



Minutes of the Licensing Sub-Committee

27 April 2017

-: Present :-

Councillors Thomas (J), Tolchard and Stocks

39. Election of Chairman/woman

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

40. Coco, King Street, Brixham TQ5 9TF

Members considered a report on an application for a Premises Licence in respect of Coco, King Street, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation regarding measures taken to uphold the licensing objective the 'Prevention of Public Nuisance'.	29 March 2017
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the grounds the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated

Oral Representations received from:

Name	Details
Applicants Representative	The Applicant's Representative outlined the application and responded to Members questions
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his representation and responded to Members questions.

Decision

That the application for a Premises Licence in respect of Coco, King Street, Brixham, be approved as applied for, subject to the following amendments and additional conditions:

That recorded music shall be permitted inside the premises only,

That recorded music shall be permitted until midnight on Sunday,

That the supply of alcohol shall be permitted until midnight on Sunday,

After 10pm, the designated smoking area shall permit no more than 8 patrons at any one time,

After 10pm, the designated smoking area shall be monitored at all times by either an SIA door steward or a member of staff to ensure that patrons using the area do not cause a nuisance to nearby residents,

A Noise Limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Public Protection Officer,

Recorded music shall be permitted from 9am to midnight 7 days a week,

Late night refreshment shall be permitted from 11pm to midnight 7 days a week;

Supply of alcohol shall be permitted from 10am to midnight 7 days a week; and

The premises shall be open to the public from 9am to 12.30am 7 days a week.

Reasons for Decision

Having carefully considered all the oral and written representations, Members resolved to grant the application having been satisfied that the amended and

additional conditions would seek to ensure that the Licensing Objectives would be promoted.

In coming to their decision, Members gave careful consideration to the application and the concerns raised by members of the public, who represented a number of mixed use premises within the locality to which the premises is situated. Members particularly noted that members of the public attending the hearing welcomed the Applicant and his operation to Brixham, despite their concerns that the location of the premises did not lend itself to such a late night licence given its amphitheatre surroundings and the detrimental impact patrons leaving the premises would have on nearby residents after midnight.

Members also had regard to the Applicant's Legal Representative submissions which were supported by Torbay Council's Public Protection Officer, in that the Applicant had a proven track record as a responsible Premises Licence Holder and having held a number of premises licence in residential areas, only one of which resulted in a complaint about noise from patrons which the Applicant had worked with the Torbay Council to resolve.

Whilst there were concerns about noise emanating from the Premises, Members were reassured by the measures taken by the Applicant to address this.

In narrowing the outstanding issue of concern which related to patrons leaving the premises at the end of the operational hours, Members resolved that a midnight licence was appropriate, having fully deliberated what if any conditions could be imposed to mitigate the potential noise outbreak from patrons leaving the premises given its location. In coming to this determination, Members had regard to Section 4, paragraphs 4.3 and 4.4 of its Licensing Statement of Principles 2016-2021.

Chairman/woman