



## Minutes of the Licensing Sub-Committee

18 May 2017

-: Present :-

Councillors Doggett, Thomas (J) and Sykes

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### 41. Election of Chairman/woman

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

### 42. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Sykes instead of Councillor Thomas (D).

### 43. Minutes

The Minutes of the meeting of the Sub-Committee held on 10 March 2017 and 6 April 2017 were confirmed as a correct record and signed by the Chairman.

### 44. Belgrave Stores, 92 Belgrave Road, Torquay

Members considered a report on an application for a Premises Licence in respect of Belgrave Stores, 92 Belgrave Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public on behalf of the Torre and Upton Community Partnership	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	16 April 2017
Member of the Public on behalf of the Friends of the Churchyard in Torre	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	April 2017

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions
Member of the Public on behalf of the Torre and Upton Community Partnership and the Friends of the Churchyard in Torre	The Member of the Public outlined their representation objecting to the application and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Belgrave Stores, 92 Belgrave Road, Torquay be approved as applied for.

Reason for Decision:

Having carefully considered all of the written and oral representations Members resolved to grant the Licence as applied for, having been reassured by the Applicant's detailed and thorough oral representation which detailed inter alia his previous experience, the high standards he expects from his employees and his zero tolerance towards anti-social behaviour.

In coming to their decision, Members noted the concerns raised by the Member of the Public on behalf of two organisations she was representing. Whilst Members were sympathetic to the issues raised, they were however mindful that the written and oral representations were largely based upon assumptions rather than being evidence based.

Members further noted that there were no representations in respect of this application from any Responsible Authority.

In concluding, Members noted that should an issue arise as a result of the granting this application then a review of the licence can be sought.

#### **45. Bolton Hotel, New Road, Brixham**

Members considered a report on an application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the Application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of	19 April 2017

	Public Nuisance’.	
Public Protection	Representation in respect of the Licensing Objection ‘The Prevention of Public Nuisance’.	21 April 2017
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Crime and Disorder’ and ‘The Prevention of Public Nuisance’.	18 April 2017

Oral Representations received from:

Name	Details
Applicants Solicitor	The Applicants Solicitor outlined the application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.
Public Protection	The Public Protection Officer outlined their representation and responded to Members questions.
Member of the Public	The Member of the Public outlined their representation and responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham be approved as applied for subject to the following conditions:

- i) the premises shall have and adhere to a Noise Management Plan. This Plan shall be agreed by Torbay Council’s Public Protection Team and shall have particular regard to regulated entertainment, dispersal of patrons and designated smoking areas; and
- ii) all staff involved in the sale of alcohol after midnight shall hold a BIIAB Level 1 Award in responsible alcohol retailing, within 4 months of commencing employment. Existing staff involved in the sale of alcohol after midnight must also hold such an Award within 4 months from the date of this decision. Namely by the 18<sup>th</sup> September 2017.

Reason for Decision:

Having carefully consider the written and oral representations Members resolved to grant the application as applied for subject to the additional conditions, having been satisfied that such conditions would alleviate the concerns of the Responsible Authorities and uphold the Licensing Objectives.

In particular, Members were reassured by the representation made by the Public Protection Officer that the Applicant had worked with him to formulate extensive and enforceable conditions in order to uphold the Licensing Objective ‘The Prevention of Public Nuisance’. Whilst the Police Representatives also made

reference to the improvements in the management of the premises, they opposed the granting of the application, however Members were satisfied that the conditions imposed would alleviate their concerns.

Members determination to impose the condition regarding the BIIAB Level 1 Award was following consideration of Torbay Council's Licensing Statement of Principles, the concerns of the Police Representatives and being of the view that a reputable well run premises should seek to invest in their staff and provide reassurance to Members that the premises will be well run whilst upholding the Licensing Objectives.

Members determination to impose the condition regarding the Noise Management Plan was following consideration of the Licensing Objectives, the fact that there are residential properties in close proximity to the Premises and the concerns raised by the Responsible Authorities.

Members considered imposing a condition to supervise and limit the number of patrons using the designated smoking areas, however noted that the Licensing Authority had not received any complaints regarding the designated areas and in the absence of representations from residents in the area, Members deemed a specific condition to be unnecessary and that the Noise Management Plan should have regard to these designated areas to ensure that the Variation granted would not result in new complaints.

In concluding, Members noted that should an issue arise as a result of the granting this application then a review of the licence can be sought.

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Chairman/woman