



## Minutes of the Licensing Sub-Committee

17 July 2014

**-: Present :-**

Councillors Addis, Bent and Parrott

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#### 4. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

#### 5. Minutes

The Minutes of the meeting of the Sub-Committee held on 15 May 2014 were confirmed as a correct record and signed by the Chairman.

#### 6. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ1 1ED

Members considered a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ1 1ED.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder' and proposed additional conditions.	17 June 2014
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' proposed recommendation.	18 June 2014
Interested Parties	4 Representations in relation to Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Prevention of Public	Various dates

	Nuisance' and 'Public Safety.' One Representation represented 8 people and another is in the form of a petition with 20 signatures.	
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Oral Representation received from:

Name	Details
Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Police Representative	The Police Representative outlined their representation, as set out in the submitted documents and responded to Members questions.
Environmental Health	The Environmental Health Officer outlined their objection, as set out in the submitted documents and responded to Members questions.
Four Members of the Public	Four Members of the Public individually outlined their objection, as set out in the submitted documents and responded to Members questions.

Additional Information:

At the Hearing the Applicant made a request for additional time for oral representations. The Chairman agreed to the request from the Applicant and permitted 15 minutes for Oral Representations.

With agreement from the interested parties the Applicant and Council's Environmental Health Officer both circulated additional conditions for consideration.

**Decision:**

That the application for a Variation to a Premises Licence, in respect of Park Lane, 1 Torwood Street, Torquay be granted as orally amended by the Applicant at the Hearing, in withdrawing all licensable activities from taking place on the newly constructed roof terrace area. This Variation is granted with the following conditions:

- 1) No entry or re-entry into the Premises after 02:00 hours.

- 2) No amplified or live music on the roof terrace at any time.
- 3) The volume of background music must be set and maintained at a level that is agreed by a Torbay Council Environmental Health Officer before the roof terrace is open to the public.
- 4) Background music on the roof terrace must cease at 02:00 hours, and be in accordance with that detailed in Annex 3, conditions 7 and 8 of the Premises existing Premises Licence.
- 5) Before the roof terrace area is open to the public, the door leading onto the roof terrace area shall be inspected by an Environmental Health Officer of Torbay Council and where it is deemed necessary by that Officer, an acoustic lobby shall be constructed to the satisfaction of Torbay Council to ensure that potential noise outbreak from the Premises does not occur. Any such lobby shall be constructed before the roof terrace area is open to the public to use.
- 6) Where it has been necessary to construct a lobby as mentioned in point 5 above, that lobby shall be constructed and operated in such a way to ensure that if regulated entertainment is being played inside the premises, only one door shall be opened at any one time to prevent noise breakout. These doors shall be fitted with automatic closers.
- 7) After 23:00 hours numbers of patrons permitted to use the roof terrace area shall be limited to a maximum of 60 patrons at any one time.
- 8) Patrons shall not be permitted to take drinks onto the roof terrace area after 23:00 hours
- 9) All patrons consuming drinks on the roof terrace area must cease doing so at 23:00 hours and arrangements must be in place by the premises licence holder for all glasses to be cleared from that area at 23.00 hours. Those patrons wishing to continue drinking must be advised to do so inside the Premises.
- 10) All patrons using the roof terrace area shall be seated at all times.
- 11) Patrons who behave in a noisy or disorderly manner on the roof terrace area shall be removed from that area and where appropriate asked to leave the Premises. Details of this noisy or disorderly conduct shall be recorded in a log book and where appropriate, details of the patron(s) causing the noise or disorderly conduct shall be recorded in that log book too.
- 12) Signage must be displayed reminding patrons to keep noise to a minimum and warning customers who are excessively noisy or disorderly will be removed from that area and potentially the Premises.
- 13) The SIA door steward placed on the roof terrace area must as part of their duties ensure and manage customers' behaviour and take appropriate actions, as required by condition 11.

