

Minutes of the Licensing Sub-Committee

31 March 2022

-: Present :-

Councillors Ellery, Kavanagh and Mills

43. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

44. Minutes

The Minutes of the meetings of the Sub-Committee held on 10 March 2022 were confirmed as a correct record and signed by the Chairman.

45. Torquay Thai Restaurant, 171 St Marychurch Road, Torquay

Members considered a report on an application for a Premises Licence in respect of Torquay Thai Restaurant, 171 St Marychurch Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Ward Councillor	Representation objecting to the Application for a Premises Licence on the ground of 'Prevention of Public Nuisance'.	Unknown
Member of the Public	Representation objecting to the Application for a Premises Licence on the ground of 'Prevention of Public Nuisance'.	6 February 2022

Oral Representations received from:

Name	Details
Applicant	The Applicant presented the application and responded to Members' questions.
Ward Councillor	The Ward Councillor outlined their representation.
Member of the Public	The Member of the Public outlined their representation.

Applicant's response to Representations:

At the meeting the Applicant advised that they would agree to vary the operational times within their Licence if that was proposed by Members in order to meet the Licensing Objectives.

Decision:

That the application for a Premises Licence in respect of Torquay Thai Restaurant, 171 St Marychurch Road, Torquay be approved as applied for, subject to the following conditions:

1. that all licensable activities shall only take place between 8 am and 11 pm, 7 days a week;
2. that the premises shall close at 11.30 pm, 7 days a week;
3. alcohol shall only be served to persons seated and taking a table meal;
4. at the close of the operational hours, staff will survey the immediate surrounding area and ensure that any litter attributed to this premises is removed and appropriately disposed of; and
5. after 9 pm and during operational hours, no more than 5 patrons shall be permitted to congregate outside the front of the premises for the purpose of smoking and the area shall be monitored by staff to ensure that noise nuisance is not caused by patrons so as to unreasonably disturb nearby residents.

Reason for Decision:

Having carefully considered all the written and oral Representation, Members were unanimously satisfied that the imposition of the additional conditions would uphold the Licensing Objectives and alleviate the concerns of residents and the Ward Councillor.

In coming to that decision, Members acknowledged that the premises was situated in a mixed use area, comprising of both business and residential premises, and notwithstanding the absence of Representations from the Responsible Authorities, unanimously determined to reduce the operational hours, as they could not be satisfied on the evidence before them that there was sufficient measures to mitigate operational impact on nearby residential premises after 11pm.

It was noted that concerns raised which related to planning, parking and areas within the premises were not a consideration of the Licensing Sub-Committee and therefore Members made no determination in this regard.

In concluding, Members acknowledged that this was a new licence and if measures imposed through the additional conditions resulted in a 'Public Nuisance' occurring, then a Review of the licence could be undertaken.