

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

**19 August 2021**

**-: Present :-**

Councillors Ellery, Barbara Lewis and Douglas-Dunbar

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### **16. Election of Chairwoman**

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

### **17. Minutes**

The Minutes of the meetings of a Licensing Sub-Committee held on 17 and 24 June, 1 and 8 July 2021 were confirmed as a correct record and signed by the Chairwoman.

### **18. Licensing Act 2003 - An application for a Premises Licence in respect of Flour Flower, 40 Middle Street, Brixham, TQ5 8ER**

Members considered a report on an application for a Premises Licence in respect of Flour Flower, 40 Middle Street, Brixham, TQ5 8ER.

Written Representations received from:

Name	Details	Date of Representation
Brixham Town Council	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance'.	6 July 2021
Police	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	27 July 2021

Additional Information:

Oral Representations received from:

Name	Details
Applicant	The Applicant and their Representative outlined the application and responded to Members' questions.
Police	The Police highlighted their concerns in respect of the application.

Brixham Town Council	The representative from Brixham Town Council highlighted their concerns in respect of the application.
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Applicant's response to Representations:

The Applicant suggested that the use of the outside seating area would cease at 10.00 pm and that notices could be displayed inside the premises and verbal reminders given to patrons to remind them to leave the premises quietly.

Decision:

That the application for a Premises Licence in respect of Flour Flower, 40 Middle Street, Brixham, TQ5 8ER be granted as applied for, subject to the following conditions:

1. The premises outside seating area shall cease to be used after 10.00 pm and the tables and chairs in this area shall be removed, at that time.
2. No music shall be permitted in the premises outside area after 10.00 pm.
3. Patrons using the premises outside area shall be seated at all times, except for access and egress.
4. The sale of alcohol shall cease at midnight.
5. The premises shall close at 12.30 am.
4. Supply of alcohol shall only be permitted to persons consuming a table meal and that those persons shall be seated at all times.
5. Supply of alcohol, inside and outside the premises licenced areas shall only be permitted by way of table service.
6. Any off sale of alcohol must be in a sealed container.
7. Premises shall have CCTV to a standard that is acceptable to the Police and the footage shall be retained for fourteen days and made available to the Police on reasonable request.
8. Premises must keep and maintain an incident book at the premises which shall be made available on reasonable request, to the Police or the Local Authority; and
9. Notices shall be on display inside the premises to remind patrons to leave the premises quietly so as not to disturb nearby residents.

Reason for Decision:

Having carefully considered all the written and oral representations, Members were satisfied to grant the application as applied for, subject to the additional

conditions which in their opinion, would ensure that the premises operation did not undermine the Licensing Objectives. Namely, The Prevention of Public Nuisance and The Prevention of Crime and Disorder.

In coming to their decision, Members noted that there was a lack of detail contained within the application, as required by the current Licensing Statement of Principles Policy, to mitigate the impact on the surrounding residential area that would be required for a Licence to be granted with a 2.00 am closure time. It was not clear to Members how the outside area and egress from the premises would be managed effectively to ensure nearby residents were not unreasonably disturbed after midnight and having heard the oral representation from the Applicant in this regard, Members could not be satisfied that internal signage and verbal communications alone would reduce the risk of noise outbreak from this premises. Noting the proximity of nearby residential premises and the environmental factors of the demographic of the land and lack of background noise later in the evening, Members unanimously determined that to limit the use of the outside area to 10.00 pm, with a terminal hour of 12.30 am, was both appropriate and proportionate, on the evidence before them.

Members carefully considered the concerns raised by the Police and Brixham Town Council and were satisfied that these concerns should be alleviated by the additional conditions and the premises ceasing to operate at 12.30am.

In concluding, Members noted that should issues of concern arise as a result of this grant, a Review of the Premises Licence is available to either members of the public or Responsible Authorities.

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Chairman/woman