



## **Minutes of the Licensing Committee**

**20 May 2010**

**-: Present :-**

Councillors Addis, Doggett, Excell, Faulkner (A), Hytche, Manning, Mills, Parrott and Scouler

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### **36. Election of Chairman.**

Councillor Addis was elected as Chairman for the 2010/11 Municipal Year.

**Councillor Addis in the Chair.**

### **37. Apologies**

Apologies for absence were received from Councillors Amil, Horne and Thomas (J).

### **38. Election of Vice-Chairman.**

Councillor Manning was elected as Vice-Chairman for the 2010/11 Municipal Year.

### **39. Minutes.**

The Minutes of the meeting of the Committee held on 19 November 2010 were confirmed as a correct record and signed by the Chairman.

### **40. Amendments to the Licensing Act 2003**

Members received Report 130/2010 informing them on two key amendments made by Parliament to the Licensing Act 2003 and how that affects Licensed Premises in Torbay.

In particular Members were informed that Elected Members had been defined as Interested Party's under Section 13(3) of the Act and Elected Members of the Local Authority could now make relevant representations on an Application or seek a Review of a Premises Licence in their own right. Members are not required to live in the vicinity or in the same ward as the Licensed Premises/Club they are making a representation about, and are not required to have been requested to act by any other person or body.

Secondly, the Policing and Crime Act 2009 had added five new mandatory conditions to all Premises that sell or supply alcohol on the premises. Condition 4 was also added to all 'Off Licences'. Conditions 1, 2 and 3 came into force from the 6 April 2010 and conditions 4 and 5 would come into force from 1st October 2010. It was reported that these mandatory conditions would apply to all Premises Licences and were applied retrospectively for existing

## **APPENDIX 1 (Continued)**

Premises Licence holders. Full details of the mandatory conditions were set out in the report.

**Resolved:** that Report 130/2010 be noted.

### **41. Amendment to the Street Collection Policy**

The Sub-Committee considered Report 133/2010 on an amendment to Torbay Council's Street Trading Policy. The Environmental Health Manager (Commercial) outlined the proposed amendments and explained that the current Policy is non compliant with European Services Directive.

**Resolved:** that the amended Torbay Council's Street Collection Policy as laid out in Appendix 1 to Report 133/2010 be adopted, subject to point 5 of the new Policy being amended as follows:

'Each charity, body or fund will normally be allowed to collect on only once a year, but leniency can be shown in this regard subject to confirmation from the Licensing Department.'

(**Note:** Prior to consideration of Minute 41/5/10, Councillor Doggett declared a personal interest as a member of Torquay and District Cats Protection Publicity Officer and street collecting on their behalf.)

### **42. Review of Street Trading Policy**

Members received Report 134/2010 reviewing Torbay Council's Street Trading Policy. The Environmental Health Manager (Commercial) explained to Members that during 2008, a Member working party undertook a review of Street Trading in Torbay. Subsequent to this, a new Street Trading Policy was agreed by the Licensing Committee on 2 October 2008 and a new Schedule of street designations was agreed by the Licensing Committee on 4 December 2008. The Licensing Committee requested that the Street Trading Policy be reviewed in April 2010.

**Resolved:** Members resolved no alterations be made to the Policy at this time for the reasons set out in Report 134/2010.

### **43. Decisions taken in relation to Licensing Act 2003 applications under Delegated Powers.**

The Committee noted Report 1320/2010 which set out the details of the decisions taken by the Executive Head Community Safety in relation to the Licensing Act 2003 applications, using their delegated powers. Members were informed that the Licensing Policy required the decisions made under delegated powers to be reported to the Committee on a regular basis.

## APPENDIX 1 (Continued)

### 44. **Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers.**

Members noted Report 131/2010 which set the decisions taken in relation to the Gambling Act 2005, taken by the Executive Head Community Safety in relation to the Gambling Act 2005 applications, using their delegated powers.

### 45. **Establishment of Licensing Sub-Committee.**

The Committee considered Report 135/2010 in relation to the establishment of a Licensing Sub-Committee which would be able to deal with all matters in connection with licensing applications. It was noted that the Licensing Act 2003 provided for the establishment of one or more sub-committees (Section 9(1)), consisting of 3 members of the Licensing Committee.

**Resolved:** (i) that a sub-committee of the Licensing Committee be established to comprise of three Members of the Licensing Committee;

(ii) that the terms of reference of the sub-committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);

(iii) that the Licensing Sub-Committee be exempt from the rules of Committee proportionality, as defined in the Local Government and Housing Act 1989 and supporting regulations; and

(iv) that the Democratic Services Manager be authorised to empanel members of the Licensing Committee to serve on the Licensing Sub-Committee as and when required.

Chairman

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