



Minutes of the Licensing Sub-Committee

18 October 2012

-: Present :-

Councillors Addis, Stocks and Bent (In place of Brooksbank)

17. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

18. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Bent instead of Councillor Brooksbank.

19. Minutes

The Minutes of the meetings of the Sub-Committee held on 16 August 2012, 23 August 2012 and 20 September 2012 were confirmed as a correct record and signed by the Chairman.

20. Licensing Act 2003 – An application for a Premises Licence – Minerva Hotel, 3 Adelphi Road, Paignton TQ4 6AW

Members were informed that the Applicant had not returned their Notice and was not in attendance. However, the Owner and the General Manager of the Minerva Hotel were present.

Following enquiries with Officers of the Licensing Department which resulted in confirmation that they have no record of dealing with these individuals in the course of this application, the Legal Officer advised that this matter should not proceed in the absence of or written indication from the Applicant that those present be permitted to act on his behalf.

Following discussions, it was agreed to put the matter back until 11.15am for either the named Applicant to attend or written and signed permission by the Applicant for the Owner and/or General Manager to present the application on his behalf. The Owner of the Premises was advised by the Legal Officer that if neither of these proposals could be obtained, then the matter would be rescheduled to the next available Licensing Sub- Committee which would be on the 8th November 2012.

Following the arrival of the Applicant, Members considered a report on an application for a Premises Licence in respect of Minerva Hotel, 3 Adelphi Road, Paignton TQ4 6AW.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation received in respect of the Licensing Objective 'The Prevention of Public Nuisance'.	20 September 2012
Members of the Public	Seven Representations received in respect of the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	19 September 2012 (2) 24 September 2012 (2) 25 September 2012 26 September 2012

The Licensing Sub-Committee noted that some Notices had not been returned by Members of the Public who knew the Meeting was taking place. Members agreed it was in the public interest to continue with the meeting.

A plan was circulated to Members with the Chairman's approval, which had been omitted from the submitted report at Appendix 2 – Plan of Premises along with a Google Map of the premises location for Members information.

Oral Representations received from:

Name	Details
The Applicant and General Manager	The Applicant outlined his application, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined details of his submitted document and responded to Members questions.
Local Ward Councillor	The Local Ward Councillor highlighted her concerns in respect of the application and responded to Members questions.

Applicant's response to Representations

The Steak House is to be a fine dining family restaurant for up to 30 patrons and residents of the Hotel and would not be open to members of the public who only wanted a drink

Decision

That the application for a Premises Licence in respect of Minerva Hotel, 3 Adelphi Road, Paignton TQ4 6AW be granted from 6pm to 11pm Monday to Saturday and 6pm to 10pm Sunday, subject to the following conditions which are in addition to those proposed by the Applicant in their Operating Schedule:

- 1) Service of alcohol shall be by Waiter/Waitress service only and patrons shall be seated;
- 2) Alcohol may only be purchased for consumption on the premises when ordering a table meal;
- 3) No drinks shall be taken or consumed in the outside area of the premises;
- 4) No more than 6 people shall be permitted to smoke in the designated smoking area after 9pm;
- 5) The designated smoking area shall be monitored by staff to ensure that patrons do not unreasonably disturb nearby residents;
- 6) No bottles to be emptied into bins which are situated outside between the hours of 8pm and 8am;
- 7) Patrons of the premises shall be reminded by staff to leave in a quiet and orderly manner so as not to unreasonably disturb nearby residents.

Reason for Decision

Having carefully considered all the oral and written Representations, Members resolved to grant the Licence subject to the conditions outlined in their decision.

In doing so, Members were satisfied that these conditions would seek to address the concerns raised in the Representations put forward by both the Interested Parties and the Responsible Authority. In addition, Members had regard to the Council's Licensing Statement of Principles 2011 Policy and saw no reason to depart from its recommendation which sought to restrict licensable activities taking place within premises that are in close proximity to residential properties after 11pm.

21. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay TQ2 6QH

Members considered a report on an application for a Variation to a Premises Licence in respect of Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay TQ2 6QH.

Written Representation received from:

Name	Details	Date of Representation
Member of the Public	One Representation received in respect of the Licensing Objective 'The Prevention of Public Nuisance'.	12 September 2012
Applicants Solicitor	Applicant's Solicitor submitted correspondence to the Council's Licensing Department which addressed concerns raised by the Interested Party in their written Representation.	15 October 2012

The Licensing Sub-Committee noted that the Interested Party had returned their Notice to confirm that they would not be attending the hearing. The Council's Senior Licensing Officer presenting the matter informed Members that she had spoken with Interested Party at length and they felt it was not necessary to attend the hearing, as all the points were covered in their submitted Representation. In light of these facts, Members agreed it was in the public interest to continue with the hearing in the absence of the Interested Party.

Members noted that there were no Representations from any of the Responsible Authorities.

Oral Representations received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor outlined the application, as set out in the submitted documents and responded to Members questions.

Decision

That the application for a Variation to a Premises Licence in respect of Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay TQ2 6QH be granted as applied for, subject to the conditions put forward by the Applicant in their Operating Schedule and that the proposed removal of conditions, 3, 4 and 6 at Annexe 2 of the Premises Licence 277, be removed.

Reason for Decision

Having carefully considered the oral and written Representations, Members resolved to grant the application having been satisfied that the conditions put forward by the Applicant have addressed the previous nuisance, as experienced by the Interested Party which has since resulted in no further complaints. This position was confirmed by the Council's Environmental Protection Officer who was present at the hearing.

Chairman
