

Minutes of the Licensing Sub-Committee

20 July 2023

-: Present :-

Councillors Barbara Lewis, Joyce and Douglas-Dunbar

27. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

28. Narvo's, 26-27 Victoria Parade, Torquay, TQ1 1BD

Members considered a report on an application for a Premises Licence in respect of Narvo's, 26-27 Victoria Parade, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	19 June 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	20 June 2023
Member of the Public	Representation objecting the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Undated

Additional Information:

Email dated 20 June 2023, setting out proposed amendments to the application, put forward by Torbay Council's Regulatory Service Manager and agreed by the Applicant.

Oral Representations received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application and together with the Applicant responded to questions from Members.

Member of the Public	A Member of the Public outlined their objection to the application for a Premises Licence and respond to questions from Members.
Member of the Public	A Member of the Public outlined their objection to the application for a Premises Licence.

Decision

That the application for a Premises Licence in respect of Narvo's, 26 – 27 Victoria Parade, Torquay be approved as applied for, subject to the proposed amendments put forward by Torbay Council's Regulatory Service Manager and agreed by the Applicant, and subject to the following additional conditions:

- 1) That the outside roof terrace be closed to all patrons at 23.00 hours.
- 2) That live and recorded music on the outside roof terrace shall cease at 21.00 hours.
- 3) That the outside roof terrace be limited to a maximum of 40 patrons at any one time; and
- 4) That all CCTV recordings be stored for a minimum of 31 days.

Reasons for Decision

Having carefully considered all the oral and written Representations, Members unanimously resolved to grant the application, having been satisfied that with the agreed amendments and additional conditions, the licensing objective, 'The Prevention of Public Nuisance', would be promoted.

In coming to their decision, Members had careful regard to the location of the premises which is within a mixed-use area adjacent to Torquay harbourside, and the proximity of residential properties, together with the history of the premises operations, and were reassured by the Applicant's apparent professionally responsible and measured approach, as demonstrated in their oral representation and conveyed by their representative.

Members, however noted, that whilst supportive of the development of the premises to increase the offer of the area for visitors and residents alike, concerns were raised by the Interested Parties in both written and oral Representations around anticipated noise nuisance from the proposed use of the roof terrace at the rear of the premises.

From the most recent photographs provided by the Applicant, in advance of the hearing, Members noted that significant investment was underway to install mitigating measures to address noise nuisance concerns raised by Interested Parties who resided in or run a business from neighbouring properties, in the form of a covered area and high fences for privacy and sound absorption, which demonstrated to Members the Applicants commitment and willingness to operate the premises in harmony with nearby residents.

Members heard that the intended use of the roof terrace was for it to be closed at 23.00 hours to all patrons, with live music ceasing no later than 21.00 hours, with an approximate capacity for 60 seated patrons. Whilst soundproofing of the covered area was not intended, the music offering was likely to be low level amplified music in the afternoons, with the Applicant's intention to engage responsibly with nearby residents, should any issues arise.

Through questioning as to how the Licensing Objectives, specifically that of The Prevention of Public Nuisance would not be undermined, Members learned that there was a traffic light system already installed to alert staff to unacceptable noise levels on the roof terrace, whereby action would be taken, and that this system was successfully used in other licensed premises run by the Applicant.

Whilst noting that proposed by the Applicant, Members remained concerned as to the number of patrons that could be present at any one time on the roof terrace and the resulting noise nuisance that could bring, and therefore determined that the agreed amendments and additional conditions were both appropriate and proportionate, to ensure the promotion of the Licensing Objectives and to alleviate those concerns raised by the Interested Parties.

In noting that these premises benefit from the provision of the Live Music Act between 8am and 11pm, Members welcomed the Applicants agreement to limit the hours for which the roof terrace would play live and recorded music, and their adherence to the restricted number of patrons being in the outside roof terrace at any one time, would further demonstrate the Applicants responsible approach and would seek to uphold the Licensing Objective, 'The Prevention of Public Nuisance'.

In concluding, Members noted that there were no Representations received from any of the Responsible Authorities objecting to this application, which is within the Authority's Cumulative Impact Area, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting this application.

Should any issues arise as a result of this grant, Members noted that a Review of the Premises Licence can be sought by any Interested party or a Responsible Authority.

Chairman/woman