



## Minutes of the Licensing Sub-Committee

9 August 2018

-: Present :-

Councillors Pentney, Stocks and Thomas (J)

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### 22. Election of Chairman/woman

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

### 23. Minutes

The Minutes of the meeting of the Sub-Committee held on 4 April 2018 and 5 July 2018 were confirmed as a correct record and signed by the Chairman.

### 24. An application for a Review of a Premises Licence for The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

Members considered a report on an application for a review of a Premises Licence in respect of The Terrace Bar, 12-14 The Terrace, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Application and supporting information for a review of the Premises Licence.	20 June 2018, 16 July 2018 and 7 August 2018
Safeguarding and Reviewing Service	A representation relating to the Licensing Objective 'The Protection of Children from Harm'.	22 June 2018
Devon and Somerset Fire and Rescue Service	A representation relating to the Licensing Objective 'Public Safety'.	28 June 2018
Public Protection	A representation relating to the Licensing Objective 'The Prevention of Public Nuisance'.	18 June 2018
Torbay Council Licensing Authority	A representation relating to the Licensing Objectives 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance'.	17 July 2018

## Additional Information:

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 15 minutes for their representations. All parties present confirmed 15 minutes would be sufficient time to submit their oral representations.

## Oral Representations received from:

Name	Details
Applicant (Police)	The Applicant outlined their application for a review of the Premises Licence in respect of The Terrace Bar, 12-14 The Terrace, Torquay and responded to Members questions.
Public Protection Officer	The Public Protection Officer outlined their representation.
Senior Licensing Officer	The Senior Licensing Officer outlined their representation and responded to Members questions.
Respondent	The Respondent outlined their response to the application and responded to Members questions.

**Decision**

That the Premises Licence in respect of The Terrace Bar, 12-14 The Terrace, Torquay be revoked.

**Reason for Decision**

Having carefully considered all the oral and written Representations, Members resolved to revoke the Premises Licence, as they could not be satisfied that the premises future operations would be compliant with the conditions of its licence and that the Licensing Objectives would be promoted.

In coming to that decision, Members noted the Responsible Authorities catalogue of concerning issues recorded in respect of these premises, Mr Lawrence's apparent lack of understanding pertaining to his responsibilities as a Premises Licence Holder and Designated Premises Supervisor, and what these responsibilities entail, the numerous written and verbal warnings given to Mr Lawrence, Mr Lawrence and staff being found under the influence of alcohol when the premises were visited by Responsible Authority officers; the absence of clear management and accountability at the premises, staff and the resident DJ either fighting with or behaving in an aggressive manner towards its patrons and the number of breaches of the premises licence conditions over a prolonged period.

Whilst Members believed Mr Lawrence to be sincere in his desire to subsequently change the culture of the premises, the staff and his management style, Members had no confidence in Mr Lawrence's ability to execute this desire, as evidenced by the nominal reactionary and short lived improvements made by him to date.

Having heard from Mr Lawrence details of a third party business arrangement in respect of these premises, Members were alarmed to hear that Mr Lawrence had all but wiped his hands of the premises, in that his company who holds the premises licence ceased trading on the 11<sup>th</sup> February 2018 and that he had sold the premises fixtures and fittings to a third party who was subsequently operating the premises with no apparent involvement by Mr Lawrence. This was evidenced by the Responsible Authority officers when they attended the premises and spoke to persons working therein

Both Mr Lawrence's oral submission and that set out by him in his email to the Police dated 6<sup>th</sup> August 2018 which stated that he had not given permission for this third party at any time to trade on his behalf was of further concern to Members, as it was ascertained by them during their questions to Mr Lawrence that he had in fact given the key to the premises to the third party and he was aware that the premises were trading. For Mr Lawrence to submit anything to the contrary, was in their opinion misleading and fell well below the standards reasonably expected by them of a responsible licensee and Designated Premises Supervisor.

On the evidence before them, the third party had been operating the premises in breach of the licencing conditions and it appeared to Members that that neither the third party or his staff had any real knowledge or understanding of these conditions. So much so, that the third party had in fact incorrectly argued with Responsible Authority officers as to what some of the actual conditions were.

Whilst Mr Lawrence made numerous references to the fact that the person who was now operating the premises should have applied for a separate premises licence to run alongside his, this had not materialised and Mr Lawrence was aware of this. When asked by Members why this licence had not been transferred, Mr Lawrence said it was to protect it and in turn the freeholder's interest. This in Members opinion was misguided and had attributed to the number of issues occurring at the premises.

In noting that the premises has a late licence and is situated in the Licensing Authority's Cumulative Impact Area which is an area identified by the Police as being subject to high levels of alcohol related crime and public nuisance, Members found Mr Lawrence's conduct unacceptable and as submitted by him that he was an experienced licensee, it was reasonable for Members to have expected a higher standard of responsibility from such a licensee within this area. In Members' opinion, the absence of a serious fatal incident occurring at these premises was by luck rather than the judgement of those involved in premises operation.

In concluding, Members gave careful consideration to suspending the premises licence for a period of three months to allow the necessary changes and improvements to be implemented. However, despite being given the opportunity to say what these changes would be, Mr Lawrence failed to present a robust plan as an alternative to revocation, other than to say that he would change the locks to the premises and ensure that it did not operate or that he could incorporate the

premises as a restaurant. As such, Members determined that a revocation was the only appropriate outcome in these circumstances.

Chairman/woman

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