



Minutes of the Licensing Committee

19 November 2009

-: Present :-

Councillors Addis (Chairman), Amil, Doggett, Faulkner (A), Hytche, Manning, Pentney, Scouler and Thomas (J)

280. Apologies for Absence.

Apologies for absence were received from Councillors Excell, John, Mills and Parrott.

281. Committee Membership.

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Pentney instead of Councillor Stocks. The Chairman also welcomed Councillor Faulkner (A) who had permanently replaced Councillor Darling on the Committee.

282. Minutes.

The Minutes of the meeting of the Committee held on 3 September 2009 were confirmed as a correct record and signed by the Chairman.

Further to Minute 199/9/09 legal advice had been sought and the decision to grant a small casino premises licence would be determined by the Licensing Committee. Cabinet and Council will be advised in due course that the policy will be amended accordingly. The Principal Safety and Licensing Officer also informed Members that the final decision regarding the criteria to be used for scoring potential casino bids remained subject to legal advice.

283. Problem Premises on Probation – Red and Yellow Cards. A Letter from the Department for Culture, Media and Sport.

The Committee considered Report 240/2009 which informed Members of a letter dated 2 September 2009 from Mr Gerry Sutcliffe MP, Minister for Sport, which asked Torbay Council to consider an approach when dealing with problem Licensed Premises at Review. This would be by using a red and yellow card system.

The Principal Safety and Licensing Officer advised Members that the Department for Media, Culture and Sport had looked at a number of Local Authorities and determined that they were not utilising their full range of powers, notably Reviews. He explained that

Torbay Council's Licensing Committee have heard a number of Reviews. Furthermore, Enforcement Officers in Torbay used the full range of powers available to them when dealing with problem premises, which depending on the seriousness of the breach will begin with an Officer speaking to the Premises Licence Holder, supporting this in writing and ultimately if the problems are not resolved, bring the matter before a Licensing Committee Hearing by way of a Review. The Principal Safety and Licensing Officer advised that to introduce a red and yellow card system could confuse what is considered to be an effective process.

Resolved:

- i) that the letter from Mr Gerry Sutcliffe MP, Minister for Sport be noted; and
- ii) that the existing approach to licensing enforcement within Torbay continue, where warnings are issued by the Responsible Authorities within the procedures of their own enforcement policies.

284. Decisions Taken in Relation to Licensing Act 2003 Applications Under Delegated Powers.

Members noted Report 241/2009 on the decisions made under delegated powers which enabled the Committee to maintain a general overview of the current licensing situation. The Principal Safety and Licensing Officer advised that applications across the range of Licensing activities had declined slightly, and currently there were 823 Premise Licenses.

Members questioned how many appeals heard by the Magistrates Court in the period between 1 April 2007 and 30 September 2009 had been successful. Members also expressed their frustration at a Magistrates' Court Appeal Hearing being a new Hearing at which new evidence could be considered. It was explained to Members that unfortunately this was the law, and Officers too found this frustrating on occasions. The Principal Safety and Licensing Officer informed Members that he would compile the figures and feedback to Members; he would also refer to such appeal cases in greater depth when compiling future reports.

285. Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers.

The Committee noted Report 242/2009 detailing the decisions taken in relation to Gambling Act 2005. The Principal Safety and Licensing Officer advised that during the last six months there had been three new Bingo Premises Licenses issued.

As an aside, Members raised the issue of taxi drivers parking on double yellow lines or over spilling from the ranks in both Paignton and Torquay. The Principal Safety and Licensing Officer advised that Officers were aware of the issues. He further advised Members of the enforcement methods that could be utilised to deal with the situation, the first method was the use of Parking Enforcement Officers, however the present procedures meant that if a taxi driver drove away before a ticket could be issued, then there was no recourse to issuing this by post. The second enforcement route would be

through the Licensing Team and could ultimately result with the drivers being brought before the Licensing Committee.

Chairman

APPENDIX 1 (Continued)