

Minutes of the Licensing Sub-Committee

18 May 2023

-: Present :-

Councillors Douglas-Dunbar, Barbara Lewis and Long

17. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairman for the meeting.

18. East in the West, 39 Torwood Street, Torquay

Members considered a report on an application for a Premises Licence in respect of East in the West, 39 Torwood Street, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation received from the Police, suggesting conditions should the application for a Premises Licence be granted.	14 April 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application for a Premises Licence, responded to Members questions and confirmed that they were in agreement with the conditions outlined in the written representation submitted by the Police on 14 April 2023.

Decision:

That the application for a Premises Licence in respect of East in the West, 39 Torwood Street, Torquay be approved, subject to the additional conditions proposed by the Police and agreed by the Applicant.

Reason for Decision

Having carefully considered all the written and oral Representations, Members unanimously resolved to grant the application, having been reassured by the Applicants experience of operating a similar premises in Torbay, namely Paignton.

Members were satisfied that the imposition of the additional conditions proposed by the Police and agreed by the Applicant, would ensure the Licensing Objectives were upheld.

Not that it was envisaged by Members, but should issues of concern arise as a result of this grant, a Review of the premises licence is available to any Responsible Authority or Interested Party.

19. Chubbs, 5 Babbacombe Road, Torquay

Members considered a report on an application for a Premises Licence in respect of Chubbs, 5 Babbacombe Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Received 20 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'Public Safety'.	18 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of the 'Prevention of Public Nuisance' and 'Public Safety'.	18 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'Public Safety'.	18 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Crime and Disorder'.	14 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	20 April 2023

Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	19 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'Public Safety'.	20 April 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to Members questions
Member of the Public	A Member of the Public outlined their representation and responded to questions.
Member of the Public	A Member of the Public outlined her representation.
Member of the Public	A Member of the Public outlined his representation.
Member of the Public	A Member of the Public outlined her representation.

Decision:

That the application for a Premises Licence in respect of Chubbs, 5 Babbacombe Road, Torquay be approved as applied for, subject to the following additional conditions:

- 1) Smoking shall not be permitted directly outside the premises, and patrons shall be encouraged to smoke away from residential premises.
- 2) Clear and legible notices shall be prominently displayed at all exits notifying patrons that smoking directly outside the premises is prohibited.
- 3) The premises shall keep and maintain an incident log and that log shall be made available to any Responsible Authority Officer, on request.

Reasons for Decision

Having carefully considered all the written and oral Representations, Members unanimously resolved to grant the application for a Premises Licence, having heard the Applicants extensive experience of operating premises in mixed use areas. Members noted the Applicant had recognised that there may be concerns regarding noise outbreak and had taken mitigating measures by installing sound insulation to an area of the premises and detailed further mitigation works to be undertaken, in order to reduce noise outbreak through the internal walls. Thereby demonstrating to Members, the Applicant's willingness to address issues before and should they arise.

Members considered the nature of the business and intended operation, and determined that the application before them, would not cause anti-social behaviour but instead, would enhance the commercial offer of the area.

In coming to their decision, Members had careful regard to the concerns raised by interested parties, noting that there were many which were beyond the remit of the Licensing Sub-Committee and were not matters that they could take into account or base their decision upon. Of those which were within the remit, Members were satisfied once the premises was open and operating, that the Applicant would engage responsibly with its immediate neighbours to overcome any concerns, should they arise.

In concluding, Members had particular regard to the absence of any Representations received from any of the Responsible Authorities, who in their experience, are very responsive to applications and premises which cause or are likely to cause concern and undermine the Licensing Objectives. In consideration of this, Members deduced that the intended operation did not cause the Responsible Authorities a concern and this echoed their own determination, when considering the Applicant's experience and responses to their questions, and concerns raised by the Interested Parties.

Should 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
