



## Minutes of the Licensing Sub-Committee

28 April 2011

-: Present :-

Councillor

Councillors Addis, Stocks and Scouler

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### 699. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 700. Apologies

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

### 701. The Green Room, 23-25 Victoria Parade, Torquay

Members considered Report 93/2011 which sought a Review of a Premises Licence in respect of The Green Room, 23-25 Victoria Parade, Torquay.

Written representations received from:

Name	Details	Date of Representation
Member of the Public	Application (plus supporting documentation) for a Review of the Premises Licence on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance', as set out in Appendix 1 to Report 93/2011.	1 March 2011
Police	Letter of Representation advising of an incident regarding door stewards not being identifiable, as set out in	28 March 2011

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	Appendix 4 to Report 93/2011.	
Public Protection	Representation detailing complaint regarding noise and proposing two additional conditions.	1 April 2011
Member of the Public	Representation in support of the Premises.	10 March 2011

Additional information:

At the Hearing, the Applicant requested an extension to the normal allowance of 10 minutes to 15 minutes to present their application. There was no objection from the Respondent to this request and the Sub-Committee agreed the extension of time and informed all parties present that they too would be entitled to 15 minutes when making their representation.

Oral representations received from:

Name	Details
Applicant	The Applicant outlined the details of the application, as set out in the written representation and responded to Members questions.  The Applicant also showed the Sub-Committee three DVDs showing images with narrative of the alleyway into the Green Room.
Police	The Police Representative outlined their representation with regards to the Green Rooms door stewards being visible and wearing high visibility reflective jackets. The Police Representative also suggested an amendment to a condition set out at point 1 on Annex 3 of the existing Premises Licence.
Public Protection	The Technical Officer outlined his representation and suggested two conditions, should the Sub-Committee decide to modify the conditions of the Licence.
Respondent	The Respondent's Solicitor responded to the representation made by the Applicant and proposed an amendment to the second condition proposed by Public Protection, as set out in Appendix 5 to Report 93/2011. The Respondent's Solicitor proceeded to respond to questions from the Members.

Decision and reason for decision:

Having carefully considered all the oral and written representations, Members take seriously the concerns raised in respect of public nuisance and as such have

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resolved, as a necessary and proportionate response that the licence conditions be modified as follows:

- i) that no bottles are to be emptied after 22:00 hours and not before 09:00 hours Monday to Sunday;
- ii) that on every occasion the Premises sells alcohol after midnight and remains open after 00:30 hours, door staff will, between 23:00 hours and closing time, monitor patrons in the immediate vicinity of the Premises and take all reasonable steps to ensure that patrons leaving the Premises do so quietly so as not to disturb nearby residents;
- iii) that point 1 of Annex 3 The Prevention of Crime and Disorder be amended to read 'that there shall be no entry/re entry after 02:00 hours and from that time until closing time, at least one SIA Door Steward shall be positioned outside the main entrance of the Premises in the alleyway; and
- iv) that 'the Premises Licence Holder shall take all reasonable steps to ensure that staff leaving the premises do so quietly so as not to disturb nearby residents'.

Following the modification of these conditions Members are satisfied that this should address the concerns raised by the Interested Party and that failure to do so may result in this Premises Licence being subject to a further Review to ensure the Licensing Objectives are promoted.

### 702. Lighthouse and Fusion, 26 Esplanade Road, Paignton

Members considered Report 95/2011 on an application for a Variation to a Premises Licence in respect of Lighthouse and Fusion, 26 Esplanade Road, Paignton.

Written representations received from:

Name	Details	Date of Representation
Police	Representation proposing additional conditions should the application be granted.	30 March 2011
Community Safety	Representation proposing additional conditions should the application be granted.	1 April 2011
Member of the Public	Representation objecting the application on the grounds of	Not known

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	'The Protection of Children from Harm', the 'The Prevention of Crime and Disorder', and 'The Prevention of Public Nuisance'.	
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	21 March 2011
Member of the Public	Representation objecting to the application on the ground of 'The Protection of Children from Harm'.	22 March 2011
Member of the Public	Representation objecting to the application on the ground of 'The Protection of Children from Harm'.	18 March 2011
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Crime and Disorder'.	Not known
Member of the Public	Representation objecting to the application on the grounds of 'The Protection of Children from Harm', and 'The Prevention of Public Nuisance'.	23 March 2011

Oral representations received from:

Name	Details
Applicant	The Applicant outlined the application, as set out in Appendix 1 to Report 95/2011 and agreed to the conditions proposed by the Police, as set out in Appendix 3 to Report 95/2011. The Applicant proceeded to respond to Members questions.
Police	The Police Representative outlined their representation and suggested conditions, as set out in Appendix 3 to Report 95/2011.
Public Protection	The Technical Officer outlined their representation and proposed conditions that Members may wish to add to the Licence, if they were minded to grant the Variation to the Premises Licence.

