



## **Minutes of the Licensing Committee**

**17 March 2011**

**-: Present :-**

Councillor Addis (Chairman)

Councillors Manning (Vice-Chair), Amil, Doggett, Excell, Hytche, Mills, Parrott Pentney

### **606. Apologies**

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

### **607. Minutes**

The Minutes of the meeting of the Licensing Committee held on 27 January 2011 was confirmed as a correct record and signed by the Chairman.

### **608. Statement of Licensing Policy for Sex Establishments**

Members considered Report 64/2011 which sought agreement of the Statement of Licensing Policy for Sex Establishments. The Environmental Health Manager (Commercial) advised the Committee that the powers found within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 came into force on 7 January 2011, 28 days after the publication of the first two public notices.

He advised that the draft policy covered several key points that were an important part of the delivery of the licensing regime such as the numerical limit of premises. In total nine representations were received and set out in Appendix 2 to Report 64/2011.

#### **Resolved:**

That the Statement of Licensing Policy for Sex Establishments be agreed.

### **609. Street Trading Re-designations**

The Committee considered Report 67/2011 regarding a request from the Town Centres Company and Brixham Town Council to change the designations of streets and car parks within the three town centre areas of Torbay and within St. Marychurch from Prohibited to Restricted Consent Areas.

## Licensing Committee

Thursday, 17 March 2011

The Environmental Health Manager (Commercial) advised the Committee that the required Public Notice was placed in the local paper on the 3 February 2011, the Committee noted that no representations had been received.

### Resolved:

- i) that the street trading designation for those streets included in Appendix 1 to Report 67/2011 be re-designated from Part A of the Street Trading Schedule (Prohibited Streets) to a Part B (Consent Street – Council permission required to occupy the land); and
- ii) the draft Street Trading Policy be approved.

### 610. Bay News, 76 Belgrave Road, Torquay

Members considered an application for a Variation to a Premises Licence in respect of Bay News, 76 Belgrave Road, Torquay as set out in Report 65/2011.

### Cumulative Impact Zone:

The Premises do not fall within the Cumulative Impact Area.

### Written representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' as set out in Appendix 2 to Report 65/2011.	Date not available.

### Additional information:

Members were advised that the Member of the Public who had written a representation of objection had returned their notice and advised that they would not be attending the Hearing.

### Oral representations received from:

Name	Details
Applicant	The Applicant outlined the application for a Variation to a Premises Licence as set out in Appendix 1b to Report 65/2011 and responded to Members questions.

## Licensing Committee

Thursday, 17 March 2011

### Decision:

That the application for a Variation to a Premises Licence in respect of Bay News, 76 Belgrave Road, Torquay be granted as submitted.

### Reason for Decision:

Members carefully considered all the written and oral representations put before the Licensing Committee by the Applicant and the Interested Party. Members noted that none of the Responsible Authorities had made any representation to the effect that to grant this application would undermine any of the four Licensing Objectives.

Members noted the main thrust of the single representation to be that by increasing the licensing hours of these premises the alcohol related problems in the surrounding area would be added to. Members found that there was no evidence for them to determine that such problems would be added to if the application was granted nor that any such existing problems could be attributed to these premises.

The Licensing Committee therefore found there was no basis for saying that to grant this application would undermine any of the Licensing Objectives.

### 611. Application for a Personal Licence

Members considered an application for a Personal Licence as set out in exempt Report 66/2011.

#### Written representations received from:

Name	Details	Date of Representation
Police	Objection Notice, objecting to the application for a Personal Licence on the ground of the 'Crime Prevention' Objective, as set out in Appendix 3 to exempt Report 66/2011.	8 February 2011

#### Additional information:

Members were advised 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, or had any further correspondence with the Licensing Department. Members agreed that the Hearing should proceed in the absence of the Applicant.

## Licensing Committee

Thursday, 17 March 2011

The Licensing Officer, circulated at the meeting, a document titled 'Disclosure Scotland', dated 2 February 2011.

### Oral representations received from:

Name	Details
Police	The Police Representative outlined their objection to the application for a Personal Licence on the ground of the 'Crime Prevention' Objective.

### Decision:

Having carefully considered all the written and oral representations, Members believed that, having regard to the Objection Notice, the application should be rejected as this was necessary for the promotion of the Crime Prevention Objective.

### Reason for Decision:

Members were not satisfied that the circumstances in this case were exceptional or compelling to justify granting the application, as in accordance with paragraph 4.9 of the Guidance issued under section 182 of the Licensing Act 2003.

**(Note:** Prior to consideration of the item in Minute 611 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)