

Minutes of the Licensing Sub-Committee

17 June 2021

-: Present :-

Councillors Dart, Douglas-Dunbar and Mills

4. Election of Chairman/woman

Councillor Dart was elected as Chairman for the meeting.

5. Minutes

The Minutes of the meeting of the Sub-Committee held on 20 May 2021 were confirmed as a correct record and signed by the Chairman.

6. Quay Nightclub 26 Victoria Parade, Torquay TQ21 2BD

Members considered a report on an application for a variation to the Premises Licence in respect of Quay Nightclub, 26 Victoria Parade, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to the Licensing Objective The Prevention Crime and Disorder and The Prevention of Public Nuisance.	17 May 2021
Public Protection	Representation in relation to the Licensing Objective Public Safety and The Prevention of Public Nuisance.	18 May 2021

Members of the Public	Two letters public who are objecting to this application. The Representations relate to the Licensing Objective "The Prevention of Public Nuisance	18 May 2021
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Additional Information:

Prior to the Hearing commencing, the Applicant requested document titled 'ER Global Securing Your Future – Comprehensive Safety and Security plan' be circulated. All other parties present, unanimously determined that that this not be permitted, due to it only being available on the morning of the hearing and the reasonable time it would take to fully consider its contents. Applicants advised accordingly.

Name	Details
The Applicant	The Applicant's representative presented their application and responded to Members questions.
Police.	The Police Representative presented their objection to 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.

Decision

That the application for a variation to the Premises Licence in respect of The Quay, 26 Victoria Parade, Torquay be refused.

Reasons for Decision

Having carefully considered all the written and oral submissions, Members determined unanimously to refuse the application, as they could not be satisfied on the evidence before them, that Licensing Objectives would be promoted and in accordance with the Authority's Licensing Statement of Principles – Cumulative Impact Policy 2021`-2024, they could not be satisfied that in granting this application, the premises which are situated in the Cumulative Impact Area (CIA) would not add to crime and disorder and/or public nuisance in that area.

In coming to that decision, Members had careful regard to the submissions of the Responsible Authorities who unanimously stated that they had concerns with this application, due to the high volume of premises already permitted to sell alcohol in the CIA after midnight and the belief that this premises operation would add to

crime and disorder and public nuisance if granted an extended licence, the absence of a solid and ever changing business plan or professional approach required to run a high risk licensed premises, inexperience presented by the Applicants in their engagement to date, the reliance on Responsible Authority Officers opinions in respect of operational matters and being reactive in their decision making as opposed to being proactive, the absence of strong management and oversight required to operate a 4am premises licence; and despite the Applicants claiming that they will have an active role in the day to day management of the premises, the apparent reliance of others to operate their premises, with a hands off approach, especially at peak times, with one of the Applicants proposing to keep an eye on the premises from internal cameras which can be accessed remotely and neither proposing to be the premises Designated Premises Supervisor.

Members had careful regard to the responses provided by the Applicants and those present to support their application but found that there were discrepancies with what was contained in the report and supplementary papers to that given in oral representation. Members were particularly concerned by the changing approach to the premises operations, dependant on concerns raised by them in their questioning and determined that the application appeared to be premature and they could not be satisfied that all matters had been properly considered and scoped out, in a way that would ensure these premises were operated in a responsible manner which promoted the Licensing Objectives. This was also evident in the proposed chaperone scheme and whilst aspirational and commendable in approach, in Member's opinion, it lacked the required detail to ensure it was deliverable in a way which did not compromise the staffing requirements to operate a 4am licence. Members also noted that the required permission and practicalities to locate the proposed pick-up point for this scheme had not been fully considered. In addition, Members were concerned to learn that the Applicants had submitted a Temporary Event Notice (TEN), despite structural safety concerns being raised with them about the premises only one month earlier and notwithstanding the advice by the Responsible Authority Officer that the Applicants withdraw the submitted TEN, enabling safety matters to be resolved and the ceiling being certified as safe, it was only following an objection by that Responsible Authority Officer, that the TEN was withdrawn. In Members opinion, it did not appear to them that the TEN had been proactively withdrawn due to the safety concerns raised but instead in the belief that it would not be granted. It was also of concern to Members that the Applicants were not aware that opening the premises using the current premises licence until midnight was not permissible, due to the layout of the premises being altered to that shown on their current premises licence plan.

Furthermore, Members were concerned to see on the evidence before them that the Applicants had informed the Responsible Authorities that they were hoping to purchase a second hand CCTV system from ebay and whilst this is permissible, it was that the Applicants were seeking to rely not on an expert to advise them on what is a vital requirement to operate a late night licensed premises but instead, on someone who has some knowledge of systems. This again did not provide any reassurance to Members that the Applicant fully understood the level required of them to responsibly operate a late licence in the CIA.

Members were also alarmed to learn that the Applicants had used the premises to entertain friends and family, and on a separate occasion, DJ's doing a live stream event where people could be seen drinking, all in contravention of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 in place, at the time. This coupled with the Applicants belief that they had not done anything wrong, did not reassure Members that the premises would operate in accordance with the conditions on their premises licence and in a way that would ensure the Licensing Objectives would be promoted.

In concluding, Members considered what if any moderations could be made to the application by way of conditions, as opposed to a refusal but determined to do so, may materially affect the Applicants intended operation of these premises and that it was for the Applicant to properly put forward a comprehensively detailed application which in turn, considered all aspects of the premises intended operation in a way that would reassure the Responsible Authorities and where required, Members of a Licensing Committee that all of the licensing objectives would be promoted and that these premises intended operations would not add to crime and disorder and./or public nuisance in the CIA.

Chairman