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Member of the Public	A Member of the Public outlined their objection to the application for a Variation to the Premises Licence.
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Decision:

That the Application for the Variation to the Premises Licence in respect of the Light House and Fusion, 26 Esplanade Road, Paignton be granted as applied for, subject to the conditions proposed by the Police and Public Protection, as set out in Appendix 3 and 4 to Report 95/2011, and as agreed by the Applicant.

Reason for decision:

Having carefully considered all the written and oral representations Members considered the conditions proposed by the Police to be comprehensive and proportionate to ensure the Licensing Objectives are promoted and as such in addition to the Public Protection condition, Members resolved that this should alleviate the concerns of the Responsible Authorities and the Interested Parties.

**703. Suspension of Hackney Carriage Driver's Licence - Mr Keith Brown**

Members considered Report 94/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Keith Brown.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over a nine month period on The Strand, Torquay involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the	16 January 2009

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	harbour side.	
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	31 August 2010
Parking Operations Officer	One enforcement report.	15 October 2010
Licensing Support Officer	Letter sent to Mr Brown regarding illegal parking on the Harbourside in Torquay.	25 October 2010
Respondent	Letter from Mr Brown advising he has only received one letter and explained the circumstances of the incidents.	1 November 2010
Environmental Health Manager (Commercial)	Letter sent to Mr Brown in response to his letter of 1 November 2010.	2 November 2010
Parking Operations Officer	One enforcement report.	19 February 2011
Licensing Support Officer	Letter sent to Mr Brown regarding illegal parking on the Harbourside in Torquay.	4 March 2011
Respondent	Letter from Mr Brown explaining the circumstances surrounding the incidents of illegal parking.	8 March 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	

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	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 94/2011.
Respondent	The Respondent explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw 8 and responded to Members' questions.

Decision:

That Mr Keith Brown's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any reasonable cause', as in accordance with Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision:

Having carefully considered all the written and oral representations put before the Sub-Committee, Members resolved this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 25 October 2010 and 4 March 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay. Mr Brown confirmed that he had received these warning letters and had received the Hackney Carriage and Private Hire Drivers Handbook which states at point 19 of Section 1, Part B that:

'The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at time of a vehicles' arrival at a rank then the driver must proceed to the next available rank.'

Members noted Mr Brown's oral and written admission that he had parked not in accordance with the Road Traffic Orders or Byelaw 8 and that he had not followed the direction, as specified in the Hackney Carriage and Private Hire Drivers Handbook.

In concluding Members were satisfied that despite Mr Brown's assurance that this would not happen again, as stated in his letter on 1 November 2010, a further offence was committed by Mr Brown on the 19 February 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

**704. Suspension of Hackney Carriage Driver's Licence - Mr Shazad Ramzan**

Members considered Report 96/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Shazad Ramzan.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over a nine month period on The Strand, Torquay involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009



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Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	31 August 2010
Parking Operations Officer	One enforcement report.	15 October 2010
Licensing Support Officer	Letter sent to Mr Ramzan regarding illegal parking on the Harbourside in Torquay.	20 October 2010
Parking Operations Officer	Two enforcement reports.	18 February 2011 19 February 2011
Licensing Support Officer	Letter sent to Mr Ramzan regarding illegal parking on the Harbourside in Torquay.	4 February 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	

Additional information:

Members noted Mr Shazad Ramzan had advised the Licensing Department that he was not able to attend the Hearing, and as such agreed that the Hearing would go ahead in his absence.

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 96/2011.

Decision:

That Mr Shazad Ramzan's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any reasonable cause', as in accordance

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with Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision:

Having carefully considered all the written and oral Representations put before the Sub-Committee, Members resolved this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 20 October 2010 and 4 February 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay. Members were satisfied that Mr Ramzan would have received all the warning letters and that he would also have been issued with a Hackney Carriage Driver's Handbook and therefore should be aware of point 19 that states:

'The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at time of a vehicles' arrival at a rank then the driver must proceed to the next available rank.'

In concluding Members were satisfied that Mr Ramzan had been given sufficient warnings but despite this had parked illegally on 15 October 2010, again on the 18 February 2011 whereby of particular concern on this date, his actions were deemed to be dangerous and again on the 19 February 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

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Chairman