



## Minutes of the Licensing Sub-Committee

15 March 2012

-: Present :-

Councillors Bent, Butt and Pentney

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### 589. Election of Chairman/woman

Councillor Butt was elected as Chairman for the meeting.

### 590. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 December 2011 and 22 December 2011 were confirmed as a correct record and signed by the Chairman.

### 591. Licensing Act 2003 – An application for a Premises Licence – Trents, 8 Torwood Street, Torquay, TQ1 1EB

Members considered a report on an application for a Premises Licence in respect of Trents, 8 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation raised on the grounds of Torbay Council Saturation Policy (Cumulative Impact Area) and three of the Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Protection of Children from Harm' and 'The Prevention of Public Nuisance' and	20 February 2012

	suggested conditions that should be imposed on the Licence should the Licence be granted. Supporting information from the Police consisting of Police Logs and statements.	13 March 2012
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' and suggested conditions that should be imposed on the Licence should the Licence be granted.	1 February 2012
Member of the Public	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance.' Additional e-mail to support what would have been said if able to attend the Meeting.	25 Jan 2012  1 March 2012

Superintendent Nye was not present at the start of the meeting and no apologies had been received. Police Representatives and the Sub Committee agreed to proceed in his absence. He joined the meeting shortly after the start.

The Sub-Committee noted that the Member of the Public who had submitted a written Representation but was unable to attend, was aware that the meeting was taking place and as such, the Sub-Committee agreed to proceed in the person's absence. The Sub-Committee stated that they would during their deliberations have regard to the member of the Public's additional written Representation, which had previously been circulated.

With agreement of Members and other parties present an additional Representative for the Applicant was allowed to speak although they had not been included on the returned Notice to do so.

**Oral Representation was received from:**

Name	Details
The Applicant	The Applicant and their Representatives outlined the Application, as set out in the submitted report and responded to the Representations from the Police,

	Public Protection, member of the Public and Members questions.
The Police	The Police Representatives outlined their Representation, as set out in Appendix 3 to the submitted report and supporting information which had been circulated prior to the hearing and responded to the Representation from the Applicant and Members questions.
Public Protection	The Senior Environmental Health Officer outlined his Representation, as set out in Appendix 4 to the submitted report and responded to Representations from the Applicant, Police and Members questions.

### **Additional information**

With the agreement of the Members a written from the Applicant to the Representations and supporting information circulated by the Police was circulated by the Senior Licensing Officer.

### **Applicant's response to Representations:**

The Applicant confirmed that they had received a 23 page copy of the supporting information from the Police on the 14 March 2012 and were very surprised to note the content and the size of the document on the day before the Licensing Sub-Committee hearing.

The Applicant stated that they had agreed to nine of the eleven conditions proposed by the Police, as set out in Appendix 3 of the submitted report. The exception being conditions g) and j).

The Applicant further stated that they agreed with all of the proposed conditions by Public Protection, as set out at Appendix 4 of the submitted report.

### **Decision:**

That the application for a Premises Licence in respect of Trents, 8 Torwood Street, Torquay be granted as applied for, subject to conditions a to i and k proposed by the Police and conditions in full, as proposed by Torbay Council's Public Protection Team with the underlined amendments to the wording of two of the those conditions as follows:

A scheme of sound insulation works to the premises shall be submitted to and approved by the local environmental health department. Such a scheme shall include sound insulation works to windows, doors and shall include details of the construction of acoustic lobbies and glazing to prevent noise breakout. The scheme of works shall be implemented prior to regulated entertainment being allowed.

Door staff shall monitor the area outside their premises and take all reasonable steps to ensure that patrons do not congregate outside the premises so as to unreasonably disturb local residents.

In addition to the conditions above, Members resolved that it was both necessary and proportionate to add four further conditions in granting this application to ensure promotion of the Licensing Objectives:

All drinks promotions shall be managed in a responsible manner.

The Lifestyle Area Manager shall be the Designated Premises Supervisor.

The capacity shall be limited to no more than 100 patrons at any one time.

There shall be no more than ten patrons permitted to smoke outside the front of the premises after 22.00 hrs.

**Reasons for Decision:**

Having carefully considered all of the written and oral Representations, Members had regard to the concerns raised by the objectors and to the Council's Licensing Statement of Principles 2011 and the Home Office guidance issued under section 182 of the Licensing Act 2003, given that this is an application for a Premises Licence that is situated within the Council's Cumulative Impact Area (CIA).

In doing so, Members resolved that it was proportionate to depart from the Council's Policy in respect of this application, as they were satisfied that by the imposition of the Applicant's operating schedule, the agreed and additional conditions, and taking into account the oral Representation by the Applicant that the granting of this licence would not add to crime and disorder and/or public nuisance in the area and as such, they believed that there would be no negative impact on one or more of the Licensing Objectives.

Members were satisfied with the Applicant's submission in response to the concerns raised by the Police. Although it was accepted that there were a number of reported incidents at one of the Applicant's other Premises, Members felt on the evidence before them that they were unable to add sufficient weight to the Police's evidence and submissions so as to warrant a refusal of the application, despite the Premises being within the CIA.

In reaching this conclusion, Members had particular regard to the fact that the evidence before them was not comparable to similar Licensed Premises within the CIA and not all of the evidence was persuasive as some incidents listed within the supporting information was deemed to be lawful or outside of the control of the Premises Licence Holder and therefore not reflective of irresponsible or ineffective management. Furthermore there was no evidence to demonstrate that any of the listed incidents had resulted in persons being charged with or convicted of an offence.

Members were made aware that the Applicant holds a number of other Licensed Premises within the CIA and noted that the Police raised no concerns in respect of the management of those Premises. In light of this and the limited number of Patrons and duration for operation, Members were reassured by the Applicant's overall ability to manage these premises in a responsible manner with compliance to the imposed conditions.

Concerns were raised in respect of the application being time limited, from 1 April 2012 until 31 October 2012 and that normal avenues of recourse for the Responsible Authorities would be restricted due to time constraints. In considering this point, Members resolved to their satisfaction that there are a number of timely enforcement options available to the Responsible Authorities should issues of concern arise as a result of this grant, either by way of an Expedited Review, provisions under the Anti Social Behaviour Act 2003 or prosecution under section 136 of the Licensing Act 2003 and therefore concluded that this was not a persuasive factor to refuse the application.

In concluding, Members had regard to the specific issues raised by the Interested Party and Responsible Authority in respect of Public Nuisance and after careful deliberation, they resolved that by the imposition of the conditions proposed by the Council's Public Protection Team, as agreed in full by the Applicant, along with additional conditions imposed by Members that these concerns would be alleviated.

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Chairman