



## Minutes of the Licensing Sub-Committee

30 July 2015

-: Present :-

Councillors Barnby, Doggett and Tolchard

### 15. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

### 16. Minutes

This item was deferred until a future meeting.

### 17. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of O Pescador, 12 Victoria Parade, Torquay TQ1 2BB

Members considered an application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of O Pescador, 12 Victoria Parade, Torquay TQ1 2BB.

The Premises does fall within the Cumulative Impact Area.

Written Representation received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the grounds of the Licensing Objective – The Prevention of Crime and Disorder.	1 July 2015

Oral Representation received from:

Name	Details
The Applicant	The Applicant outlined his application, as set out in the submitted documents and responded to Members questions.
The Police	The Police highlighted their concerns in respect of the application.

Additional Information:

Members were advised by the Senior Licensing Officer that the Applicant had not returned their notice, in accordance with section 8(1)(a) and (2) of The Licensing Act 2003 (Hearings) Regulations 2005 but she had spoken with the Applicant on 29 July 2015 and the Applicant was present at the Hearing. The Licensing Sub-Committee agreed to the Applicant addressing the Committee, despite the Notice not being returned.

Decision:

That the application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of O Pescador, 12 Victoria Parade, Torquay TQ1 2BB be refused.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members noted that the premises is a restaurant situated in the Council's Cumulative Impact Area and that the Applicant has a relevant conviction which is not spent until 17 July 2017. In coming to their decision, Members could not be satisfied that the Applicant demonstrated a responsible attitude to alcohol which would reasonably be expected by them of a person who holds the position of Designated Premises Supervisor and that the relevant conviction supported this view.

In concluding, Members noted that the Applicant submitted no mitigating factors which they could reasonably consider appropriate to grant him the licence.

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Chairman