



## Minutes of the Licensing Sub-Committee

15 May 2014

**-: Present :-**

Councillor Addis (Chairman)

Councillors Ellery and Pentney

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### 1. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 2. Minutes

The Minutes of the meeting of the Sub-Committee held on 8 April 2014 were confirmed as a correct record and signed by the Chairman.

### 3. Licensing Act 2003 – An application for a Review of a Premises Licence for Seamus O'Donnells, 28 Victoria Parade, Torquay TQ1 2BD

Members considered a report on an application for a Review of a Premises Licence for Seamus O'Donnells, 28 Victoria Parade, Torquay TQ1 2BD.

Members noted that the application had been properly made and that the Applicant is an Interested Party and that the administrative requirements of Section 51 (3)(a) and (b) had been met and that the Representation had not been subsequently withdrawn and was not vexatious, frivolous or repetitious.

The Premises do fall within the Cumulative Impact Area.

#### Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance' and a chronology of noise complaints and interventions.	31 March 2014

Interested Party with two signatures	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	11 April 2014
The Police	Statement from Devon & Cornwall Police.	15 April 2014

Members noted that there had been no additional Representations received from any other Responsible Authority and that although the Police had considered the application and had made a Statement, they were satisfied that the Premises currently met the Licensing Objective 'The Prevention of Crime and Disorder' and therefore did not make a Representation.

**Oral Representation received from:**

Name	Details
Public Protection	The Public Protection Officer outlined their Representation, as set out in the submitted documents, responded to Members questions and proposed additional conditions.
Police	The Police Licensing Officer outlined their Statement, as set out in the submitted documents and responded to Members questions.
The Respondents and Noise Consultant	The Respondents responded to Members questions and clarified information submitted by the Applicant. The Noise Consultant outlined the information circulated to Members as a late paper.

**Additional Information:**

Members noted that the Applicant and the Interested Party had not returned their Notice to attend, but were aware that the Committee hearing was taking place.

The Applicant had been contacted by the Public Protection Officer who advised Members that the Applicant had moved from the property. The Interested Party had also been contacted by the Senior Licensing Officer.

The Council's Senior Solicitor advised Members that despite the Applicant not being present, the Application for a Review was still required to take place as it had not been withdrawn and that there had been additional Representations from the Council's Public Protection Department and an Interested Party which had two signatures.

**Decision:**

That the application for a Review of a Premises Licence for Seamus O'Donnells, 28 Victoria Parade, Torquay TQ1 2BD be noted and that the Premises Licence be modified to include three additional conditions as follows:

1. Before and future structural change or refurbishment is commenced at the Premises, an evaluation of any noise breakout must be undertaken and a report submitted to the Environmental Health Department on the works to be undertaken to attenuate noise break out and those works must be implemented to the satisfaction of Officers of the department.
2. All regulated music on the First Floor must be played through a noise limiter to be set at a level as agreed with the Environmental Health Department; the limiter must be tamper proof and adjustments shall only be made with the consent of the Environmental Health Department.
3. No changes shall be made to the public address system on the first floor without prior consultation with the Environmental Health Department. This includes moving of speakers, addition or removal of any equipment and the use of guest acts or D.J's own equipment.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to modify the licence, having been satisfied that the Applicant had unreasonably suffered from noise out break from the premises, as witnessed by the Council's Senior Environmental Health Officers on the 15<sup>th</sup> February 2014.

Members were reassured that since the Review had been called, that the Premises Licence Holder has engaged the services of a Noise Consultant and put in place measures to resolve noise out break from the premises. This is evident, by the current tenant confirming to the Council's Public Protection Officer that during the four weeks in which she had resided in the property previously occupied by the Applicant, that she had not been disturbed, despite being a light sleeper.

In concluding, Members are assured by the apparent responsible attitude of the Premises Licence Holders in their continued engagement with the Responsible Authorities, in that they have taken on board the concerns raised by them and sought to actively put in place measures to resolve these concerns.

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Chairman