

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

**28 March 2024**

**-: Present :-**

Councillors Johns, Joyce and Barbara Lewis

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

Councillor Johns was elected as Chairman for the meeting.

### **28. Minutes**

The Minutes of the meeting of the Sub-Committee held on 29 February 2024 were confirmed as a correct record and signed by the Chairman.

### **29. The Old Coaching Inn, 61 Fore Street, Brixham, TQ5 8AG**

Members considered a report on an application for a review of a Premises Licence in respect of The Old Coaching Inn, 61 Fore Street, Brixham, TQ5 8AG.

Written Representations received from:

Name	Details	Date of Representation
Public Protection Officer	Application for a review of the Premises Licence in respect of The Old Coaching Inn.	5 February 2024
Responsible Authority	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	4 March 2024
Member of the Public	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	Undated
Member of the Public	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	Undated
Member of the Public	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	4 March 2024

Oral Representations received from:

Name	Details
Public Protection Officer	The Public Protection Officer outlined her application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.
Respondents	The Respondents outlined their response to the application, played a selection of video clips, submitted representations and responded to Members questions.
Ward Councillor	On behalf of a Member of the Public, outlined their representation.

### Decision:

That the Premises Licence for The Old Coaching Inn, 61 Fore Street, Brixham, be modified as follows:

- 1) A minimum of one SIA licensed door supervisor shall be employed at the premises on a Friday and Saturday from 21:00 hours until all patrons have left the immediate vicinity of the premises on closing.

At all other times, the Premise Licence Holder or Designated Premises Supervisor will risk assess the need for SIA licensed door supervisors, based on anticipated patron numbers and employ SIA licensed door supervisors at such times as deemed necessary by the risk assessment.

- 2) An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- The reason for refusal
- Details of the person refusing the sale
- Description of the patron being refused
- Any other relevant observation

The refusals register will be made available for inspection and copying on request of an authorised officer of a Responsible Authority.

In addition, Members resolved to remove the current Designated Premises Supervisor of the premises known as The Old Coaching Inn, 61 Fore Street, Brixham, with immediate effect.

### Reasons for decision

Having carefully considered all the written and oral representations, Members unanimously resolved to modify the premises license by adding the two conditions and to remove the Designated Premises Supervisor (DPS) with immediate effect, as they were satisfied on the evidence before them that such modification and removal

was appropriate and would alleviate the concerns raised by the Applicant and the Police, and in turn, seek to ensure that the premises future operation would promote the Licensing Objectives.

Members gave serious consideration to revoking the Premises Licence and separately, to reducing the Premises operating hours and licensable activities as requested by the Applicant, but on this occasion, resolved that the additional conditions and removal of the DPS would achieve the required outcomes, alleviate concerns, and promote the Licensing Objectives.

Notwithstanding that the Premises Licence Holder (PLH) had begun to take steps to address the primary issue of concern raised by the Applicant and the Police, around anti-social behaviour and the associated noise which had been the subject of a complaint, in Members opinion, they had been slow to act upon the advice provided by the Responsible Authorities regarding employing a SIA licensed door supervisor at the premises, and noted that following that which they had experienced on 9 December 2023 with anti-social behaviour, had taken the step to temporarily close the premises instead.

Members noted from the evidence supplied by the PLH, that they had contacted a security company on 30 November 2023 to enquire as to costings for the SIA door supervisors that had been recommended. However, there appeared to be no clear intention that their services would be engaged, despite the DPS acknowledging that they were required, with the PLH stating that to do so was not an option for them financially.

Members determined that an SIA licensed door steward was appropriate, having been concerned with the submissions from the Police that customers were being allowed to 'control the premises'. Members disagreed with PLH's view that having a SIA licensed door supervisor present would reflect badly, instead forming the opinion that this may encourage more patrons who perceived the premises as being well managed and safe, in turn dispelling any public perception that this may be a problem premises which on the evidence before them, appeared to Members to be so due to weak management.

In respect of the anti-social behaviour complained of, it was clear to Members from the footage provided by the Premises Licence Holders that Fore Street, Brixham was a noisy thoroughfare for those leaving the harbour area. Therefore, Members could not be satisfied that all the noise complained about could be attributed to the premises, though accepted that some could have been caused by patrons leaving the premises uncontrolled and that the presence of an SIA licensed door supervisor would assist in dispersing patrons leaving the premises in an orderly manner to mitigate the likely effect of noise nuisance caused by the premises operations, where it was clear to Members that staff at the premises were not able to do so.

Members were concerned to hear from the Police that underage drinking had been reported to them and whilst the DPS and PLH both denied that they had served underage patrons with alcohol, Members were further concerned to hear that the DPS admitted to passing the responsibility of policing underage drinking to the accompanying responsible adult which fell well below the standard they could have

reasonably expected from a person in this responsible position. Especially where concerns of underage drinking would have been known. Members felt a reasonable and proportionate response was required and resolved to add a condition to the licence that a refusal log must be kept on the premises which would in turn provide reassurance to Responsible Authorities.

Whilst the Applicant had referred to noise nuisance from the premises emanating from the performance of live music at the rear of the premises, Members were disappointed to note that despite the Licensing Authority receiving two complaints in July 2023 and a further complaint in September 2023, these were left uninvestigated, and the PLH's only became aware of these following the Applicant's letter to them of 18 October 2023. Members noted that whilst these complaints related to noise nuisance, and noise diaries had been provided to the complainants, no evidence as to noise levels, or frequency, was before them. The PLH confirmed that only two live music events had taken place during 2023. Whilst two videos showing live music had been provided by the PLH, Members were only able to assess the video playback volume and not the noise level that would have been heard either in or outside of the premises at that time.

Members felt there was not enough evidence before them to warrant removal of live music as a licensable activity and to do so would have been a disproportionate response.

In concluding, Members unanimously resolved that they had no confidence in the current DPS and that the premises was not being managed effectively. By her own admission she struggled to ensure that the premises closing time was adhered to; that poor behaviour was challenged, and to have control over the premises. Member further noted the Applicant's view upon questioning that even with additional conditions as proposed, that the DPS would require a lot of support in managing the premises going forward, yet there was no plan put forward by the PLH to achieve this.

The DPS by her own admission did not feel that she was in control of the premises since the anti-social behaviour experienced on the evening of 9 December 2023, and offered to step down. As a town centre premises, operating in the nighttime economy and in the interest of patron and public safety and the promotion of the Licensing Objectives, Members were of the unanimous opinion that a weak DPS such as that currently in place could not be tolerated. Notwithstanding the DPS's offer to step down, Members determined it was appropriate to remove the DPS with immediate effect, to ensure patron and public safety.

Should issues arise as a result of modifying this premises licence, Members noted that a further Review of the premises licence is available to a Responsible Authority or any other person.

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Chairman/woman