



Minutes of the Licensing Sub-Committee

8 October 2015

-: Present :-

Councillors Manning, Stocks and Tolchard

25. Election of Chairman/woman

Councillor Manning was elected as Chairman for the meeting.

26. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Tolchard instead of Councillor King.

27. An application for a Premises Licence in respect of Shoals Cafe on the Lido, Berry Head Road, Brixham TQ5 9AH

Members considered a report on an application for a Premises Licence in respect of Shoals Cafe on the Lido, Berry Head Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	A letter of Representation objecting to the application on the grounds of the Licensing Objectives 'Public Safety' and 'The Prevention of Public Nuisance'.	26 August 2015
Member of the Public	A letter of Representation objecting to the application on the grounds of the Licensing Objectives 'Public Safety', 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'.	14 September 2015

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, addressed the issues raised in the letters of representation and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Shoals Cafe on the Lido, Berry Head Road, Brixham be granted as applied for.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved to grant the licence having been satisfied that the submissions by the Applicant in their operating schedule and in their oral Representation at the hearing, that this application would not undermine any of the Licensing Objectives.

In reaching this decision, Members were reassured that a number of the issues raised by the Interested Parties were not attributable to these premises and on the written evidence submitted by the Applicant from Sergeant Kayliss of Devon and Cornwall Constabulary, that the last crime reported in the area to which the Premises are located occurred before these Premises were open..

Members noted that there were no Representations from any of the Responsible Authorities and that the Premises had been operating under Temporary Event Notices prior to this application, with no complaint.

Should issues arise as a result of this grant, then a Review of the premises can be sought.

28. An application for a Variation to a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton TQ4 7PE

Members considered a report on an application for a Variation to a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	A letter of representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance', 'The Prevention of Crime and Disorder' and 'Public Safety'.	12 September 2015
Member of the Public	A letter of representation objecting to the application on the grounds of the Licensing Objective 'The Prevention of Public Nuisance'.	12 September 2015

Oral Representations received from:

Name	Details
The Applicant's Representative	The Applicant's Representative outlined the application, as set out in the submitted documents and responded to Members questions.
A member of the public	A member of the public outlined his objection to the application and responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton be granted as applied for, subject to the following additional condition:

That the Premises Licence Holder shall take all reasonable steps to engage with the delivery company to find a product or an approved measure which will limit noise disturbance to nearby residents when deliveries take place at the Premises..

Reason for Decision

Having carefully considered all the oral and written Representations, Members resolved to grant the licence but with some reservation, as it appeared to them that the restrictive condition in respect of deliveries was not being adhered to and from the oral Representation of the Interested Party present, this appeared to be the main cause for concern

In respect of the application itself, Members were reassured that having explored this concern with both parties during the hearing, that set out in the written Representations and being satisfied that not all concerns were attributable to these Premises, that the granting of this application would not seek to undermine the Licensing Objectives.

Members were also reassured that by the 24 hour opening times of the premises, members of the public would enter the premises and in turn, would reduce the noise in the car park area.

Members noted that there were no Representations from any of the Responsible Authorities and from the oral submission given by the Applicant's representative who read from correspondence between Devon and Cornwall Constabulary and the Applicant, they had no issues of concern regarding these Premises.

In respect of the litter, Members noted from the written and oral Representations that this issue has been addressed and continues to be monitored by the Applicant.

Should issues arise as a result of this grant, then a Review of the Premises Licence can be sought by the Interested Parties.

Chairman/woman