

Minutes of the Statutory Licensing Sub-Committee

17 October 2024

-: Present :-

Councillors Foster, Barbara Lewis and Virdee

13. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

14. Minutes

The Minutes of the meeting of the Sub-Committee held on 8 and 29 August 2024 were confirmed as a correct record and signed by the Chairwoman.

15. The Mermaid, 2 King Street, Brixham, TQ5 9TF

Members considered a report on an application for a Variation to a Premises Licence in respect of The Mermaid, 2 King Street, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	16 September 2024
Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Received 17 September 2024
Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	16 September 2024
Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance' and 'Public Safety'.	16 September 2024

Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	17 September 2024
Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	16 September 2024
Member of the Public	Representation objecting to the application for Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	19 September 2024

Additional Information:

In response to the written representations the Applicant submitted a copy of their representation, dated 17 October 2024 and a copy of the premises Dispersal Policy.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of The Mermaid, 2 King Street, Brixham be granted as applied for.

Reason for Decision

Having carefully considered all the written and oral Representations, Members unanimously granted the application for a Variation to a Premises Licence having been satisfied by the evidence before them that in doing so, the Licensing Objectives would be upheld.

Members heard from the Applicant that they had received many requests from patrons to extend their opening hours and that this would provide a licensed premises in the area to visit after midnight, where currently there is none. It would also remove the 'hard stop' at midnight currently in place within the locality.

Members were disappointed that the objectors to the application did not attend the hearing to give oral Representations and noted as such, that they were unable to ascertain whether the complaints referred to within were historical in nature. Members had no evidence before them to support the concerns raised and upon

questioning of the Licensing Officer, they had confirmed that no complaints had been received by either the Licensing Team or Environmental Health in relation to the premises since the Applicant took over in May 2023.

Members were impressed by the Applicants considerable understanding and knowledge of the Licensing Objectives and were reassured by the Applicants wealth of experience in operating Licensed Premises, including those in the night-time economy. This was clearly demonstrated in the Applicants comprehensive application, written response to the representations received, oral submission and the answers to Members questions. Furthermore, having been fully aware of the extensive history of the Premises, Members commended the Applicant for the approach he had taken to change the clientele and reputation of the Premises, by taking steps to address patron behaviours that would have otherwise undermined his ability to uphold the Licensing Objectives.

Members were reassured that none of the Responsible Authorities had submitted a Representation, and deduced from this, that they had no concerns with the application. In forming this opinion, Members noted the proactiveness of the Responsible Authorities in submitting Representations, where concerns presented. Member noted that the Applicant had consulted with both the Licensing Team and the Police before submitting the Variation Application showing proactiveness on his part.

Additionally, Members were reassured by the Applicant's willingness to engage with local residents both during the application process stage and at any point in the future, should any issues arise. It was clear that the Applicant's intention was to enhance the area, within which he has other businesses, and wished to have harmonious relationships with local residents.

Members gave careful consideration to whether it was appropriate to add additional conditions to that set out in the operating schedule as regards the use of SIA door stewards and the use of the outside area, given the general concerns raised in the written Representations received. In doing so, Members unanimously determined this to be an unnecessary and disproportionate response, where on the evidence before them, there was already clear and effective management of the premises, with appropriate measures in place.

In conclusion, Members were satisfied that by granting the application for a Variation to a Premises Licence the Licensing Objections would not be undermined and noted that a Review of the Premises Licence can be sought by a Responsible Authority, or any other person, should issues arise as a result of the grant of this application.

Chairman/woman