

Minutes of the Licensing Sub-Committee**21 May 2020****-: Present :-**

Councillors Dart, Ellery and Kennedy

(Also in attendance: Councillor Foster)

29. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

30. Hoburne Devon Bay, Grange Court, Grange Road, Paignton

Members considered a report on an application for a Variation to a Premises Licence in respect of Hoburne Devon Bay, Grange Court, Grange Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Two representations in respect of the Licensing Objective the 'Prevention of Public Nuisance'.	Dated 24 and 29 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 15 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Received 17 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 17 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 18 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 17 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 20 April 2020

Oral Representations received from:

Name	Details
Applicants Legal Representative	The Applicants Legal Representative presented their application and outlined an additional condition should Members wish to grant the application.
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.
Member of the Public	The Member of the Public outlined their representation and responded to questions.
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Member of the Public	The Member of the Public outlined their representation and responded to questions.

Decision

That the application for a Variation to a Premises Licence in respect of Hoburne Devon Bay, Grange Court, Grange Road, Paignton be approved as applied for, subject to the following two additional conditions:

- 1) Noise emanating from the premises regulated entertainment, in the form of live and recorded music, shall not be distinguishable above the ambient noise in the surrounding residential areas.
- 2) A member of staff shall monitor the outdoor area, adjacent to the clubhouse where the supply of alcohol is intended after 7pm, to ensure that nearby neighbours are not unreasonably disturbed. Any patron within this area who behaves in a manner that causes a nuisance, shall be asked to either cease behaving in that manner, return inside the premises or to leave the licensed area.

Reason for Decision

In carefully considering all the written and oral representations, Members unanimously resolved to grant the application, having been satisfied that the additional conditions would alleviate the concerns raised by interested parties and promote the Licensing Objectives.

In coming to that decision, Members were reassured by the written and oral representation of the Authority's Public Protection Officer. In that he did not believe the granting of this variation application would undermine the Licensing Objectives, namely; the Prevention of Public Nuisance and in checking it's records, in the last ten years, Torbay Council had only received one complaint in respect of these premises and when the nature of the complaint was raised with the premises, they acted promptly to resolve it. Notably the complaint was in respect of regulated entertainment which Members particularly noted, did not form part of this application.

Members further noted the written and oral submissions of the Designated Premises Supervisor and their legal representative, with regards to the intended premises operations and that the extended hours applied for in respect of the café, were to align with that already in place for the club house, where the café is located within. Members were therefore satisfied on the evidence before them, that aligning the hours, would not result in the Licensing Objectives being undermined.

Having carefully considered all the written and oral submissions by residents; and accepting that noise outbreak from regulated entertainment had emanated from these premises in the past, it was encouraging that the premises, in consultation with the Public Protection Officer, had proposed a condition to remedy this situation. Notwithstanding that regulated entertainment does not form part of this application. This in Members opinion, demonstrated a responsible attitude by the Premises Licence Holder.

Where Members had concerns and could not be satisfied that sufficient consideration had been given to alleviate the potential for noise outbreak which could, unreasonably disturb nearby residents, was in respect of patrons and guests utilising the extended sale of alcohol in the outdoor area adjacent to the club house.

In their experience as licensing committee members, where alcohol is sold and no measures are in place to monitor outside areas, especially after 7pm, there is an increased risk that noise from patrons' voices could unreasonably disturb nearby residents. Members therefore resolved that it was appropriate to add a condition in respect of this area, to reduce that potential impact and ensure the Licensing Objectives are promoted.

Should issues arise as a result of granting this application, Members noted that a Review of the premises licence was available.

Chairman/woman