

Minutes of the Licensing Sub-Committee

30 May 2024

-: Present :-

Councillors Douglas-Dunbar, Tolchard and Virdee

4. Election of Chairman/woman

Councillor Douglas-Dunbar was elected as Chairwoman for the meeting.

5. Arena Torquay, 39-41 Torwood Street, Torquay

Members considered a report on an application for a Premises Licence in respect of Arena Torquay, 39-41 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation setting out proposed conditions should the application be approved.	29 April 2024
Public Protection Officer	Representation objecting to the application on the ground of the Licensing Objective 'The Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting the application on the grounds of the Licensing Objectives 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'.	25 April 2024
Member of the Public	Representation objecting the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	Received 29 April 2024
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance'	Received 30 April 2024

	and 'The Prevention of Crime and Disorder'.	
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	30 April 2024
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	30 April 2024
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	30 April 2024
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	30 April 2024
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	7 May 2024
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder', 'Public Safety' and 'The Protection of Children from Harm'.	7 May 2024
Member of the Public	Representation objecting to the application on the ground of the Licensing Objective 'The Prevention of Public Nuisance'.	9 May 2024
Member of the Public	Representation in support of the application for a Premises Licence.	3 May 2024
Member of the Public	Representation in support of the application for a Premises Licence.	7 May 2024

Additional Information:

Prior to the Hearing the following additional information 'Rebuttal to Environmental Health Objection to License Application' was provided by the Applicant and circulated to Members.

At the Hearing a letter from Red Twin Limited was circulated to all parties.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application for a Premises Licence and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application for a Premises Licence and responded to Members questions.
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 Arena Torquay, 39-41 Torwood Street, Torquay be granted as applied for, subject to the following reduced hours:

- Live music from 10:00 am to 00:00 (midnight);
- Record music 10:00 am to 01:30 am with the last 30 minutes to be ambient music for the egress of patrons;
- Late night refreshment 11:00 pm to 01:00 am
- Supply of alcohol 10:00 am to 01:00 am
- Opening times 10:00 am to 01:30 am

and the conditions agreed by the Police, with the following amendments: -

Section 18**General**

Condition 5 shall be amended to read:

Where a planned event runs past midnight, with anticipated attendance of 500 or more, responsible authorities will be advised in writing 28 days before the event.

The Prevention of Crime and Disorder

Condition 3 shall be amended to read:

The logs shall be kept at the premises for at least 12 months, following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

Condition 4 shall be amended to read:

All drinks from 21:00 hours until close must be served in toughened, strengthened, polycarbonate or plastic glasses.

Condition 5 shall be amended to read:

From 21:00 hours until close, no alcohol shall be sold or supplied in glass bottles from which it is intended or likely that a person shall drink.

Condition 6 shall be amended to read:

Thursday, Friday and Saturday – As a standard, a minimum of 2 SIA door stewards to be on duty from 21.00 hours until close on Thursday, Friday and Saturday nights. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers.

During any boxing event a minimum of 6 SIA door stewards shall be on duty throughout the event taking place.

Condition 8 shall be amended to read:

A risk assessment with a full review will be completed every quarter, but immediate action will be taken if there is seen to be evidence to suggest an increase to the volume of SIA trained door staff is required on any particular day. This assessment shall be made available upon request of an authorised officer of a responsible authority.

Public Safety

Condition 15 shall be amended to read:

For all boxing and wrestling events, an appropriately qualified medical practitioner shall be present throughout the event taking place.

Condition 20 shall be amended to read:

The Premises Licence Holder and/or Designated Premises Supervisor must take precautions to maintain occupancy levels at the premises, using either a clicker, digital system or equivalent to do so.

The Prevention of Public Nuisance

Condition 1 shall be amended to read:

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place between 22:00 hours and 09:00 hours.

Condition 11 shall be amended to read:

A written Dispersal Policy shall be in place and operated at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to nearby residents. The Policy shall include customers use of the designated smoking area, setting out mitigation measures to minimise disturbance or nuisance to nearby neighbours and to prevent obstruction to the public footpath/highway. The Policy shall be written in consultation with and agreed by the Licensing Authorities Public Protection Officer. The Policy shall be made available upon request of an authorised officer of a responsible authority.

Condition 12 shall be amended to read:

During an event, any congregation of customers for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors when they are required, to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public footpath/highway.

The Protection of Children from Harm

Condition 2h) be amended to include:

No person under 14 years shall be permitted access to the event.

Condition 5 be amended to read:

A written Safeguarding and Welfare Policy shall be in place and operated at the premises. The Policy shall be written in consultation with and agreed by the Licensing Authorities Safeguarding Officer. The Policy shall be made available for inspection and copying by an officer of an authorised authority.

and the following Additional Conditions:

1. Regulated entertainment shall not be permitted at the premises until such time the Premises Licence Holder has put in place sufficient measures which address noise outbreak from this premises, in consultation with and agreed by the Licensing Authority Public Protection Officer;
2. After 21:00 hours until close, the premises shall have a designated a smoking area for customers.
3. The designated smoking area shall be monitored by a SIA door steward or a member of staff to ensure that customers using the area do not unreasonably disturb nearby residents.

