floor balcony area shall be supervised by members of staff to ensure that neighbouring residential premises are not unreasonably disturbed;
5. A CCTV camera shall be installed on the first floor balcony area, which allows staff to monitor this area from behind the bar;
6. There shall be no amplified music on the first floor balcony between 8 pm – 8am;
7. Any patron behaving in a disorderly or rowdy manner in the premises outside areas shall be asked to either return inside the premises or to leave the premises;
8. There shall be no amplified music on the lower ground floor outside area between 12 midnight - 8am;
9. The premises shall have a noise limiter which must be kept in a tamper proof box and located in a place where members of the public do not have access;

10. The noise limiter shall be set at levels in consultation with and agreed by the Licensing Authorities Public Protection Officer to ensure that neighboring residential premises are not unreasonably disturbed;
11. All amplified music on the premises outside areas shall be set at levels in consultation with and agreed by the Licensing Authorities Public Protection Officer to ensure that neighboring residential premises are not unreasonably disturbed;
12. During amplified live music all windows and doors shall be kept closed after 10 pm and that this shall be monitored by a member of staff to ensure it is complied with; and
13. The premises shall have in place a Noise Plan as agreed by the Licensing Authorities Public Protection Officer.

### **Reason for Decision**

Having carefully considered all the oral and written Representations, Members resolved to grant the application having been satisfied that the operating schedule, along with additional thirteen conditions would seek to ensure that the Licensing Objectives would be promoted.

In coming to that decision, Members had careful regard to the concerns raised by members of the public who owned and one of which resided in neighbouring residential premises and noted that the Applicant had taken steps to consult with these owners, their tenants and residents and had modified his intended operations, by taking in to account the concerns raised by them. This in Members opinion demonstrated the actions of a responsible licensee and reassured them that the Applicant would operate these Premises in continued consideration of his neighbours. To ensure this further and promote the Licensing Objectives, Members tailored the additional thirteen conditions to address the specific concerns raised, where they felt that the operating schedule did not go far enough.

Members were further reassured by the Applicant's well prepared and pre-consulted application which in their opinion and experience, had resulted in there being no objection from any of the Responsible Authorities, despite the premises being situated in the Licensing Authority's Cumulative Impact Area.

In concluding, Members had regard to the Licensing Authority's Licensing Statement of Principles 2016-2021, in particular the rebuttable presumption of refusal where a Premises located in its Cumulative Impact Area and were satisfied that as a result of the extensive noise mitigation implemented at the Premises by the Applicant, his twenty years experience as a licensee of which he has operated a number of Premises within the Licensing Authority's Cumulative Impact Area and nighttime economy and continues to do so; and the additional thirteen conditions, these Premises would not add to issues of Public Nuisance.

Should issues arise as a result of this grant, Members noted that a Review of the Premises Licence was available to any Responsible Authority or Interested Party.

**8. Torre Abbey, The Kings Drive, Torquay**

Members considered a report on an application for a Variation to a Premises Licence in respect of Torre Abbey, The Kings Drive, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation proposing conditions should the application be approved.	19 March 2018
Safeguarding and Reviewing Service	Representation proposing conditions should the application be approved.	22 February 2018

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.

**Decision**

That the application for a Variation to a Premises Licence in respect of Torre Abbey, The Kings Drive, Torquay be granted as applied for subject to the following conditions proposed by the Police and Children's Safeguarding and agreed by the Applicant:

- 1) All alcohol sold for consumption off the premises, shall be supplied in sealed containers.
- 2) For events where licensable activities take place both indoors and outdoors, where tickets are sold to the general public, and where the anticipated attendance will be in excess of 500 persons, the following conditions will apply:
  - a. An Event Management Plan shall be submitted to the Public Safety Advisory Group (PSAG) at least 4 months in advance of any event, and
  - b. The event shall be run in accordance with the Event Management Plan and approved by the PSAG.
- 3) For all other events where a part, or parts of, the premises are used for licensable activities (other than events which are restricted to the hirer and his/her invited guests, for example weddings), the DPS shall risk assess the

need for SIA registered door stewards and employ such number of stewards and at such times as determined by that risk assessment.

- 4) All drinking glasses in which drinks are served shall be made of plastic or toughened glass. No drinks shall be removed from the premises, unless they are in sealed containers and sold for consumption off the premises.
- 5) The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification, as outlined with the Torbay Council's Licensing Statement of Principles.
- 6) Where licensable activities take place at the premises, no under 18's shall be permitted in the premises or within the licensed area after 11.00 pm.
- 7) All children under the age of 16 shall be accompanied by a responsible adult. (This should always apply where events are being held, which involve the sale of alcohol); and

The additional condition:

- 8) That all regulated entertainment in the premises outside area shall cease by 11pm; and

That the following condition be removed:

- 9) At least one qualified first aider shall be present on the premises during the whole time the premises are made available for regulated entertainment.

### **Reason for Decision**

Having carefully considered all the written and oral representations, Members resolved to grant the Variation to the Premises Licence having noted that with the inclusion of the additional conditions the Police, Children's Safeguarding and Public Protection did not object to this application and that there were no objections from members of the public.

In concluding, Members were satisfied that the application before them would not undermine the Licensing Objectives.

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Chairman/woman