- 14) Patrons leaving the Premises for all purposes between 22:00 hours on Saturday nights until 02:00 hours on Sunday mornings will not be permitted back into the Premises without paying an entrance fee.
- 15) From the time the Premises open until 21:00 hours, members of staff and SIA door stewards should direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the Premises.
- 16) From 21:00 hours until the Premises close, members of staff and SIA door stewards shall direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the Premises.
- 17) Notices shall be prominently displayed within all bars of the Premises informing patrons who wish to smoke to use the roof terrace area.
- 18) If Torbay Council receives a complaint of noise nuisance emanating from the Premises and an Environmental Health Officer of Torbay Council deems noise nuisance to exist and the upholds the complaint, the Premises Licence Holder shall on receiving written confirmation of that complaint from Torbay Council:
  - a) Co-operate with Torbay Council's Environmental Health Officers and implement remedial measures to the satisfaction of the Environmental Health Officers immediately or as reasonably practicable to do so, as determined by the Environmental Health Officer; and
  - b) Where remedial action cannot be identified and remediated to the satisfaction of the Environmental Health Officer, the roof terrace area shall be closed to all patrons at 20:00 hours until such time that the noise nuisance can be identified and the necessary remedial work can be carried out.
- 19) In respect of the roof terrace area, CCTV cameras shall be installed in this area to the satisfaction of the police and there shall be a monitor situated behind the ground floor bar for viewing by staff.
- 20) The roof terrace is to have a solid perimeter wall of at least eight feet, with the exception of the Torwood Street elevation where it shall be six feet. The wall is to have a density of at least 10 kilograms per square meter with no gaps.
- 21) Non sound reflective surfaces shall be used on the walls and floor where practically possible.
- 22) The roof terrace will close at:
  - 24:00 hours on Sunday, but 03:00 hours Bank Holiday Sundays;
  - 24:00 hours on Monday and Tuesday;
  - 02:00 hours on Wednesday
  - 24:00 hours on Thursday
  - 03:00 hours Friday and Saturday

- 23) The playing of back ground music shall switch off automatically at 02:00 hours.
- 24) At all times that the roof terrace area is open after 21:00 hours, an SIA registered door steward shall be situated in that area. Their duties will include, ensuring that persons using the roof terrace behave in an orderly manner, and that persons shouting, singing or acting in a way that may cause a noise nuisance will be asked to leave the roof terrace area and if necessary, the Premises.

**Reasons for Decision:**

Having carefully considered all the written and oral representations and the significant amendment to the application, in that the Applicant was no longer seeking to apply for licensable activities on the roof terrace area, Members resolved to modify the Premises Licence, having been satisfied that noise nuisance and an increase in crime and disorder were occurring from and at this Premise.

Members noted the attempt made by the Applicant to address the concerns raised by the Police by constructing a smoking area to avoid patrons using the outside area of the Premises to smoke.

Taking in to consideration this attempt and concerns, Members gave careful consideration to the concerns and potential concerns raised by residents and the Council's Senior Environmental Health Officer. In doing so, Members concluded that not all noise nuisance could be attributed to this Premises, that the current situation at the Premises as it stood was unacceptable, that the restricted use of the roof terrace area with the additional 23 conditions should help alleviate the current increase in crime and noise nuisance, whilst placing more responsibility and control of those patrons on the Premises Licence Holder.

Members gave careful consideration to all of the conditions put forward by the Applicant, the Police and the Council's Environmental Health Officer and in turn, resolved that each of the conditions accepted and in part modified by them were appropriate in light of the current situation at the Premises, the concerns raised by both residents and Responsible Authorities and the Applicant's history of not immediately responding to or resolving Responsible Authorities concerns.

In considering the Council's Licensing Statement of Principles 2011, as raised in a number of representations, Members resolved that with the oral representation of the Applicant and his significant amendment to the application, the restricted use of the roof terrace area with the additional 23 conditions that the grant of this variation would not add to crime and disorder or public nuisance. Instead Members concluded that the grant of this variation would alleviate the current unacceptable situation and promote the Licensing Objectives which on the evidence before them, were clearly being undermined.

Having given careful consideration to all of the concerns raised in respect of this Premise and the Premises Licence Holder, Members resolved that the

modification of this licence should alleviate these concerns. However if it does not, Members in concluding noted that both Interested Parties and the Responsible Authorities could call a Review of this Premises Licence.

Chairman/woman

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