



Minutes of the Licensing Sub-Committee

25 April 2013

-: Present :-

Councillors Addis, Bent and Pentney

42. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

43. Minutes

The Minutes of the meeting of the Sub-Committee held on 28 March 2013 were confirmed as a correct record and signed by the Chairman.

44. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre, Cockington Lane, Torquay TQ2 6XA

Members considered a report on an application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre, Cockington Lane, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Four Members of the Public	Four Representations objecting to the application for a Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Various
Two Members of the Public	Two Representations supporting the application.	Both representations dated 28 March 2013
Public Protection	A Representation supporting the removal of certain conditions relating to 'The Prevention of Public Nuisance'.	7 March 2013

Additional Information:

Prior to the Committee the Cockington Village Residents Association (CVRA) Legal Representative circulated Representations by the CVRA.

Oral Representations received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application and responded to Members questions.
CVRA Legal Representative	The Legal Representative for the CVRA outlined their objections to the application.
Member of the Public	A Member of the Public outlined her objection to the application.
Member of the Public	A Member of the Public outlined his objection to the application.
Public Protection Officer	The Public Protection Officer advised the Committee of his professional opinion of the submitted application and responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre be granted in part.

The proposed variations that do not relate to The Prevention of Public Nuisance be granted as applied for.

In relation to The Prevention of Public Nuisance the Licence will remain unchanged – conditions one to seven, Annex three of the current Premises Licence shall be retained. The proposed variation to conditions under this licensing objective is therefore rejected.

Reason for Decision:

Having carefully considered all the written and oral representations, the Licensing Sub-Committee believe varying the licence in the manner described is appropriate and will promote the Licensing Objectives, in particular 'The Prevention of Public Nuisance' and will alleviate the concerns of the residents and responsible authorities.

45. Exclusion of the Press and Public

Prior to consideration of the item in Minute 46 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).

46. Suspension of Torbay Council issued Driver's Licence

The Sub-Committee considered an exempt report on the suspension of a Torbay Council issued Driver's Licence and whether the person remained a 'fit and proper person'. At the hearing the Respondent and the Respondents Employer made representations to the Sub-Committee.

Decision:

That the Respondent's Torbay Council Driver's Licence be revoked on the ground of 'any other reasonable cause' in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, and that in the interests of public safety this revocation is to have immediate effect pursuant to Section 61 (2B) of the same Act.

The Licensing Sub-Committee further recommends that the Respondent may re-apply for his Driver's Licence in 12 months.

Reason for Decision:

Having carefully considered all the written and oral representations put before the Licensing Sub-Committee, Members found they could no longer be satisfied that the Respondent was a 'fit and proper person' to hold a Torbay Council Driver's Licence.

In reaching this decision Members had regard to the following aggravating factors:

- i) the Respondents failure to notify Torbay Council, during the period of his Driver's Licence of the convictions namely the conviction of the Respondent on 27 October 2011 by South Devon Magistrates Court for two offences contrary to the Misuse of Drugs Act 1971; and
- ii) that following the above convictions, in two subsequent applications to renew his Driver's Licence dated 7 March 2012 and 13 March 2013, the Respondent provided false information in relation to the existence of those convictions. Namely, in both those forms the Respondent answered 'No' to the question 'Have you been convicted of any driving or criminal offence?' In addition, in both forms the Respondent signed a declaration that the information supplied is true, which the Licensing Sub-Committee found to be false declarations.

In accordance with Council Standing Order A19.5, Councillor Pentney requested her vote against the decision be recorded.

Chairman/woman