## Memorandum

To:	Licensing and Public Protection Team	From	:	Mr Karl Martin
c.c		Contact	:	
c.c.		Ext	:	01803 208025
c.c		My Ref	:	1ZV SRU/KJM/Hensep2022
	ne attention of:	Your Ref	:	
Steve	COX	Date	:	29 <sup>th</sup> September 2022

## Subject: New application, Hennessey Cocktails, 2 King Street, Brixham.

## **Dear Steve**

Considering the licensing history of the premises I believe, in my capacity as the Responsible Authority, it is appropriate to submit a neutral representation. For the sake of doubt, I am not objecting to the application but wish to furnish the Licensing sub-committee with a number of observations that may assist them in their deliberations. It may also be helpful for the Responsible Authority to be present at the hearing.

- 1. Following the refusal of a new premises licence application in March 2022 the Responsible Authority concerns regarding future applications can be tightly defined as the following:
- Future license holders may merely be fronting for the owner and how will this imped the resolution of noise complaints.
- No confidence noise outbreak has been resolved without the construction of a suitable lobby.
- 2. The applicant, Mr Stephen Dare, consulted with Torbay Councils Public Protection Officer prior to submitting this application and requested a meeting.
- 3. A meeting took place with Mr Dare and Mr at the premises in July 2022. The concerns outlined in point 1 was discussed.
- 4. With regards to 'fronting' the Responsible Authority cannot fully be satisfied there is not a risk of interference from the business owner, Mr . However, Mr Dare presented himself, as a potential licencee, as an individual who is firmly focussed and committed to the importance of process and procedures who can be the kingpin this application needs to succeed.

Whilst his experience in the licence trade is minimal, I believe he will draw on his corporate background ,which is a sector use to regular dealings with regulatory overseers. The Responsible Authority welcomed Mr Dare acknowledge of the past problems and importance of building relationships with the licencing Authorities.

The Responsible Authority is confident that should the application be granted and if issues or concerns would arise in the future, Mr Dare will be a PLH that will address those issues or concerns swiftly with integrity and honesty.

5. With regards to noise management the most definitive remedial measure is the construction of a noise lobby. The Responsible Authority excepts there are challenges for the PLH to comply with this request. An alternative was proposed by the Responsible Authority and accepted by Mr Dare.

In circumstances where a lobby is not possible or desirably but where there is an appropriate noise limiter installed on the premises it is possible to set the noise limiter with the front doors open. In effect this removes the 'warble' effect as we can be confident that unwanted noise escaping the building through an open door cannot give rise to noise.

Mr Dare is aware this option will lower sound levels inside the premises.

6. A objection from a member of the public has been received by the Licensing Authority in relation to noise transmission through the building.

This can be easily resolved. When the limiter is reset the licensee must ensure that transmission of low frequency noise is not audible in the attached residential properties.

7. It is standard practice for the Responsible Authority to be present when the limiter is set to offer full reassurance to both residents and the Licensing Committee that the proposed conditions are effective and permanent.

Kind regards.

Karl Martin

Public Protection Officer Licensing and Public Protection Community Safety Torbay Council