

Minutes of the Licensing Sub-Committee

27 July 2023

-: Present :-

Councillors Johns, Barbara Lewis and Stevens

1. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

2. The John Bull, 68-80 Chatto Road, Torquay, TQ1 4HU

Members considered a report on an application for a Premises Licence in respect of The John Bull, 68-80 Chatto Road, Torquay.

Written Representations received from:

| Name | Details | Date of Representation |
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| Member of the Public | Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'. | 22 May 2023 |
| Member of the Public | Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'. | 28 May 2023 |
| Member of the Public | Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'. | 2 June 2023 |
| Member of the Public | Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'. | Received on 5 June 2023 |

Oral Representations received from:

| Name | Details |
|-----------------------|---|
| Applicant's Solicitor | The Applicant's Solicitor outlined the application and together, with the Applicant and the Premises Manager, |

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| | responded to questions from Members. |
| Member of the Public | A Member of the Public outlined their representation objecting to the Premises Licence and responded to questions from Members. |
| Member of the Public | A Member of the Public outlined their representation objecting to the Premises Licence and responded to questions from Members. |

Decision:

That the application for a Premises Licence in respect of The John Bull, 68-80 Chatto Road, Torquay be approved as applied for, subject to the following amended and additional conditions:

- 1) There shall be a minimum of 3 members of staff on the premises from 9 pm until the premises close on a Friday and Saturday.
- 2) Notices shall be displayed on the exits to remind patrons to leave the premises quickly and quietly, and not to loiter in the premises surrounding area.
- 3) Notices shall be displayed in the premises outside areas, reminding patrons to be respectful towards residents and to keep noise to a minimum so as to not to unreasonably disturb nearby residents.
- 4) Staff shall routinely monitor the outside area after 9 pm, to ensure that nearby residents are not unreasonably disturbed by its patrons, or that patrons are loitering in the premises surrounding area.
- 5) That the designated smoking area shall be located in the area to the left of the cellar doors when exiting the premises, as defined on the premises plan.
- 6) That there shall be no more than 5 patrons permitted in the designated smoking area after 10pm.
- 7) Patrons using the smoking area after 10pm shall be seated.
- 8) Drinks shall not be permitted in the designated smoking area after 10pm,
- 9) The premise designated smoking area shall be routinely monitored after 10pm and any patron causing a nuisance shall be asked to come inside the premises, and where they refuse to do so, they shall be asked to leave the premises immediately.
- 10) Patrons using mobile phones after 10pm shall only be permitted to do so in the designated smoking area.
- 11) The outside seating areas shall be cleared and closed to all patrons by 10pm every night, save for the designated smoking area.

- 12) Patrons shall be encouraged not to use their mobile phones outside the boundary of the premises.
- 13) An incident book shall be kept on the premises, and all incidents and complaints shall be recorded therein and be made available for inspection by an appointed Responsible Authority Officer on request.
- 14) The placing of refuse, such as bottles into receptacles within the premises outside areas, shall not take place between 9 pm and 9 am.
- 15) All external windows and doors shall be closed after 10 pm.
- 16) A written Noise Management Policy must be kept on the premises and reviewed by the Premises Licence Holder annually or sooner, where required, and be made available for inspection by an appointed Responsible Authority Officer on request.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members resolved to approve the application for a Premises Licence, with the imposition of the amended and additional conditions, as set out above.

In coming to their decision, Members had regard to the proximity of the premises and its neighbouring residential properties, and it being within what is predominantly a residential area; along with the concerns raised by Interested Parties, both in their written and compelling oral Representations by those who attended the Committee hearing, and initially gave serious consideration to refusing this application, as they could not be satisfied in its current form, that the Licensing Objectives would be promoted.

However, as opposed to refusing the Application outright, Members resolved that with the amended and additional conditions which in their deliberation, took careful consideration to craft, resultant of the need to balance the premises intended operation, whilst ensuring promotion of the Licensing Objectives were upheld, and importantly, to address the concerns of those Interested Parties who raised objections, that the premises operation in compliance of those conditions, would promote the Licensing Objectives.

Having been satisfied, on the evidence before them, that historically these premises operations have had a detrimental impact on those living in the immediate vicinity and had undermined the promotion of the Licensing Objectives, and as Members heard, whilst the intended Manager was a previous employee of the premises, Members noted the absence of a Representation from any of the Responsible Authorities. Again, on the evidence before them, Members deduced that such an absence was likely to have been resultant of the lack of complaints and as advocated by one Interested Party, borne out of a fear of reprisal, having experienced conduct by some patrons, which in Members opinion, was wholly unacceptable. In recognising their complaints were valid and that just because they had gone unreported or recorded did not mean they were unjustified, Members were hopeful in granting this application,

and having been present at the Committee hearing and therefore heard what has been said, that the Premises Licence Holder and their intended Manager, will have a zero tolerance to such behaviours and that a banning procedure will be put in place to act as a deterrent, for future unacceptable conduct by its patrons.

On the oral submissions made by the Premises Licence Holder and intended Manager, Members determined it necessary to impose a condition regarding the number of staff being present on the premises on Friday and Saturday nights. Believing that one staff member and the Manager to be too few, when taking into account the amount of monitoring of the outside area the Manager said she would be undertaking. Members were also mindful that should there be an incident on what will be their busiest nights, at least one member of staff would be involved with the second serving patrons, thus leaving no one to maintain the level of monitoring the Manager had committed to.

On the evidence before them, Members noted that the outside area of the premises was of considerable concern to Interested Parties, and they themselves had concerns too. Members determined, with the offer of the Premises Licence Holder, that by relocating the designated smoking area, and subsequently limiting the number of patrons and closing other outside areas at 10pm. this should reduce potential noise nuisance caused to nearby residential properties and promote the Licensing Objective, 'The Prevention of Public Nuisance'.

In conclusion, and whilst Members were reassured by the Premises Licence Holder and Managers commitment to engage with residents to address complaints as they arise, Members noted that a Review of the Premises Licence can be sought by any Interested Party or Responsible Authority should issues arise, as a result of this grant of a Premises Licence.

Chairman/woman