

Minutes of the Licensing Sub-Committee**23 March 2023****-: Present :-**

Councillors Ellery, Barbara Lewis and Chris Lewis

15. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

16. Café Rio, Maidencombe Beach Café, Steep Hill, Torquay, TQ1 4TS

Members considered a report on an application for a Premises Licence in respect of Café Rio, Maidencombe Beach Café, Steep Hill, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation in support of the Application for a Premises Licence.	31 January 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	2 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	23 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	25 February 2023
Member of the Public	Representation objecting to the Application for a Premises	23 February 2023

	Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	23 February 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application.
Member of the Public representing the Maidencombe Residents Association	A Member of the Public representing the Maidencombe Residents Association outlined their representation objecting to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their representation objecting to the application for a Premises Licence and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Café Rio, Maidencombe Beach Café, Steep Hill, Torquay be approved as applied for.

Reason for Decision:

Having carefully considered all the written and oral representations, Members unanimously resolved to grant the application having been reassured by the Applicant's professional and committed approach as demonstrated in her oral representation, and the comprehensive list of conditions contained in the Application for a Premises Licence.

Members noted similar concerns raised by Interested Parties, however Members did not consider there to be any evidence before them which would cause them to consider refusing the application or applying additional conditions. It was confirmed by the Applicant that a composting toilet had been installed within the premises since the application was made which addressed the concerns raised by the residents in this regard.

Whilst oral representations from local residents and a local business raised concerns around public safety, potential excessive consumption of alcohol, increased littering, together with an increase in anti-social behaviour and vandalism, Members determined that there was no evidence before them that in granting the application, these affects were either foreseeable or likely to be attributable to the premises.

Members noted the close proximity of the nearest licensed premises and considered the concerns raised around excessive drinking of alcohol by beach users, determining that those persons were most likely to visit the beach, bringing with them their own alcohol, as opposed to purchasing from licensed premises nearby.

Through questioning, it was determined that the nearby car park, toilets within, and litter bins available in the surrounding area, were for use by all visitors to the area whether patrons of the premises or not.

No evidence was placed before Members that the historic parking issues within the village were attributable to the premises, which has been operating since April 2021 following its refurbishment, and that vandalism caused to the public toilets had either occurred prior to its opening or could not be linked to the patrons of the premises.

It was clear to Members that the Applicant had thoroughly considered and addressed any potential issues which may arise from the sale of alcohol, and Members were satisfied that the proposed conditions were sufficient to alleviate the concerns raised.

Members agreed that lighting of the public access to the beach could be improved upon, and suggest that the Applicant approach Torbay Coast and Countryside Trust to discuss improvements in this regard in the interest of public safety and for that of its patrons. However, this was not a factor in Members opinion which warranted a refusal of the application.

In concluding, Members further noted that there had been no representations received from any of the Responsible Authorities, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting this application.

Should any issues arise as a result of this grant, Members noted that a Review of the Premises Licence can be sought by any Interested party or Responsible Authority.

Chairman/woman