

Minutes of the Statutory Licensing Sub-Committee

8 August 2024

-: Present :-

Councillors Brook, Douglas-Dunbar and Barbara Lewis

8. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairman for the meeting.

9. Minutes

The minutes of the meetings of the Sub-Committee held on 9 and 30 May 2024 were confirmed as a correct record and signed by the Chairman.

10. Breakwater Bistro, Berry Head Road, Brixham, TQ5 9AF

Members considered a report on an application for a Variation to a Premises Licence in respect of Breakwater Bistro, Berry Head Road, Brixham, TQ5 9AF.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Written representation objecting to the Variation to a Premise Licence on the grounds of 'The Prevention of Public Nuisance'.	10 July 2024
Member of the Public	Written representation objecting to the Variation to a Premise Licence on the grounds of 'The Prevention of Public Nuisance'.	17 July 2024

Oral Representations received from:

Name	Details
The 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 Breakwater Bistro, Berry Head Road, Brixham be approved as applied for.

Reason for Decision:

Having carefully considered the written and oral Representations, Members unanimously resolved to grant the variation application as applied for, having been satisfied that with the proposed additional conditions all of the Licensing Objectives would be promoted.

Members were reassured by the Applicant's professional and committed approach, as demonstrated in his oral representation and noted that the Manager, who was also present, was very experienced having worked at the premises for 18 years.

In coming to their decision, Members had careful regard to the location of the premises and were helpfully provided with a photograph at the hearing, to show the intended increase in size of the first-floor balcony area, designed to improve the premises and the offering. Members heard that the intention was to increase covers by 30 seated patrons which would also serve to accommodate families who wished to eat outside, where currently they only have space for table seating for two persons per table.

Members noted the concerns raised in the two written Representations received, around anticipated noise nuisance from the intended increase to the size of the first-floor balcony, however no oral Representations were heard in this regard as the objectors chose not to attend the hearing.

Upon questioning of the Applicant in this regard and noting the absence of complaints prior to the Variation Application being submitted, Members were satisfied and reassured that the Applicant would operate these premises in a responsible manner. It was noted that the premises had had 12 bands performing since Christmas 2023 and that the intended music offering would continue no later than 19.00 hours, with the intention to be largely low-level amplified music in the afternoons with the Managers intention to engage with nearby residents, should any issues arise.

Whilst Members noted the objectors concern raised around litter on the beach, there was no evidence before Members that this was attributable to the premises. The Applicant confirmed that they have four large bins next to the restaurant for patron use but that these are also used by members of the public visiting the beach and are emptied twice per week. Additionally, staff members perform beach cleans regularly throughout the day.

Members were reassured to learn that the premises had proactively engaged with the Police Licensing Team and Environmental Health prior to submitting their Variation Application and as such, Members noted the absence of any Representation received from any Responsible Authority and deduced from this, that those Authority's had no concerns with the application. In forming this opinion, Members noted the proactiveness of the Responsible Authorities in submitting Representations, where concerns presented.

In concluding, Members considered it to be entirely in order to remove the outdated conditions, and that the additional conditions proposed were both appropriate and proportionate, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting this application. However, should issues arise as a result of granting this application, a Review of the Premises Licence is available to any Responsible Authority or any other person.

Chairman/woman
