



## Minutes of the Licensing Sub-Committee

16 December 2019

**-: Present :-**

Councillors Atiya-Alla, Foster and David Thomas

---

### 17. Election of Chairman/woman

Councillor David Thomas was elected as Chairman for the meeting.

### 18. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor David Thomas instead of Councillor Ellery.

### 19. Miguel's, Beach Approach, Brixham

Members considered a report on an application for a Premises Licence in respect of Miguel's, Beach Approach, Brixham, TQ5 8JL.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm'.	19 November 2019
Applicant	Correspondence between the Police and the applicant with the applicant confirming agreement to the 7 conditions proposed by the Police being added to the licence.	18 November 2019

Oral Representations received from:

Name	Details
Applicant	The applicant addressed the Committee, confirmed their agreement to the addition of the seven conditions suggested by the Police and responded to the Sub-Committee's questions.

Senior Solicitor	The Council's Senior Solicitor advised the Sub-Committee that the Police had requested the closing time of the premises be amended to 2330hrs from Sunday to Thursday and 0030hrs on Friday and Saturday to allow 30 minutes between the last permitted sale of alcohol and the closing time of the premises. The decision to extend the closing time of the premises was a decision for the Sub-Committee to resolve.
------------------	--

Decision:

That the application for a Premises Licence in respect of Miguel's, Beach Approach, Brixham be granted subject to the seven conditions proposed by the police and agreed by the applicant.

Reason for Decision:

Having carefully considered all the written and oral representations Members unanimously resolved that extending the closing time for the premises was pragmatic, did not include licensable activities and permitted patrons 30 minutes to consume alcohol from the last permitted sale of alcohol and therefore would in turn, ensure with the additional agreed conditions, that the Licensing Objectives would be promoted.

## 20. Harbour Light, North Quay, Paignton

Members considered a report on an application for a Premises Licence in respect of Harbour Light, North Quay, Paignton, TQ4 6DU. The Premises do not fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation objecting to the application on the grounds of the Licensing Objective 'The Prevention of Public Nuisance'	8 November 2019
Three members of the public	Three representations objecting to the application on the grounds of 'The Prevention of Public Nuisance' and 'The Public Safety'.	Various dates

Additional Information:

With the agreement of all parties the following documents were circulated at the hearing:

- (a) A3 copy of amended premises plan showing the outside seating areas;
- (b) A mood board setting out proposed design features for the premises; and
- (c) Four photographs showing the external view of the building and an aerial overview of the site.

Oral Representations received from:

Name	Details
Applicant	The Applicant's Solicitor presented the application and responded to Members questions.
Public Protection Officer	The Public Protection Officer presented their representation in respect of the application and responded to Members questions.
Member of the Public	A Member of the Public presented their objection to the application and responded to Members questions.  In the absence of a neighbouring property who had returned their notice advising they would be attending and addressing the meeting, the Member of the Public read out representation on their behalf.

Response to the representations:

The Applicant's Solicitor confirmed that the Retail Director for St Austell's had met with residents and together an agreement had been formed on practicalities on the operation of the outside seating areas. At the hearing clarity was sought and agreed on the outside seating 'Zones' and their respective numbers.

The Member of the Public confirmed that if the negotiations were implemented their objection to the Premises Licence would be withdrawn.

Decision:

That the application for Harbour Light, North Quay, Paignton be granted as applied for subject to the revised plan of the outside areas circulated at the hearing and the following conditions:

- (a) that the applicant shall submit to the Licensing Authority an up to date and accurate plan of the Licensed Premises which clearly delineates the outside area zones and numbering;

- (b) that zone 2 shall cease to be used by patrons and staff after 9pm;
- (c) that there shall be no smoking or vaping permitted in Zone 2 at any time;
- (d) that no alcohol shall be permitted in Zone 1 after 23:00hrs
- (e) that there shall be no outside lighting in Zone 2 after 9pm except for that which is necessary for security purposes;
- (f) that the lighting for all other outside areas will be switched off outside operating hours except for that which is necessary for security purposes;
- (g) that the outside areas should be monitored during operating hours to ensure that tables are kept clear at all times to discourage any nuisance from wildlife; and
- (h) a Management Plan shall be in place, the contents of which shall be approved by the Licensing Authority.

Reason for Decision:

Having carefully considered all the written and oral representations Members were satisfied that the application as applied for and amended at the hearing would seek to promote the Licensing Objectives alleviate the concerns raised by nearby residents.

Having clarified the specific zones within the amended plans circulated at the hearing, Members were able to give careful consideration to the applicants intend operations of these areas and attach conditions that were appropriate to promote the licensing objectives, namely 'The Prevention of Public Nuisance', noting that the use of Zone 3 identified on the original plan had been withdrawn.

In coming to their decision, Members had particular regard to the Public Protection Officer's submission in respect of Zone 1 and were satisfied on that officers submissions that the operation of this zone until 11pm was unlikely to cause a nuisance to nearby residents.

Members also had particular regard to the agreed conditions set out in the additional letter circulated at the hearing, by a nearby resident which followed from their meeting with a representative of the premises, and were reassured that this agreed position would alleviate the initial concerns raised by residents' in their objections and sought to furnish a harmonious and neighbourly relationship between the premises intended operation and their immediate neighbours right to a peaceful enjoyment of their home.

In concluding and notwithstanding the absence of some specific operational details in the management plan which Members would usually have expected to see when determining an application for a new premises licence, Members were

reassured by the applicants professional approach and the oral submissions of the Public Protection Officer and were satisfied that to word the condition in regards to the management plan which required the approval of the Licensing Authority was in these circumstances, appropriate in not limiting the premises intended operation but ensured that these operations did not undermine the licensing objectives so as to unreasonably disturb nearby residents.

Chairman/woman

---