



## Minutes of the Licensing Sub-Committee

24 January 2013

-: Present :-

Councillors Addis, Parrott and Bent

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### 31. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 32. Minutes

The Minutes of the meeting of the Licensing Sub-Committee held on 20 December 2012 were confirmed as a correct record and signed by the Chairman.

### 33. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton TQ4 5DS

Members considered a report on an application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation suggesting additional conditions should the application for a Variation to a Premises Licence be granted.	19 December 2012
Applicants Solicitor	Representation proposing amendments to the additional conditions suggested by the Police.	20 December 2012
Torbay Safeguarding Children Board	Representation objecting to the application on the ground of 'The Protection of Children from Harm'. The Representation also suggests additional conditions should the application be granted.	21 December 2012

Oral Representations received from:

Name	Details
Applicants Solicitor	The Applicants Solicitor outlined the application and responded to Members questions.
Police	The Police Representative confirmed that they were satisfied with the amended conditions set out in the Representation from the Applicants Solicitor, dated 20 December 2012. The Police Representative also responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton be granted as applied for, subject to the inclusion of the conditions proposed and agreed by the Police and the Applicants Solicitor.

Reason for Decision:

Having carefully considered the Applicant and Police's written and oral Representations, Members resolved to grant the licence as applied for, subject to the agreed conditions which they believe would address the issue of concern in respect of consuming drinks within the designated smoking area.

In respect of the proposal put forward in the written Representation of Torbay Safeguarding Children Board, Members after careful consideration resolved that given the current licence does have conditions in place with regards to the Protection of Children from Harm and the fact that there is no evidence before them either orally or in writing to support such a modification of the licence, they could not be satisfied that to impose the proposed conditions were appropriate.

**34. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Tapas Bar, 11 -13 Abbey Road, Torquay TQ2 5HE**

Members considered a report on an application for a Variation to a Premises Licence in respect of Tapas Bar, 11-13 Abbey Road, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation suggesting additional conditions should the application for a Variation to a Premises Licence be granted.	5 December 2012

## Additional Information:

Members were informed that the Applicant had not returned their Notice, as in accordance with section 8(1)(a) and (2) of The Licensing Act 2003 (Hearings) Regulations 2005. Members' permission was sought and granted for the Applicant to proceed with the Application.

## Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Public Protection	The Senior Environmental Health Officer outlined the reasons for the suggested conditions, as set out in Appendix 3 to the submitted report, and responded to Members questions.

## Applicant's response to Representations:

The Applicant confirmed that he agreed with the proposed conditions set out in Appendix 3 to the submitted report.

## Decision:

That the application for a Variation to a Premises Licence in respect of Tapas Bar, 11-13 Abbey Road, Torquay be granted as applied for, subject to the inclusion of the conditions set in Appendix 3 to the submitted report with an amendment to the fifth condition which shall now read:

'Customers exhibiting noisy behaviour will be either asked to return inside or leave the *premises*'.

## Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence having been satisfied that the application will not add to public nuisance in light of the agreed conditions and therefore saw reason to depart from the Council's Licensing Policy, in respect of the premises being within the Cumulative Impact Area.

In addition, Members noted that the nature of the premises proposed by the Applicant was a considerable change to the previous operation and therefore anticipated that previous concerns would no longer exist.