



Minutes of the Licensing Sub-Committee

5 July 2018

-: Present :-

Councillors Brooks, Stocks and Thomas (J)

18. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

19. Minutes

The Minutes of the meeting of the Sub-Committee held on 26 April 2018 and 31 May 2018 were confirmed as a correct record and signed by the Chairman.

20. Farmhouse Tavern, 130 Newton Road, Torquay

Members considered a report on an application for a Variation to a Premises Licence in respect of Farmhouse Tavern, 130 Newton Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Public Protection Officer	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	8 June 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	5 June 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Received on 30 May 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance.'	Undated

Oral Representations received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application and responded to Members questions.
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.

Applicant's response to Representations:

Prior to the Hearing, the Applicant's Representative provided and requested the circulation of his skeleton argument on behalf of the applicant.

Decision:

That the application for variation to Premises Licence in respect of Farmhouse Tavern, 130 Newton Road, Torquay be approved, as applied for and subject to the following additional conditions as proposed by the Licensing Authority's Public Protection Officer and agreed by the Applicant:

- i) Patrons shall not be permitted to use the premises beer gardens from 10 pm to 7 am Sunday to Thursday and 11 pm to 7 am Friday and Saturday; and
- ii) The premises shall have a designated smoking area which is located at the front of the premises at the furthest point away from residential properties;
- iii) No external speakers shall be permitted in the premises outside areas; and
- iv) All live and recorded music shall cease at the premises at 11pm.

In addition, the following conditions shall be inserted on to the Premise Licence, as determined by Members of the Licensing Sub-Committee which they resolved to be appropriate:

- v) To reduce noise break out, all doors and windows facing on to any noise sensitive premises (e.g residential dwellings) shall be kept shut during regulated entertainment, save for necessary access and egress;
- vi) The designated smoking area shall be monitored by staff to ensure that any noise emanating from this area does not unreasonably disturb nearby residents;
- vii) No drinks shall be permitted in the designated smoking area from 10 pm to 7 am Sunday to Thursday and 11 pm to 7 am Friday and Saturday; and
- viii) The premises beer gardens shall be monitored by staff to ensure that noise emanating from these areas do not unreasonably disturb nearby residents.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the variation application, as they were satisfied that with the

additional conditions set out above, these premises would not undermine the Licensing Objectives.

In coming to that decision, Members had regard to the concerns raised by members of the public and the Licensing Authority's Public Protection Officer in respect of the historical operation of these premises and the noise outbreak which emanated as a direct result.

Notwithstanding that these concerns were in respect of previous Premises Licence Holders, Members noted that noise issues were largely attributable to the unsuitable fabric of the building and its close proximity to nearby residential properties. That said, Members were reassured to note the Applicants significant financial investment in to these premises and the proactive mitigation measures taken by them to address noise out break which historically has led to a catalogue of noise complaints resulting in abatement notices being served and a Review of the Premises Licence being considered. Namely; installing sound proofing to the function room and specifying this area on their plans as an eatery area, installing air conditioning throughout the building to avoid the necessity for patrons to open windows and doors for air circulation, physically blocking patron access by way of erecting fencing and a lockable gate alongside the boundary wall which abuts the neighbouring premise, moving outside seating area away from the neighbouring residential premises, installing stringent monitoring of the premises car park and relocating their beer gardens and smoking areas at the furthest point away from residential properties.

Members were further reassured by the Applicants national reputation in running licensed premises as responsible licensees and noted the submissions of the Applicant and their legal representative that they had nothing to gain from the significant investments if they were to repeat past behaviours, that they were committed to operating these premises in harmony with their neighbours and that the appointed manager would also reside at the premises with his family and would be available to neighbours to respond to issues of concern.

In concluding, Members noted that should issues of concern arise as a result of this grant, a Review of the Premises Licence is available to either members of the public or Responsible Authorities.

21. Inspirations, 4 The Quay, Brixham, TQ5 8AW

Members considered a report on an application for a Premises Licence in respect of Inspirations, 4 The Quay, Brixham.

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'.	4 June 2018
Member of the Public	Representation objecting to the application on the ground of 'The	5 June 2018

	Prevention of Public Nuisance’.	
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Public Nuisance’.	5 June 2018
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Public Nuisance’.	Received on 11 June 2018
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Public Nuisance’.	12 June 2018

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Solicitor representing 4 Members of the Public	A Solicitor representing 4 Members of the Public outlined their objection to the application.
Member of the Public	A Member of the Public outlined his objection to the application.

Decision:

That the application for a Premises Licence in respect of Inspirations, 4 The Quay, Brixham be granted in respect of off-sales only.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the application in respect of off-sales only, as they were satisfied that in doing so the Licensing Objectives would not be undermined.

In coming to that decision, Members noted the absence of Representations from any Responsible Authorities following prior consultation with them by the Applicant and that the majority of concerns raised by members of the public, were in respect of the on-sales element of the application only. Members further noted the submissions at the hearing by some members of the public and the instructed legal representative that off-sales were fine, and that it was the on-sales which gave them cause for concern.

In noting all concerns, Member remained assured that granting an off-sales license would not undermine the Licensing Objectives, having heard that the Applicant was an experienced licensee with two other late night premises within Torbay and that with the exception of one noise complaint, his premises had never given the Responsible Authorities cause for concern.

In coming to the decision to refuse the on-sales element of the application, Members could not be satisfied on the evidence before them that such a grant would seek to promote the Licensing Objectives.

Whilst Members saw no reason to refuse the concept of the application in principle and positively noted the reduction in proposed operational hours, it was the lack of specific detail as to how the Applicant would manage the tasting events and those persons who attended such events so as not to undermine the Licensing Objectives and adversely impact nearby residential and commercial premises. In coming to that decision, Members gave careful consideration to the concerns raised by members of the public and the instructed legal representative, along with the answers given by the Applicant to those concerns and Members questions.

Members gave careful consideration as to what if any conditions could be added by them as an alternative to refusal but resolved that with the vagueness of the application before them, they would in effect be determining the intended concept which may not be that intended by the Applicant. As such, they concluded that a refusal was appropriate in these circumstances.

In concluding, Members noted that should issues arise as a result of granting this off-sales licence, a Review would be afforded to any person adversely affected by this premises licence.

Chairman/woman