



## Minutes of the Licensing Sub-Committee

19 April 2012

-: Present :-

Councillors Addis, Faulkner (A) and Parrott

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### 638. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 639. Minutes

The Minutes of the meeting of the Sub-Committee held on 15 March 2012 was deferred as no members of the Sub-Committee from that date were present.

### 640. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of 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, TQ1 1ED. The Premises do fall within the Cumulative Impact Area.

#### Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' and conditions and scheme of works that should be imposed should the Variation to the Premises Licence be granted.	22 February 2012
Member of the public	Two representations in relation to Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder.'	29 March 2012

The Sub-Committee noted that the members of the public, who had submitted written Representation, had been advised the meeting was taking place and had not returned their notices to say they were attending. Members agreed to proceed in their absence.

**Oral Representation was received from:**

Name	Details
The Applicant	The Applicant outlined the Application, as set out in the submitted report and responded to the Representations from Public Protection, members of the public and members questions.
Public Protection	The Licensing and Public Protection Officer outlined his representation, as set out in Appendix 3 to the submitted report and responded to Representations from the Applicant and Members questions.

**Additional information:**

The Licensing Sub-Committee was asked to note that a Public Notice displayed in the newspaper, showing the Variations to the Premises Licence in respect of the application omitted to show the proposed changes for Saturdays, but did show changes to late night refreshments on that day.

As the published Variation Notice was incomplete, interested parties did not have full information and were unable to make Representations. Members were advised to disregard the Variation to Premises Licence for Saturday except for late night refreshments and that the proposed Variation to Premises Licence for this day would have to be submitted to the Licensing Department separately, should the Applicant still wish to apply.

A copy of the newspaper advertisement was circulated to Members.

Members also noted that a Noise Abatement Notice was served on the premises in the summer 2010.

**Applicant's response to Representations:**

The Applicant applied for a Variation to Premise Licence to standardise times of operations and to permit under 18's events.

The Noise Abatement Notice issued in 2010 was due to intermittent complaints. 3 additional complaints had been made since this time but the Applicant was satisfied that there was compliance, with no further complaints since the schedule of work had been undertaken.

The Applicant confirmed that he accepted the conditions as set out in Appendix 3 of the submitted report and that the scheme of works outlined by the Public Protection Department had all been completed. The completion of these works confirmed by the Licensing and Public Protection Officer in attendance and that the completed work had been inspected with the exception to a change to a fire exit and that as a result of this, amendments should be made to:

Condition 3 by removing a. b. c.

Adding an additional word to condition 5 to read;

Before further refurbishment is commenced an evaluation of any noise breakout must be undertaken and a report submitted to the Environmental Health Department. Agreement must be reached with the Environmental Health Department on the works to be undertaken to attenuate noise break out and those works must be implemented to their satisfaction.

The removal of condition 7.

**Decision:**

That the application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED be granted as applied for, subject to the imposition of the proposed and amended conditions put forward by the Environmental Protection Department and as agreed by the Applicant.

**Reasons for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to grant the Variation to the Premises Licence having been satisfied that the necessary works identified by the Environmental Protection Department have been completed in full by the Applicant.

In doing so, Members were also satisfied that the Policy in respect of the Cumulative Impact Area is adhered to, and that granting the Application will not add to Public Nuisance.

Members had particular regard to Representations made by Interested Parties and noted resolved in their belief that by the imposition of the conditions and works completed by the Applicant, these concerns would be addressed.

In concluding, Members noted the absence of any Representation by the Police and therefore were satisfied that the grant of the application would not add to crime and disorder.