



## Minutes of the Licensing Sub-Committee

14 September 2017

**-: Present :-**

Councillors Doggett, Thomas (J) and Stubley

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### 53. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

### 54. Apologies

It was reported that the membership of the Sub-Committee had been amended by including Councillor Stubley instead of Councillor Stocks due to Councillor Stocks knowing one of the Interested Parties.

### 55. Minutes

The Minutes of the meeting of the Sub-Committee held on 27 July 2017 were confirmed as a correct record and signed by the Chairman.

### 56. Preston Conservative Club, 299 Torquay Road, Paignton

Members considered a report on an application for a Variation to a Club Premises Certificate in respect of Preston Conservative Club, 299 Torquay Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Received on 21 August 2017

Oral Representations received from:

Name	Details
Applicants	The Applicants outlined the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.

## Decision

That the application for a Variation to a Club Premises Certificate in respect of the Preston Conservative Club, 229 Torquay Road, Paignton be refused.

## Reasons for Decision

Having carefully considered all the oral and written representations, Members resolved to refuse the application, as they could not be satisfied that the Applicant had sufficiently demonstrated how they would protect the immediate adjoining and nearby residential properties from noise nuisance, if granted and promote The Prevention of Public Nuisance licensing objective.

In coming to this decision, Members had regard to the apparent lack of any mitigation put forward by the Applicant in their application, despite submitting that they wished to 'add conditions to the scope of the licence in order to ensure that the licensing objectives are fully promoted at all times the garden area is in use'. When asked what these conditions would be as the operating schedule was absent of any such proposals, it was of great concern to Members that the Applicant orally submitted that whatever conditions the Committee decided. This demonstrated a lack of understanding reasonably expected of them when submitting such an application.

When pushed further, the Applicant's main submission to mitigate the impact and control the use of outside area was through the use of CCTV which would be monitored by staff from inside the premises. Members were not satisfied that non audible CCTV alone would be sufficient to ensure the promotion of The Prevention of Public Nuisance licensing objective, given the close proximity of residential properties to the premises.

It was of further concern to Members that the Applicant felt that the bar could be tended, the premises could be run, the number of patrons and noise level in the outside area could be monitored by a minimum of 1 member of staff during quieter times and a maximum of 3 at weekends and when accommodating private functions, with voluntary reliance of assistance from committee members. In resolving that this would not provide sufficient control due to the close proximity of residential properties, Members noted that the premises has 700 members, albeit only 200 regulars and accommodated private functions of approximately 60 persons at any one time.

Members noted the submissions of the Applicant that it was some of their members who had asked them to submit this application and that it was likely to be used only by a few elderly members during the day. However if granted, Members were mindful that all users of the premises would be permitted or may be mistaken to think they were permitted to use the outside area, as there were no specific conditions submitted to the contrary other than erecting a notice stating that drinks shall not be permitted outside when accommodating a private function and without stringent control of this, in the opinion of Members this would lead to The Prevention of Public Nuisance licensing objective being undermined.

Having determined this application on its own merits, Members noted in addition that following the oral submission of the Senior Licensing Officer when confirming facts in the Objectors written Representation, a similar application had been submitted by this premises and refused in 2008. It was of concern for Members to learn that the refusal of that application was due to the Applicant not demonstrating how the licensing objective in respect of The Prevention of Public Nuisance would be satisfied, due to the close proximity of residential neighbouring properties. As such, it appeared to Members that despite this clear reasoning for refusal, the Applicant had yet again submitted an application without considering this licensing objective and the impact their application would have on its adjoining neighbour.

Chairman/woman

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