

Minutes of the Licensing Sub-Committee

14 September 2023

-: Present :-

Councillors Barbara Lewis, Tolchard and Mandy Darling

10. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairman for the meeting.

11. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Mandy Darling instead of Councillor Douglas-Dunbar.

12. Minutes

The Minutes of the meeting of the Sub-Committee held on 3 and 17 August 2023 were confirmed as a correct record and signed by the Chairman.

13. 35 Fleet Street, Torquay

Members considered a report on an application for a Premises Licence/a Premises Licence in respect of 35 Fleet Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Letter of representation including a petition objecting to the application on the grounds of 'The Prevention of Public Nuisance', 'The Prevention of Crime and Disorder' and 'Public Safety'	15 August 2023
Member of the Public	Representation objecting the application on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	17 August 2023

Additional Information:

The Applicant submitted a response to the written representations which was circulated to Members prior to the Hearing.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to questions from Members.
Member of the Public	A Member of the Public outlined their representation.

Decision

That the application for a Premises Licence in respect of 35 Fleet Street, Torquay be approved as applied for, subject to the following amendment and additional conditions:

- 1) The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place in the premises outside areas between 9pm and 9am.
- 2) There shall be no more than 5 persons in the designated smoking area after 10 pm.
- 3) No drinks shall be permitted in the designated smoking area after 10 pm.
- 4) The use of the outside seating area shall cease at 10 pm and all furniture shall be cleared immediately.

Reasons for Decision

Having carefully considered all the written and oral representations, Member sought to amend and add additional conditions, being satisfied on the evidence before them, that to do so was both appropriate and proportionate, given the close proximity of the nearby residential properties and thereby ensuring the Licensing Objective 'the Prevention of Public Nuisance' would be upheld.

Members noted concerns regarding off sales and were reassured by the Applicant's submissions in respect of their management of these sales, and the Applicant's intention that the alcohol sold would be the specialised, more expensive types of alcohol. In member opinion, this alleviates concerns that the premises would become an additional off-licence and have a detrimental impact of persons seated within the premises.

Members were satisfied that the Applicant had demonstrated experience of operating a premises in a Cumulative Impact Area, in York, in harmony with its nearby residents, and this provided Members with further confidence in the Applicant's ability

to responsibly operate a similar Premises in Torquay which is within its designated Cumulative Impact Area.

Furthermore, Members noted the absence of any objection from any of the Responsible Authority's, and that they had been consulted by the Applicants, prior to submission of their application. From this, Members deduced that there were no concerns by the Responsible Authorities in respect of this application, and this provided them with further reassurance that the application would not add to public nuisance and/or crime and disorder in the Cumulative Impact Area.

Members also noted the Interest Parties confirmation at the hearing, that some of their concerns had been allayed by the Applicant's oral submission. In doing so, Members were satisfied that the amended and additional conditions would seek to alleviate their wider concerns, once the premises was in operation.

In conclusion, Members noted that a Review of the Premises Licence can be sought by any Interested Party or a Responsible Authority, should issues arise as a result of granting the licence.

Chairman/woman