



## Minutes of the Licensing Sub-Committee

10 March 2017

-: Present :-

Councillors Ellery, Pentney and Thomas (J)

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### 28. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

### 29. Minutes

The Minutes of the meeting of the Sub-Committee held on 5 January 2017 were confirmed as a correct record and signed by the Chairman.

### 30. Park Lane, 1 Torwood Street, Torquay

Members considered a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation providing information regarding the application.	16 February 2017
Environmental Health Manager (Commercial) on behalf of Public Protection	Representation providing information regarding the application.	16 February 2017
Members of the Public	Two representations objecting to the application on the grounds of Public Nuisance and Crime and Disorder.	15 February 2017

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Police	The Police outlined their representation and responded to

	Members questions.
Public Protection	The representative for Public Protection outlined their representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his objection to the application.
Member of the Public	A Member of the Public outlined his objection.
Member of the Public	A Member of the Public outlined her objection.

Decision:

That the application for a variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay be granted as applied for.

Reason for Decision:

Having carefully considered all the oral and written representations, Members resolved to grant the licence having been satisfied that historical concerns raised by either members of the public or the Responsible Authorities had been addressed by the Applicant and that by the Responsible Authorities oral submissions at the hearing, the Applicant has demonstrated a real willingness to operate his premises in harmony with nearby residents so as not to cause a nuisance.

In coming to that decision, Members noted the considerable and costly efforts made by the Applicant in structurally altering the premises to ensure that any potential noise outbreak emanating from his premises would not cause a nuisance to nearby residence.

Members further noted that the both the Police and Public Protection had not objected to this application and that the Applicant having consulted the Responsible Authorities prior to submitting his application, had taken on board their submissions which were reflected in the applications operating schedule.

In respect of increasing the capacity of patrons using the roof terrace from 80 to 100, Members gave careful consideration to how this could potentially impact nearby residence but resolved that there was no real increased risk, having heard from the Council's Public Protection Officer.

When examining the intended use between this premise and the neighbouring premise, Members resolved that the internal door would in fact reduce the number of potential patrons from transferring on the street level and in doing so, would decrease noise levels previously experienced and complained of by members of the public present at the hearing.

In concluding Members noted that should issues arise and not be resolved as a result of granting this licence, members of the public and the Responsible Authorities would be able to review the premises licence.

**31. Venue, 13 Torwood Street, Torquay**

Members considered a report on an application for a Variation to a Premises Licence in respect of Venue, 13 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation providing information regarding the application.	16 February 2017
Environmental Health Manager (Commercial) on behalf of Public Protection	Representation providing information regarding the application.	16 February 2017
Members of the Public	Two representations objecting to the application on the grounds of Public Nuisance and Crime and Disorder.	15 February 2017

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.
Public Protection	The representative for Public Protection outlined their representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his objection to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined his objection and responded to Members questions.

Applicant's response to Representations:

At the meeting the applicant circulated a drawing which demonstrated how the roof of the building was receiving sound proof treatment. Pictures were also circulated by the applicant to demonstrate the sound proofing works being undertaken on the walls of the building.

Decision:

That the application for a variation to a Premises Licence in respect of Venue, 13 Torwood Street, Torquay be granted as applied for subject to the following amendments:-

- i) Remove condition 2 from the operating schedule and replace with - A noise limiting device shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by Torbay Council's Public Protection Team prior to the premises opening and will be reviewed on an agreed basis between the Council's Public Protection Team and Premises License Holder to ensure that any actual or potential noise outbreak is addressed in a timely manner.
- ii) Remove Condition 10 from the operating schedule and replace with - From 23:00hours until the premises closes, a SIA door steward shall monitor the smoking area and ensure that patrons behaving in a noisy manner are either asked to leave or return inside the premises.
- iii) Remove Condition 12 from the operating schedule.
- iv) Remove Condition 13 of the operating schedule and replace with - Non sound reflective surfaces shall be used on the walls and floor within the smoking area where practically possible.

And in addition to the following conditions:

- v) All patrons consuming drinks in the smoking area must cease doing so at 23:00hours and arrangements must be in place by the Premises Licence Holder for all glasses to be cleared from that area at 23:00hours. Those patrons wishing to continue drinking must be advised to do so inside the premises.
- vi) Patrons shall not be permitted to take drinks into the smoking area after 23:00hours.
- vii) After 23:00 hours, the number of patrons permitted to use the smoking area shall be limited to a maximum of 80 patrons at any one time.

Reason for Decision:

Having carefully considered all the oral and written representations, Members resolved to grant the Licence having been satisfied that the amendments to the operating schedule and the additional conditions would seek to alleviate the concerns raised by members of the public who had made a representation.

In coming to their decision, Members noted the proven track record of the Applicant in working with the Responsible Authorities to ensure that premises to which he was the Premises Licence Holder of were operated in a responsible manner which sought to promote the Licensing Objectives. In addition to the considerable and costly efforts made by the Applicant in structurally altering this premise to address historical complaints which occurred before the Applicant took over the premises and to ensure that any potential noise outbreak emanating from his premises in the future would not cause a nuisance to nearby residence

Members further noted that the both the Police and Public Protection had not objected to this application and that the Applicant having consulted the Responsible Authorities prior to submitting his application, had taken on board their submissions which were reflected in the applications operating schedule.

When examining the intended use between this premise and the neighbouring premise, Members resolved that the internal door would in fact reduce the number of potential patrons from transferring on the street level and in doing so, would decrease noise levels previously experienced and complained of by members of the public present at the hearing.

In concluding Members noted that should issues arise and not be resolved as a result of granting this licence, members of the public and the Responsible Authorities would be able to review the premises licence.

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Chairman