

Minutes of the Licensing Sub-Committee**12 May 2022****-: Present :-**

Councillors Ellery, Barbara Lewis and Mills

55. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

56. Licensing Act 2003 - An application for a Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF

Members considered a report on an application for a Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF.

Written Representations received from:

| Name | Details | Date of Representation |
|----------------------|---|------------------------|
| Police | Representation objecting to the Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham, on the grounds of 'the prevention of crime and disorder'. | 14 April 2022 |
| Brixham Town Council | Representation objecting to the Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham, on the grounds of 'the prevention of public nuisance'. | 8 April 2022 |

Additional Information:

Following a request from the Police, the Chairman agreed to extend the normal time allowed for oral representations from 10 minutes to 20 minutes for all interested parties.

Oral Representations received from:

| Name | Details |
|-----------|--|
| Applicant | The Applicant outlined the application and responded to Members questions. |
| Police | The Police Representatives outlined their objection to the application and responded to Members questions. |

Decision

That the application for a Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham be refused.

Reasons for decision

Having carefully considered all the written and oral Representations, Members, some of which had also determined a refusal of the previous application for this premises licence by the same Applicant on the 10 March 2022, found the reasons for refusing that application, as outlined on pages 45 to 47 of the report before them, could almost identically be used for unanimously refusing this application, and would again draw this decision to the Applicant's attention, as further reason to support this decision.

In coming to their decision, Members noted, as with the previous application, that there were again inconsistencies in the Applicants oral submissions to that contained in the application, and present also, were contradictory and unnecessary conditions, if the oral submissions of the Applicant were to be accepted which in Members opinion, was fluid and uncertain, dependant on the questions asked of him. This gave Members no reassurance that the premises would be operated in a responsible manner, if granted.

Furthermore, when asked, the Applicant had an apparent absence of knowledge of the law around late-night refreshments and the necessary licence required to provide SIA Door Stewards. This on the evidence before them, further demonstrated to Members, that the Applicant lacked the necessary understanding and experience in being a sole premises licence holder and designated premises supervisor which in turn, gave them no confidence in his capabilities.

Members were also of the opinion, that resubmitting the application without sight of the reasons for the decision of the previous refusal, was ill thought out, rash and resulted in many of the concerns set out in that decision which remained a concern for them too in this application, not being addressed and therefore, a further refusal was appropriate and proportionate to uphold the Licensing Objectives. Of concern, it appeared to Members that the Applicant was more focused on getting the licence, as opposed to how it should be operated in a responsible manner which in turn, ensured that well thought out licensing conditions would be inserted into the premises licence and complied with, and the Licensing Objectives promoted. This was also of great concern to Members, noting the Police's submission that this premises was in their opinion, classed as a high-risk premises.

In concluding, Members carefully considered all other options available to them, as opposed to an outright refusal, but determined on the evidence before them, that refusal was both appropriate and proportionate in the circumstances.

Chairman