



## Minutes of the Licensing Sub-Committee

12 September 2013

-: Present :-

Councillors Pentney, Addis and Hytche

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### 21. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 22. Licensing Act 2003 – An application for a Premises Licence in respect of Eat That Frog, 89 Torquay Road, Paignton TQ3 2SE

Members noted that an application for a Premises Licence in respect of Eat That Frog, 89 Torquay Road, Paignton TQ3 2SE had been withdrawn by the Applicant.

### 23. Licensing Act 2003 – An application for a Premises Licence in respect of The Brixham Rendezvous, 35 Fore Street, Brixham TQ5 8AA

Members considered a report for an application for a Premises Licence in respect of The Brixham Rendezvous, 35 Fore Street, Brixham TQ5 8AA.

Written Representations received from:

Name	Details	Date of Representation
Torbay Safeguarding Children Board	Representation received in respect of the Licensing Objective 'The Protection of Children from Harm.'	19 August 2013
Brixham Town Council	Representation received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder', 'Public Safety', and 'The Prevention of Public Nuisance'.	5 August 2013

Oral Representation received from:

Name	Details
The Applicant	The Applicant outlined their application, as set out in the report and responded to Members questions.
Torbay Safeguarding Children Board	The Business Manager from the Board outlined their Representation, as set out in the report and responded to Members questions.
Brixham Town Council	A representative from Brixham Town Council outlined their Representation, as set out in the report and responded to Members questions.

Members noted that there had been no Representations from the Police or Trading Standards.

Decision:

That the application for a Premises Licence in respect of The Brixham Rendezvous, 35 Fore Street, Brixham TQ5 8AA be granted as applied for, subject to the two additional conditions put forward by the Torbay Safeguarding Children Board and as agreed by the applicant.

In addition, no sale of alcohol shall be permitted from the takeaway part of the Premises for consumption off the Premises.

Members noted that the third floor of the Premises shall be removed from the application.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the License having been satisfied that to do so would not undermine the Licensing Objectives.

In granting the application, Members were also encouraged by the Oral Representation from the Torbay Safeguarding Children's Board's Business Manager in that she felt confident in the Applicant's and that following her meeting with them and as such, she endorsed the application subject to the two additional conditions.

Members noted that there was no Representation from the Police or Torbay Council's Public Safety and that both Responsible Authority's had met with the Applicant's as part of the consultation prior to the application being submitted. This again reassured Member's that granting this Licence would not undermine the Licensing Objectives, namely 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance.'

Members were very concerned to note that despite the Representation made by Brixham Town Council, the Member who appeared before the Licensing Committee on their behalf did by their own admission, admit that he had no evidence to support the Representation made by them.

Members felt that making such a Representation with no evidence was not only a waste of the Licensing Authority's time but that such action was a considerable waste to the tax payer because, as in accordance with the Licensing Act 2003, where a Representation is made, the Authority must hold a hearing to consider it and this is a costly process for the Local Authority.

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Chairman