



Minutes of the Licensing Committee

7 November 2013

-: Present :-

Councillor Addis (Chairman)

Councillors Amil, Bent, Brooksbank, Hytche, Doggett, Faulkner (A), Pentney (Vice-Chair), Stocks and Ellery

27. Apologies

Apologies for absence were received from Councillors Butt, James and Cowell.

28. Minutes

The Minutes of the meeting of the Licensing Committee held on 6 June 2013 were confirmed as a correct record and signed by the Chairman.

29. Wheelchair Accessible Vehicles

On the 31st January 2013 Licensing Committee agreed to amend the Hackney Carriage and Private Hire Licensing Policy to include an aspirational target of 5% of both fleets being wheelchair accessible.

The Environmental Health Manager advised Members that the aspirational figure had already been achieved.

Resolved:

- i) That this is reviewed after the next renewal period in April 2014 to ascertain if the current incentive agreed by Licensing Committee on the 31st January 2013 is continuing to increase the percentage of wheelchair accessible vehicles in the fleet. The incentive being to allow such licensed vehicles a life span of ten years, compared to eight years for all other vehicles.

30. Delegated Powers gambling

Members noted the report which sets out decisions made under delegated powers by the Executive Head, Community Safety in relation to Gambling Act 2005 applications.

Resolved:

Members instructed the Environmental Health Manager to write to lobby Government and Local Members of Parliament on behalf of Torbay Council

Licensing Committee setting out their concerns with regards to what they see as aggressive television advertising of on-line gambling.

31. Delegated Powers Licensing

Members noted the report which set out the decisions made under delegated powers by the Executive Head, Community Safety in relation to Licensing Act 2003 applications.

Members were informed of Torbay Council's response to the Governments Personal Licences consultation.

32. Street Collection Application

Members considered a report on a non-charitable street application that departs from Torbay Council's Street Collection Policy.

Members noted that the applicant had not attended to speak, but was aware that the Committee was taking place.

The Environmental Health Manager advised Members that by granting the application it could set a precedent for future applications by the same BID, other BID's or other non-charitable organisations which would undermine the position of the current agreed Policy.

Decision:

That the Street Collection Application in respect of Babbacombe Bay Business Improvement District, 2nd Floor, 5/6 Vaughan Parade, Torquay TQ2 5JQ, be refused.

Reason for Decision:

Having carefully considered all the information before them, Members could not be satisfied that the Applicant had shown in their submitted application an exceptional circumstance to deviate from the current agreed Policy.

In addition Members noted the absence of the Applicant, despite him being advised of when and where the hearing was to take place, and that such absence resulted in them being unable to establish, what if any, exceptional circumstances there may have been.

Being mindful that to grant an application in such circumstances could result in a precedent being set for future non-charitable organisations and how this would undermine the current agreed Policy, Members resolved unanimously to refuse the application.