



## Minutes of the Licensing Sub-Committee

13 November 2014

-: Present :-

Councillors Addis, Doggett and Stocks

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### 22. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 23. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Hop n Grapes, Lower Union Lane, Torquay TQ2 5PR

Members considered a report on an application for a Variation to a Premises Licence in respect of Hop n Grapes, Lower Union Lane, Torquay TQ2 5PR.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder.'	15 October 2014
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance.'	16 October 2014

Members noted that there had been no additional Representations received from any other Responsible Authority or any Interested Party.

Oral Representation received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application, as set out in the submitted documents and responded to Members questions.
Police Representative	The Police Representative outlined their representation, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their objection, as set out in the submitted documents and responded to Members questions.

Members noted that in the Oral Representations of both the Police and Public Protection Representatives that as Responsible Authorities, they had not been consulted prior to the submission of the application, as per the Licensing Statement of Principles, Torbay Council 2011, Section 3 Page 15.

Additional Information:

Members were advised by both the Police Representative and Public Protection Officer that the Applicant had not demonstrated within the operating schedule that the granting of this application would not impact on any of the Licensing Objectives and their recommendation was for the application to be refused.

Applicant's Representative informed Members that he had not completed the application form and having taken instructions only a few weeks ago, it was clear that some elements had been completed incorrectly. It was not the Applicant's intention to hold live events of boxing and wrestling but instead these were to be televised and following input from the Senior Licensing Officer, it was apparent that this section should have been left blank as the activity requested is covered by another section in the application form. In addition the Applicant's Representative offered to reduce the timings of that applied for to 1am.

**Decision:**

That the application for a Variation to a Premises Licence in respect of Hop n Grapes, Lower Union Lane, Torquay TQ2 5PR be refused.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to refuse the application as they could not be satisfied on the evidence before them that if granted, this application would not add to the problems of crime and disorder and/or public nuisance in the area.

Members concluded that in considering the evidence, the operating schedule was too vague and did not sufficiently demonstrate how it will protect residential premises in close proximity to their premises from public nuisance, that put forward by the Applicant conflicted with conditions currently on the premises licence and that the oral representation by the Applicant's Representative and current Designated Premises Supervisor gave no certainty to there not being a negative cumulative impact on one or more of the Licensing Objectives in what was being applied for.

Members were concerned to note that the Applicant had not consulted with the Responsible Authorities prior to making this application, despite that stated within the Council's Licensing Policy and Revised Guidance issued under section 182 of the Licensing Act 2003. Had the Applicant done so, Members believed that the nature of this application would have been very different and not orally amended as a reactionary measure to the concerns highlighted by Members and the Responsible Authority's present at the hearing

Members considered what if any conditions could be added by them as an alternative to an outright refusal but resolved after careful deliberation of the oral amendments to the application and responses given to both theirs and the Responsible Authority's concerns, that it was for the Applicant to rethink his application in consultation with the Responsible Authorities and propose appropriate measures for the variation of a premises licence which is situated in such close proximity to residential properties and within the Council's saturation zone.

In coming to this decision Members had specific regard to the Council's Licensing Statement of Principles 2011.

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Chairman/woman