

## **Minutes of the Licensing Sub-Committee**

**16 March 2023**

**-: Present :-**

Councillors Brooks, Ellery and Barbara Lewis

---

### **12. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

### **13. Minutes**

The Minutes of the meeting of the Sub-Committee held on 26 January 2023 were confirmed as a correct record and signed by the Chairman.

### **14. The John Bull, 68 - 70 Chatto Road, Torquay, TQ1 4HU**

Members considered a report on an application for a Premises Licence in respect The John Bull, 68 – 70 Chatto Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	17 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	17 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance',	14 February 2023

	'Public Safety' and 'The Prevention of Crime and Disorder'.	
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	13 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	12 February 2023
Public Protection	Representation by Torbay Council as the Responsible Authority for Public	Undated

Oral Representations received from:

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

### Decision

That the application for a Premises License for the John Bull, 68 – 70 Chatto Road, Torquay, TQ1 4HU, be refused.

### Reasons for Decision:

Having carefully considered all the written and oral representations, Members unanimously resolved to refuse the application, as they could not be satisfied on the evidence before them, that to grant the application as submitted, with the additional condition proposed in respect of signage being erected at the premises exit points alone, would result in all the Licensing Objectives being promoted.

In coming to their decision, Members noted the Applicant's legal representative submissions, that the application before Members was a replicate of the previous premises licence which had lapsed, due to an administrative error on their part, and having noted the objections raised, removed live music to alleviate residents' concerns. However, Members noted that it was not a like for like replicate of the previous premises licence, and they were of the unanimous opinion, that the Applicant had failed to address the issues raised in respect of noise from patrons, in what is a high-density residential area. This was not only from the Applicant's proposed operating schedule which in Members opinion, was absent of the basics they would have expected to see for this type of premises in that location, but also, when asked by Members how noise from patrons would be managed, they determined that the response provided by the Applicant, fell woefully short of what they would have reasonably expected from a responsible Premises Licence Holder. Especially one, who set out from the onset of their submissions, that they currently had over 700 tenanted licensed premises.

Of great concern to Members, was the Applicant's repeated response to their questions of concern, which was, that an incoming tenant would be responsible, with no explanation as to how. This left Members at an absolute loss as to how they could reasonably be satisfied, that the premises intended operation, would not undermine the Licensing Objective, namely, The Prevention of Public Nuisance, when they nor the Applicant, knew who that tenant would be, whether that tenant had a proven track record for responsibly managing this type of premises, in that location, and what measures that tenant would implement to address the concerns of Members and nearby residents, who had made a representation objecting to this application.

Whilst the Applicant's legal representative advised Members from the onset, that the company's Asset Manager was here to answer any operational questions they may have, it was very apparent to Members, that the Asset Manager had very little, if any, knowledge of the premises, nor how it could be managed to ensure all the Licensing Objectives would be promoted.

Members noted also that the plan included within the application was out of date, in respect of regulated entertainment and the decking area used by patrons. This supported Members unanimous overall opinion too, that not enough detailed consideration had been given to this application.

Furthermore, Members noted the absence of an objecting representation received from any of the Responsible Authorities, and that provided by way of a neutral representation from a noise nuisance perspective, failed to reassure Members with regards to noise from patrons.

Members gave careful consideration to what, if any, conditions could be placed on the licence in respect of noise from patrons, as opposed to an outright refusal, but resolved that such conditions may be contrary to the premises intended operations and fall short of what the Applicant wanted. Therefore, determining unanimously, that in their opinion, it necessary and appropriate to refuse this application outright.

In concluding, and whilst a matter for the Applicant to decide which did not form part of Members consideration in determining this application, Members are of the

subsequent opinion, that the Applicant could use this opportunity to take on board that set out in this decision notice, and to consider and reflect proportionately, those concerns raised by nearby residents also, and to resubmit an application with an operating schedule which addressed and alleviated these concerns. Also allowing the company an opportunity to attend a subsequent hearing, if required, with either the new tenant in place or a representative who was better placed to answer subsequent Members questions, and to provide the assurances to those Members, that all Licensing Objectives would be upheld.

Chairman/woman

---