4. Customers causing a disturbance or nuisance in the designated smoking area shall be asked to stop or to return inside the premises. Where the customer refuses either, they shall be asked to leave the premises.
5. That there shall be no more than 20 customers in the designated smoking area at any one time;
6. No drinks shall be permitted in the smoking area at any time;
7. During ticketed events the premises shall not be open to the public;
8. A noise limiter shall be installed at the premises and used for all regulated entertainment.
9. The noise limiter level shall be set in consultation and agreed by the Licensing Authorities Public Protection Officer.
10. Any change to the noise limiter level shall be given in writing by the Licensing Authorities Public Protection Officer;
11. Premises Licence Holder shall publish details of a staff member at the venue to be the first point of contact to receive comments and complaints; and
12. The Premises Licence Holder shall submit a compliant plan, which accords with the requirements set out in Regulation 23(3) of the Licensing Act 2003 (Premises licence and club premises certificate) Regulations 2005.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence, noting the reduction in opening times and sale of alcohol and licensable activities proposed by the Applicant, and understanding and accepting his reasons for the lack of some detail contained within the application.

The Applicants oral representation set out that the fabric of the building required extensive physical alterations, prior to him being able submit a compliant plan in respect of fixed structures, stage height and location, activity locations, location and type of any fire safety and any other safety equipment, kitchen etc. During his oral representation, the Applicant did however explain to Members, using the plan provided, where these matters were intended which assisted them in their decision making.

In coming to their decision, Members had careful and considered regard to the level of modification required to the building, the lack of experience of the Applicant to operate a Premises such as that intended, notwithstanding his significant experience in licensed venues and outdoor events, and the historical complaints of noise outbreak from the building, as set out in the objections before them, and determined it appropriate to impose an additional condition which prohibited regulated entertainment at the premises until such time that the Premises Licence Holder had put in place sufficient measures which addressed the potential for noise outbreak from

the premises, in consultation with and agreed by the Licensing Authorities Public Protection Officer. This, in Members opinion, was appropriate and proportionate to uphold the Licensing Objectives, and seek to reassure those Interested Parties who had submitted an objection to the Application, based on their previous and feared experience of noise nuisance.

Members were reassured by the Applicants oral representation, noting that he was sufficiently knowledgeable of the application and detailed conditions therein, and that he was confident in representing himself at the hearing, despite being accompanied by his representative. The Applicant demonstrated considerable knowledge of the Licensing Objectives and measures that could be taken to ensure they were upheld, thereby evidencing his extensive experience of licenced venues and events.

Members gave serious consideration to refusing the application, noting the premises location within the Cumulative Impact Area (CIA), historical noise issues with the fabric of the building and the application lacking specific detail in part. However, Members noted the Applicants engagement and consultation with the Police which resulted in extensive conditions proposed by them and agreed by the Applicant and the Police having no objection to what would have been a 3.30am licence, and the oral representation from the Public Protection Officer which, as a result of that put forward at the hearing, his only concern remained with customers in the outside area.

Members were therefore satisfied to grant the Licence, welcoming the building being brought back in to use with the intended mixed age range and offer, having amended and imposed additional conditions to ensure that the premises would not add to public nuisance and or crime and disorder in the Licensing Authorities CIA, which included measures to mitigate potential noise from customers in the outside area, when dispersing and smoking/vaping, and determined that these should alleviate the remaining concerns of the Public Protection Officer and the interested parties, and uphold the Licensing Objectives.

In concluding, 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 this licence.

6. Adjournment

7. Wall Park Touring & Centry Road Camping, Centry Road, Berry Head, Brixham

Members considered a report on an application for a Variation to a Premises Licence in respect of Wall Park Touring and Centry Road Camping, Centry Road, Berry Head, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting the application for a Variation to a Premises Licence on the	13 May 2024 16 May 2024

	ground of 'The Prevention of Public Nuisance'.	
	Further written information also provided.	
Member of the Public	Representation objecting to the application for a Variation to a Premises Licence on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	13 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	28 April 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	14 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	16 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	14 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	16 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	16 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024

Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024
Member of the Public	Representation in support of the application for a Variation to a Premises Licence.	15 May 2024

Oral Representations received from:

Name	Details
Applicant	The Applicant presented his application and responded to Members questions.

Decision

That the application for a Variation to a Premises Licence in respect of Wall Park Touring and Centry Road Camping, Centry Road, Berry Head, Brixham be approved as applied for.

Reasons for Decision

Having carefully considered all the written and oral representations, Members unanimously granted the variation application for removal of the condition within the premises licence, allowing only for the sale of alcohol to be permitted to persons residing at the premises, 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 daily requests from non-residents for the sale of alcohol, with 16 providing support in writing and whilst they saw this as a positive way to increase the offering at the campsite, benefiting both locals and residents who had seasonal pitches and had made local friends, they would welcome the additional income that this would generate as well as being able to provide employment out of season.

Whilst two representations had been received from Interested Parties objecting to the application, to which Members acknowledged their concerns regarding anti-social behaviour, they were reassured by the confirmation from the Licensing Officer that there had been no complaints submitted to the Council's Licensing Department in this regard, in respect of this premises to date. Members were further reassured by the Applicant's willingness to engage with residents in what was recognised as a small community, and that the Applicant had successfully built good relationships with some people in the immediate vicinity.

In his oral submission, the Applicant appreciated the concerns raised by those living locally however, was clear that his business was very reliant upon receiving good on-line reviews and it was therefore in their interests to avoid, and immediately clamp down on any anti-social behaviour. Furthermore, Members heard that the bar closes at 22.00 hours in line with the wider site rules of quiet from 22.00 hours and noted the Applicant's submission that the premises is a caravan site, and not a pub, and

therefore had no concerns that the Licensing Objective the 'Prevention of Public Nuisance' would not be upheld.

Furthermore, Members noted the absence of representations from any of the Responsible Authorities and deduced from this, that they had no concerns with this variation application. In forming this opinion, Members noted the proactiveness of the Responsible Authorities in submitting representations, where concerns presented.

In concluding, Members 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
