



Wednesday, 23 October 2013

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 31 October 2013

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Addis

Councillor Bent

Councillor Doggett

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 2)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 10 October 2013.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
7. **Licensing Act 2003 - An application for a Transfer for a Premises Licence** (Pages 3 - 80)
To consider an exempt report on an application for a Transfer for a Premises Licence.

8. **Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED** (Pages 81 - 90)
To consider an exempt report on an application for a Variation to a Premises Licence to specify an individual as the Premises Supervisor.
9. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of TQ One, 22 Victoria Parade, Torquay TQ1 2BB** (To Follow)
To consider an application for a Variation to a Variation to a Premises Licence in respect of TQ One, 22 Victoria Parade, Torquay TQ1 2BB.



Minutes of the Licensing Sub-Committee

10 October 2013

-: Present :-

Councillor

Councillors Addis, Brooksbank and Faulkner (A)

30. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

31. Minutes

The Minutes of the meeting of the Sub-Committee held on 26 September 2013 were confirmed as a correct record and signed by the Chairman.

32. Exclusion of the Press and Public

Prior to consideration of the item in Minute 35 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

33. Suspension of Torbay Council Driver's Licence

The Sub-Committee considered an Exempt Report on the suspension of a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence. The Sub-Committee also considered a letter from an Officer of Devon and Cornwall Constabulary, as set out in Appendix 1 to the Exempt Report and a letter from the Senior Licensing Officer, as set out in Appendix 2 to the Exempt Report.

The Senior Licensing Officer advised Members of the Sub-Committee that on the instruction from the deferred Licensing Sub-Committee on the 26 September 2013, and due to the seriousness of the allegations, a representative from Devon and Cornwall Constabulary and the Licensed Driver had been invited to attend so that they could respond to information contained within the Report.

Devon and Cornwall Constabulary responded to say that they were unable to send a Representative to attend the Licensing Sub-Committee due to Officers rotas.

The Senior Licensing Officer read an e-mail from the Licensed Driver, explaining why he could not attend and thanking the Committee for giving him another opportunity to do so. Members were also advised of the Council Officers further response to the Licensed Driver inviting him to submit a written Representation to the Committee, of which there had been no further response.

In addition, the Senior Licensing Officer informed Members that the Licensed Driver was due to appear before Exeter Crown Court on the 18 October 2013 for a Trial in respect of the matters charged.

Decision:

Having carefully considered the written Representation, Members were satisfied that the Licensed Driver had been given sufficient opportunity to either attend in person or to submit a written Representation before the Licensing Sub-Committee and therefore resolved that it was within the public interest to proceed with the hearing, in the absence of the driver.

Members resolved that following further consideration of the Appendices, as set out in the Exempt Report and the content of the email sent by the Licensed Driver, dated 8 October 2013, that they could not be satisfied in their opinion that the Licensed Driver remained a 'fit and proper person' to hold such a licence.

In the interest of public safety, due to the seriousness of the allegations charged and in the absence of any evidence to the contrary, Members further resolved that the Driver's Licence be suspended, as in accordance with section 61 (1) (b) of the Local Government (Miscellaneous) Provisions Act 1976, and that this suspension shall have immediate, as in accordance with section 61(2B) of the Local Government (Miscellaneous) Provisions Act 1976, for the following reasons:

The seriousness of the allegations charged;

The perceived potential risk to other persons, as there are two allegations of sexual assault involving vulnerable females on two separate occasions; and

The Licensed Driver has provided no evidence to the contrary to alleviate the serious concerns of Members, despite being invited to do so on two separate occasions.

Chairman

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 7

Appendix 7

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