



Wednesday, 18 March 2015

## **LICENSING SUB-COMMITTEE**

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 26 March 2015**

commencing at **1.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Addis

Councillor Bent

Councillor Stocks

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**Working for a healthy, prosperous and happy Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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**01803 207026**

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# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 5)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 12 March 2015.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Exclusion of the Press and Public**  
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
7. **Taxi Driver Report** (Pages 6 - 13)  
To consider a report on a Taxi Driver.



## Minutes of the Licensing Sub-Committee

12 March 2015

-: Present :-

Councillors Addis, Brooksbank and Doggett

**37. Election of Chairman/woman**

Councillor Addis was elected as Chairman for the meeting.

**38. Minutes**

The Minutes of the meeting of the Sub-Committee held on 5 February 2015 were confirmed as a correct record and signed by the Chairman.

**39. An application for a Premises Licence in respect of Rutland Hotel, Daddyhole Road, Torquay TQ1 2ED**

Members considered an application for a Premises Licence in respect of Rutland Hotel, Daddyhole Road, Torquay TQ1 2ED.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	11 February 2015
Interested Parties	6 Representations in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	Various Dates

Members noted there had been no additional Representations received from any other Responsible Authority or any other Interested Party.

The Designated Premises Supervisor was unable to attend the Committee but the Manager, who had also returned his notice to speak, was content for the Committee to continue.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their Representation, as set out in the submitted documents and responded to Members questions and outlined proposed conditions.
Interested Parties	The Interested Parties outlined their Representations, as set out in the submitted documents and responded to Members questions.

Additional Information:

The Senior Licensing Officer advised Members that although this was an application for a New Premises Licence, the Rutland Hotel had previously held a Premise Licence, but it had lapsed as one of the Premise Licence Holders had passed away.

The Manager advised Members that he lived fulltime at the premises and intended to become the Designated Premises Supervisor in the near future.

The Senior Licensing Officer also advised Members that there was an email from the Hotel Manger to the Public Protection Officer, where it stated that the proposed conditions, as per the submitted report, had been agreed to.

Decision:

That the application for a Premises Licence in respect of Rutland Hotel, Daddyhole Road, Torquay TQ1 2ED be granted as applied for, subject to the following conditions proposed by Public Protection and agreed by the applicant, with minor amendments, as follows;

- a. All doors and windows must be kept closed during regulated music and performances of live entertainment or similar.
- b. A written noise management scheme must be implemented to the satisfaction of the Local Authority within one month of the granting of this application.
- c. Noise from licensable entertainment shall not be distinguishable above ambient noise 10 meters or more from the premises. This shall be assessed from the street. However, should a complaint from a resident in the area be made steps shall be taken to ensure that noise breakout is reduced to a level agreed with the Local Authority and the residents.
- d. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
- e. The placing of refuse, such as bottles into receptacles outside the premises shall not take place before 08.00hrs or after 22:00hrs.

and, the following two additional conditions:

1. An air-conditioning unit to regulate the temperature shall be fitted before any live or amplified music is permitted at the premises.
2. The Designated Premises Supervisor, or a senior member of staff, shall be available to be contacted at all times that licensable entertainment is in progress to respond appropriately to any complaints.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the licence as decided, having been satisfied that the imposition of the agreed, proposed, amended and additional conditions would seek to promote the Licensing Objectives and alleviate the concerns raised by the Responsible Authority and the Interested Parties.

Members were reassured by the Applicant's oral representation and his continued commitment to run the business in a way that was considerate of nearby residents. In addition, Members noted the positive comments made by the Public Protection Officer in respect of the Manager's response to his concerns and that his department had no recorded complaints regarding this premise, despite the premise having had a premises licence for a number of years.

Members had careful regard to the complaints raised by the Interested Parties in both their written and oral representations but resolved that there was no evidence to attribute any of these complaints directly to the premises.

In concluding, Members noted that should unanticipated issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

**40. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Waterside Holiday Park, Dartmouth Road, Paignton TQ4 6NS**

Members considered an application for a Variation to a Premises Licence in respect of Waterside Holiday Park, Dartmouth Road, Paignton TQ4 6NS.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm.'	25 February 2015

Members noted there had been no additional Representations received from any other Responsible Authority or any other Interested Party.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
The Police	The Police outlined their Representation, as set out in the submitted documents and responded to Members questions and advised of proposed conditions.

Additional Information:

The Senior Licensing Officer sought clarification from the applicant as to whether sales of alcohol from the shop would be for both on-sales and off-sales, as per the submitted application, and confirmation of the opening times for the shop if it was based within the main reception building and restricted by those times as the application was for 8am to 1 am as per the submitted report.

The applicant advised that the shop would be for off-sales only and that the hours agreed, should be from 8am to 10pm daily.

Decision:

That the application for a Variation to a Premises Licence in respect of Waterside Holiday Park, Dartmouth Road, Paignton TQ4 6NS be granted as applied for, subject to the conditions put forward by the Police and agreed by the Applicant with the following amendments:

1. Condition 1 under the heading 'The Prevention of Crime and Disorder' shall now read, 'On every occasion that the premises extends its hours of operation for sales of alcohol after midnight and closure to the public after 00.30hrs, from 9.00pm of that operational day, all drinks shall be served in toughened or strengthened glasses and no drinks shall be served in glass bottles from which it is intended or likely that a person shall drink, except where sales of alcohol take place at the shop for consumption off the premises'.
2. Condition 1 under the heading 'Protection of Children from Harm' shall now read, ' Children shall not be permitted in any area used for the sale and supply of intoxicating liquor unless accompanied by a responsible adult, excluding the shop.

and, the following additional condition:

Sale of alcohol shall only be permitted at the shop from 8am until 10pm.

Reason for Decision:

Having carefully considered the written and oral representations, Members resolved to grant the licence as decided; having been satisfied that the imposition of the proposed, amended and additional condition would seek to promote the Licensing Objectives and alleviate the concerns raised by the Police.

Members noted that this premise has held a premises licence for some time without any cause for concern and that this application was in large being made to include the addition of a new shop to the site, where the Applicant wished to sell alcohol.

In concluding, Members noted the positive comment of the Police Licensing Officer in that the premise had on site a responsible Designated Premises Supervisor and therefore anticipated no concerns in granting the licence in the manner in which they had.

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Chairman/woman

# Agenda Item 7

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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