



## Minutes of the Licensing Sub-Committee

30 January 2014

-: Present :-

Councillors Addis, Bent and Stocks

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### 48. Election of Chairman

Councillor Addis was elected as Chairman for the meeting.

### 49. Minutes

The Minutes of the meeting of the Sub-Committee held on 9 January 2014 were confirmed as a correct record and signed by the Chairman.

### 50. Licensing Act 2003 – An application for a Premises Licence in respect of (Torquay) New Build, Newton Road, Torquay Edginswell, Torquay

Members considered a report on an application for a Premises Licence in respect of (Torquay) New Build, Newton Road, Torquay. The Premises do not fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Letter of representation requesting that point 3) on page 5 of the application be refused.	18 December 2013
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance' suggesting that the original application be refused or be amended with a number of conditions.	20 September 2012
Member of the Public	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance'.	23 December 2013
Member of the Public	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance'.	24 December 2013
Member of the Public	Representation in relation to the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime	Undated 20 December 2013

	and Disorder'. A further representation was submitted providing clarity of their concerns.	
The Applicant's Legal Representative	Representation including: <ul style="list-style-type: none"> <li>• The F Plan;</li> <li>• New Build Information;</li> <li>• Photographs of the Chalkhill Blue;</li> <li>• Rotisserie Menu;</li> <li>• Cross Brand Trading Details;</li> <li>• Proposed amended Operating Schedule/Conditions</li> </ul>	24 January 2014
Public Protection	Updated representation following consultation with the Applicant's Legal Representative on their proposed amended operating schedule/conditions and 10 Proposed Conditions.	23 January 2014

Additional Information:

With the agreement of the Licensing Sub-Committee, the following documents were circulated at the meeting:

- Colour copy of Marston's PLC additional information (which had already been provided to the Sub-Committee as part of their supplementary papers circulated on 28 January 2014);
- Googlemap showing the proximity of the site to the nearby residents;
- 2 plans of the area, photo showing the proximity of the houses behind the site and information regarding the opening times of four neighbouring licensed premises; and
- Large scale maps of the premises.

Request to extend the time for Oral Representations:

The Chairman agreed to the request from the Applicant's Legal Representative to allow 15 minutes for Oral Representations.

Oral Representations received from:

Name	Details
The Applicant's Legal Representative	The Applicant's Legal Representative outlined their case, as set out in the submitted documents and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application, as set out in Appendix 5 to the report and

	proposed that the opening hours be amended to 11.00 a.m. to 11.00 p.m. Mondays to Saturdays and 11.00 a.m. to 10.30 p.m. on Sundays.
Police	The Police Representative confirmed that they had no objection to the application, as the Applicant had accepted the removal of point 3) on page 5 of the submitted application in connection with licensable activities to show the broadcast of televised sporting events of national interest outside of normal operating hours from the application.
Public Protection	The Public Protection Officer outlined his further representation and proposed conditions which had largely been agreed by the Applicant and responded to Members questions.

#### Applicant's response to Representations:

The Applicant's Legal Representative outlined the proposed amendments to the operating schedule and new conditions, as set out in their representation dated 24 January 2014 and proposed the following additions/changes at the hearing:

1. Amend condition 1 (The Prevention of Public Nuisance) to read 'Where appropriate prominent and legible notices shall be displayed at all exits in the premises requesting the public to respect the needs of the local residents and to leave the premises and area quietly'.
2. Amend Condition 4 to read 'Use of the external terrace areas will cease at 11.00 p.m.'
3. New Condition 'No open receptacle to be taken outside of the Premises after 11.00 p.m.'
4. New Condition 'A designated smoking area to be established after 11.00 p.m. with a limit of 20 persons at one time (on the front terraced area).'
5. New Condition 'Private functions shall only be permitted if the whole building is reserved and door stewards to be risk assessed for each event.'
6. New Condition 'A noise management plan to be approved by Public Protection prior to the opening of the Premises.'
7. Amend section L - Hours premises are open to the public 'Friday and Saturday Finish 00:30.'
8. Licensable activities to finish at 00:00.

#### Decision:

That the application for a Premises Licence in respect of (Torquay) New Build, Newton Road, Torquay be granted as applied for and subject to the proposed amended operating schedule and additional conditions put forward by the Applicant's Legal Representative at the hearing, and the following two additional conditions felt appropriate by Members having heard from all parties:

1. Sale of alcohol after 23:00 may only be to persons taking a table meal; and
2. In respect of the Management Plan proposed by the Applicant's Legal Representative and to be approved by the Council's Public Protection

Department prior to the premises being open, it shall include the following areas: car park, external terraced areas, deliveries, waste, play area and smoking area in order to mitigate the potential impact of noise on nearby residents.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the licence, having been satisfied that with the amended operating schedule and the additional conditions, the Licensing Objectives would not be undermined.

In considering the concerns raised by the Interested Parties in their written and oral Representations, Members had particular regard to the oral representation from the Public Protection Officer and his assurance that the proposed amended operating schedule and additional conditions did in his opinion, meet the criteria set out in the Council's Licensing Policy. This coupled with a condition to implement a Management Plan of the areas of specific concern which is to be approved by the Council's Public Protection Department before the premises could be open, further served to assure Members that the concerns raised would be alleviated and as such, they believed that the granting of this licence would not undermine the Licensing Objective in respect of The Prevention of Public Nuisance.

With regards to the concern raised that migration of persons from nearby drinking establishments after 23:00, Members were satisfied that by adding a condition to restrict the sale of alcohol to persons taking a table meal after 23:00 would seek to alleviate this concern from being realised, having accepted that there was a possibility of migration, and if unrestricted this could possibly lead to crime and disorder and public nuisance at premises in close proximity to residential properties.

Notwithstanding that each case is decided on its own merits, Members took in to account that there was no evidence of public nuisance or crime and disorder, as this is a new build property on land which is currently open space and considered this against the timings of similar premises located in this type of area and their impact, if any on those residential communities. In respect of this, Members noted the Police Licensing Officer's oral representation in that these type of premises were of no concern to the Police and that in the 5 years experience of the Officer present; she had only had cause to follow up an isolated incident at one of the four premises being considered, on one occasion.

In concluding Members had regard that whilst this is an application for a new build, there is available to Interested Parties and Responsible Authorities a recourse of Reviewing the premises licence, should when the premises begin to trade, a problem arise.