



Minutes of the Licensing Sub-Committee

26 May 2011

-: Present :-

Councillor

Councillors Addis, Parrott and Stocks

(Also in attendance: Councillor James)

665. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

666. Minutes

The Minutes of the meetings of the Sub-Committee held on 21 and 28 April 2011 were confirmed as a correct record and signed by the Chairman.

667. Sportsmans Arms, 15-17 Laburnum Street, Torquay

Members considered a report on the application for a Review of a Premises Licence in respect of the Sportsmans Arms, 15-17 Laburnum Street, Torquay.

Written representations received from:

Name	Details	Date of Representation
Public Protection	Application for a Review and supporting information, as set out in Appendices 1 and 2 of the report.	6 April and 4 May 2011
Police	Representation relating to the application for a Review of the Premises Licence on the grounds of "The Prevention of Crime and Disorder".	3 May 2011
Three Members of the Public	Three representations relating to the application for a Review of the Premises Licence on the grounds of "The Prevention of Public Nuisance" and "The Prevention of Crime and	5 May, 5 May and 27 April 2011

	Disorder”.	
Two Members of the Public	Two representations received in support of the Premises Licence.	23 April and 4 May 2011

Oral representations received:

Name	Details
Applicant – Public Protection Officer	The Public Protection Officer outlined the application on the grounds of “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance” and answered Members questions.
Police	The Police outlined their representation as set out in Appendix 4 of the report.
Three Members of the Public	Three Members of the Public outlined their representations in support of the application for Review and responded to Members questions.
Respondent	The Respondent and those supporting her responded to the evidence put before the Sub-Committee and answered Members questions.

Decision:

That the Premises Licence in respect of the Sportsmans Arms, 15-17 Laburnum Street, Torquay be modified to the sale of alcohol from 10.00 a.m. until 10.30 p.m. Monday to Saturday and noon until 10.00 p.m. on Sunday, with closing of the Premises being 30 minutes after ceasing the sale of alcohol. The provision for the making of music shall also be removed from the licence, and the licence will be modified to include the following conditions:

- 1) All doors and windows to be kept closed at all times during the operating hours of the Premises.
- 2) The management must take all reasonable steps to ensure that patrons leaving the Premises do so as quietly as possible so as not to disturb local residents.
- 3) An SIA approved door steward to be in position outside the front of the Premises between the hours of 9.00 p.m. and closing on Friday and Saturday, to ensure Patrons smoking or leaving the Premises do so in a manner not to cause a nuisance.
- 4) A management scheme shall be in place to manage noise emanating from patrons using the smoking area at the rear and front of the Premises.

Reason for Decision:

Having carefully considered all of the written and oral representations and the evidence before them, Members resolved that the modification of the licence and the removal of licensable activity was proportionate and necessary to promote the Licensing Objectives and as such, should alleviate the concerns of local residents and Responsible Authorities.

Members seriously considered in depth the concerns of residents, and in their opinion the removal of the provision for making music was necessary because of the close proximity of the Premises to residential properties and the negative impact when it had occurred.

In concluding, Members seriously considered revocation or suspension of the Premises Licence and the removal of the Designated Premises Supervisor, but resolved that implementing the measures put forward by the Responsible Authorities should address the issues complained of. Members stated that the modification of the Premises Licence should serve as a strong warning to Mrs Lang that failure to comply with the provision and conditions of her Licence in the future should result in this Premises being brought back before the Sub-Committee, and as such Members would encourage this.

668. Exclusion of the Press and Public

Prior to consideration of the item in Minute 669 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

669. An application for a Personal Licence

The Sub-Committee considered the exempt report on an application for a Personal Licence.

Decision:

Having carefully considered all the written and oral representations, Members believed that, having regard to the Objection Notice, the application should be rejected as this was necessary for the promotion of the Crime Prevention Objective.

Reason for Decision:

Members were not satisfied that the circumstances in this case were exceptional or compelling to justify granting the application, as in accordance with paragraph 4.9 of the Guidance issued under section 182 of the Licensing Act 2003.