

Minutes of the Licensing Sub-Committee

27 October 2022

-: Present :-

Councillors Ellery, Barbara Lewis and Mills

36. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

37. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 and 22 September 2022 were confirmed as a correct record and signed by the Chairman.

38. Wall Park Touring Centry Road Camping, Berry Head, Brixham, TQ5 9ET

Members considered an application for a new Premises Licence in respect of the Wall Park Touring Centry Road Camping, Berry Head, Brixham, TQ5 9ET.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	11 September 2022
Member of the Public	Representation objecting to the application on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	13 September 2022
Member of the Public	Representation objecting to the application on the grounds of the "Prevention of Crime and Disorder", the "Prevention of Public Nuisance" and "Public Safety".	28 September 2022
Member of the Public	Representation objecting to the application on the grounds of	29 September 2022

	the “Prevention of Crime and Disorder” and the “Prevention of Public Nuisance”.	
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Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the Application and responded to Members’ questions.
Member of the Public	The Member of the Public outlined their representation and responded to Members’ questions.

Decision:

That the application for a new Premises Licence in respect of the Wall Park Touring Centre Road Camping, Berry Head, Brixham, TQ5 9ET be approved as applied for, subject to off-sales being removed from this application and the following additional condition:

That the sale and consumption of alcohol shall only be permitted to persons residing at the premises.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved to grant the application, having been satisfied that the operating schedule, along with the additional condition and removal of off-sales, would seek to alleviate the concerns raised by the Interested Parties and promote the Licensing Objectives.

In coming to their decision, Members noted the intended degree of management and control of the site, and the measures implemented by the Applicant to address concerns raised in the objection representations and were reassured that the Applicant would operate these premises in a responsible manner.

This manner was evident in the Applicant’s engagement with the neighbouring residents which was confirmed by the member of the public in attendance, who added that his concerns had been alleviated, in hearing the Applicant’s oral submissions. This further reassured Members, that should an issue of concern arise, the Applicant would be responsibly responsive in addressing this.

Members noted the absence of a representation received from any Responsible Authority and deduced from this, that they had no concerns with this application. In forming this opinion, Members noted the proactiveness of the Responsible Authorities in submitting representations, where concerns presented.

In concluding, Members noted the application benefitted from exemption of the Live Music Act 2012 and therefore could only determine matters which related to the sale of alcohol and opening hours. However, should issues arise as a result of granting this application, a Review of the Premises Licence is available to any Responsible Authority or Interested Party.

39. Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF

Members considered an application for a new Premises Licence in respect of the Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	Undated
Member of the Public	Representation objecting to the application on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	28 September 2022
Brixham Town Council	Representation objecting to the application on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	20 September 2022
Public Protection Officer, Torbay Council	Representation providing background information in respect of this Premises.	29 September 2022

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the Application and responded to Members' questions.

Applicant's response to Representations:

Prior to the Hearing, the Applicant submitted the 'Hennessey Cocktail Lounge Training Manual and Policies Sep 22'. This document was duly circulated to Members for consideration.

Decision:

That the application for a new Premises Licence in respect of the Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF be approved as applied for, subject to the following amendments to the application:

1. All persons within the premises should be seated at tables (other than when using the toilets/entering/leaving or ordering at the counter). All customers should be served by waiter/waitress service.

The words “or ordering at the counter” shall be removed.

2. CCTV – condition viii – shall be amended to remove the words “as soon as is reasonably practical” and replaced with within 21 days.

And subject to the following conditions being added:

1. After 9 pm, when the SIA Door Steward is required to vacate their position at the premises entrance door, their duties therein at that location, shall immediately be undertaken by a member of staff to ensure that those duties are maintained.
2. Mr Ross Hennessey shall not be permitted to make any decision in respect of licensable activities at these premises.
3. All licensable activities shall be under the direction of the Premises Licence Holder and/or Designated Premises Supervisor.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved to grant the application having been satisfied that the operating schedule, along with the additional conditions and amendments to the application, would seek to ensure that the Licensing Objectives would be promoted.

In coming to their decision, Members had regard to the location of the premises within a mixed use area which included close proximity of residential premises, the history of these premises operations, that proposed by the Applicant, and determined that the amendments and the additional conditions were both appropriate and proportionate to ensure that these premises are operated in a responsible manner which in turn, promoted the Licensing Objectives ‘the Prevention of Crime and Disorder’ and ‘the Prevention of Public Nuisance’ and would alleviate the concerns raised by the members of the public.

Members were reassured by the representation received by the Responsible Authority, noting that the Applicant had openly engaged with the Public Protection Officer and had demonstrated a commitment to that Officer, that this engagement with the Responsible Authorities would continue.

In respect of the condition relating to Mr Ross Hennessey and the condition that licensable activities shall be under the direction of the Premises Licence Holder and/or the Designated Premises Supervisor, Members had regard to the close relationship between the Applicant and Mr Hennessey and noted that they are also business partners, and it was intended that Mr Hennessey would be on the premises to perform catering duties. In doing so and in the knowledge of the premises historical operation under the control of Mr Hennessey, Members determined these conditions were appropriate and proportionate to ensure that the Licensing Objectives would be promoted and that the premises would be operated in a responsible manner.

Members were assured by the Applicants oral representation regarding his level of control for the premises and found him to be open and honest. In addition, Members noted the Applicants corporate background, as advised by him and determined that the Applicants professional career and reputation could potentially be put on the line,

should issues or concerns arise which relate to his direct control and management of the premises and this further assured them, of the Applicants stated intention to operate these premises in a responsible manner and to promote the Licensing Objectives.

In noting that these premises will benefit from the Live Music Act, Members welcomed the Applicants agreement for a noise limiter to be installed and set at a level agreed by Public Protection Officer to mitigate noise emanating from the premises.

In concluding, Members noted that should issues of concern arise as a result of granting this application, a Review of the premises licence is afforded to any interested party and the Responsible Authorities.

Chairman/woman
