

Minutes of the Licensing Sub-Committee

24 March 2022

-: Present :-

Councillors Ellery, Barbara Lewis and Barnby

40. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

41. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Barnby instead of Councillor Mills.

42. Jackz Bar, Parkham Road, Brixham

Members considered a report on an application for a Review of a Premises Licence in respect of Jackz Bar, Parkham Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Police	Application and supporting information for a Review Hearing.	1 February 2022
Public Protection Officer	Representation in support of the application for Review.	2 March 2022
Devon and Somerset Fire and Rescue Authority Business Safety Officer	Representation in support of the application for Review.	4 February 2022
Member of the Public	Representation in support of the application for Review.	24 February 2022
Police	Additional information in support of the application for Review.	4 March 2022

Additional Information:

Name	Details	Date of Representation
Police	Additional information in support of the application for Review.	4 March 2022

Following a request from the Police, the Chairman agreed to extend the normal time allowed for oral representations from 10 minutes to 20 minutes for all interested parties.

At the Hearing, Council's Legal Officer advised that the Respondent's representative had requested additional evidence comprising of statements from a builder, Mr Hennessey and Mr Ralph, a photographer and photos of work carried out on the Premises be circulated and considered by Members. All parties were given the chance to make representations on whether the additional information should be circulated and considered at the hearing or if the hearing should be adjourned to enable more time for everyone to read and consider the additional information and if such action was in the public's interest.

Decision:

That the Premises Licence be suspended until 1 April 2022 and that this matter shall be deferred to 11.00 am on 31 March 2022 to enable all parties to consider the additional information.

Reasons for Decision

Having carefully considered all the oral Representations, Members resolved unanimously to adjourn the hearing, to enable the Responsible Authorities time to fully consider the additional papers. On the evidence before them, noting the concerns of the Responsible Authorities and the unsafe state of the premises, Members unanimously resolved to suspend the Premises Licence in the intervening period. Notwithstanding assurances given by the Premises instructed Counsel that the premises would remain shut.

In coming to that decision, Members were concerned to learn that the Premises Licence Holder had requested through his appointed Counsel, that additional papers be circulated on the morning of the hearing, having been satisfied on the evidence before them, that the Premises Licence Holder was in a position to have provided a more timely response, and whilst it may have been his preference to leave it to the experts, this in Members opinion, caused unnecessary delay and was a delegation of his duty. In forming that opinion, Members noted the Premises Licence Holder is an employee of Mr Hennessey since January 2022 and would have been aware of this Review and the concerns raised therein.

In concluding, Members determined in the adjourning period, that no further papers shall be accepted by the Licensing Authority.

Chairman/woman