

Minutes of the Licensing Sub-Committee

29 February 2024

-: Present :-

Councillors Johns, Barbara Lewis and Tolchard

22. Election of Chairman/woman

Councillor Johns was elected as Chairman for the meeting.

23. Minutes

The Minutes of the meeting of the Sub-Committee held on 26 October and 14 December 2023 were confirmed as a correct record and signed by the Chairman.

24. Birdcage, New Road, Brixham, TQ5 8LT

Members considered a report on an application for a Variation to a Premises Licence in respect of Birdcage, New Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Written representation objecting to the application for a Variation to a Premises Licence on the grounds of 'The Prevention of Public Nuisance'.	Undated

Additional Information:

Prior to the Hearing the Applicant's Solicitor provided additional information and advised that the Applicant sought to amend the application by removing regulated entertainment.

Oral Representations received from:

Name	Details
Applicant's Solicitor	The Applicant's Solicitor outlined the application and the reason for the removal of regulated entertainment from the application. The Applicant's Solicitor and Applicant also responded to Members questions.
Member of the Public	The Member of the Public outlined their objection to the application and responded to Members questions.

Decision

That the application for a Variation to a Premises Licence in respect of Birdcage, New Road, Brixham be approved as applied for, noting that regulated entertainment aspect of the application had been withdrawn, subject to:

the following condition, shall be amended:

Annex 2 Prevention of Public Nuisance, Condition 13 shall now read 'amplified live music until midnight shall be limited to Friday and Saturday'.

And the following additional conditions:

- 1) Notices shall be displayed in the premises outside areas, reminding patrons to be respectful towards residents and to keep noise to a minimum so as not to unreasonably disturb nearby residents.
- 2) That there shall be no more than 10 patrons permitted in the designated smoking area after 12.30am.
- 3) Patrons using the smoking area after 12.30am shall be seated.
- 4) Drinks shall not be permitted in the designated smoking area after 12.30am.
- 5) The premise designated smoking area shall be routinely monitored after 12.30am and any patron causing a nuisance shall be asked to come inside the premises, and where they refuse to do so, they shall be asked to leave the premises immediately.

Reasons for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the Variation to the Premises Licence having had regard for representation and the concerns set out therein. Members determined that the additional conditions were proportionate to mitigate the negative impact of the extension of the licence, in what is a residential area.

Notwithstanding representation from the member of the public, Members having received responses to their questions from the Designated Premises Supervisor, had confidence in the manner in which the Designated Premises Supervisor would manage the premises, aided by the additional conditions. Noting also, the support provided by a close working relationship with the premises area manager. Members were further encouraged that the Designated Premises Supervisor was willing to provide her contact details to nearby residents should issues of concern arise and saw this be a responsible approach and a willingness to operate the premises in harmony with its nearby residents.

Members noted the absence of any representation from the Responsible Authorities and determined that the Designated Premises Supervisors proactive approach to

managing the Premises, should alleviate the concerns raised by the member of the public.

In concluding, Members further noted that a Review of the Premises Licence can be sought by any Interested Party or Responsible Authority should issues arise as a result of granting this application to vary the Premises Licence.

Chairman/woman
