



Minutes of the Licensing Sub-Committee

Thursday, 14 April 2011

-: Present :-

Councillors Doggett, Manning and Mills

672 Election of Chairman/woman

Councillor Manning was elected as Chairman for the meeting.

673 Minutes

The Minutes of the meeting of the Sub-Committee held on 10 February 2011 were confirmed as a correct record and signed by the Chairman.

674 Yacht, 18-19 Victoria Parade, Torquay

Members considered an application for a Premises Licence in respect of Yacht, 18-19 Victoria Parade, Torquay, as set out in Report 89/2011.

Cumulative Impact Zone:

The Premises do fall within the Cumulative Impact Area.

Written representations received from:

Name	Details	Date of Representation
Police	Representation suggesting five additional conditions to the Premises Licence, as set out in Appendix 2 to Report 89/2011.	23 February 2011
Public Protection	Representation raising concerns in respect of the Licensing Objective 'The Prevention of Public Nuisance'. The Representation also suggests two additional conditions to the Premises Licence, as set out in Appendix 3 to Report 89/2011.	15 March 2011

Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance', and 'Public Safety', as set out in Appendix 4 to Report 89/2011.	Not Known
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Additional information:

Prior to the Sub-Committee, the Applicant's Representative requested 20 minutes to present their application. The Sub-Committee agreed to this extension of time at the Hearing and informed the Police, Public Protection representatives and the Interested Party present that they too would be permitted 20 minutes when making their oral representations.

Oral representations received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application as set out in Report 89/2011; addressed the issues raised in the written representations and responded to Members questions.
Police	The Police Representative confirmed that the Police had no formal objection to the application but outlined the conditions they were recommending as necessary to ensure that the grant of such a licence would promote the Licensing Objectives. In addition the Police Representative advised that the first four conditions, as set out in Appendix 2 to report 89/2011 had been included in the operating schedule and therefore only the fifth condition was outstanding and needed to be included on the Premises Licence. The Police Representative also advised Members that the Applicant's tenant's had agreed to surrender the Premises Licence for Trents if the application for the Yacht was successful.
Public Protection	The Senior Environmental Health Officer outlined his representation and following negotiations confirmed the Applicant had agreed to the two additional conditions proposed by them.
Member of Public	A Member of the Public outlined their objection to the application and responded to Members questions.

Applicants response to representations:

The Applicant's Representative confirmed that the Applicant had agreed, prior to the Licensing Sub-Committee, to the additional conditions proposed by the Police and had now agreed the amended conditions proposed by Public Protection.

Decision:

That the application for the Yacht, 18-19 Victoria Parade, Torquay be granted as applied for, subject to the proposed and amended conditions put forward by the Police and Public Protection, and as agreed by the Applicant.

Reason for decision:

Having carefully considered all the written and oral representations, Members specifically noted the concern of the resident in respect of the Cumulative Impact Area Policy. However resolved that a departure from this policy was proportionate having had particular regard to the oral representation from the Police in that the granting of this licence would not add to problems of crime and disorder, given that the Applicant's tenant's have agreed to surrender their current Premises Licence namely Trents which is situated within the same area, albeit a smaller premises.

Members were also satisfied that the Applicant had demonstrated within their operating schedule that there would be no negative impact on one or more of the Licensing Objectives and in particular, the conditions to alleviate concerns of public nuisance.

Members additionally noted the nature of the business being proposed by the Applicant, in that it was based on both food and licensable activities and as such, would seek to also attract families.

Members were reassured that should issues arise as a result of this grant an immediate Review of this Licence would be sought by the Responsible Authorities.

675 Fiveways Store, 58-60 Westbourne Road, Torquay

Members considered an application for a Premises Licence in respect of Fiveways Store, 58-60 Westbourne Road, Torquay, as set out in Report 88/2011.

Written representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the Premises Licence on the grounds of 'The Prevention of Crime and Disorder', and 'The Prevention of Public Nuisance', as set out in	7 March 2011

	Appendix 2 to Report 88/2011.	
Member of the Public	Representation objecting to the Premises Licence on the ground of 'Public Safety', as set out in Appendix 2 to Report 88/2011.	Date Unknown
Member of the Public	Representation objecting to the Premises Licence on the ground of 'The Prevention of Crime and Disorder', as set out in Appendix 2 to Report 88/2011.	Date Unknown
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Crime and Disorder', as set out in Appendix 2 to Report 88/2011.	16 March 2011
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Protection of Children from Harm', as set out in Appendix 2 to Report 88/2011.	Date Unknown
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Crime and Disorder', as set out in Appendix 2 to Report 88/2011.	Date Unknown

Additional Information:

Members were advised that a Member of the Public who had written a representation of objection had returned their Notice but was not present at the Hearing. The Licensing Officer present confirmed that they had not had any further contact with the Member of the Public, as to why they would not be present. Members agreed that the Hearing should proceed in the absence of the Interested Party.

Oral representations received from:

Applicant's Representative	The Applicant's Representative outlined the application as set out in Appendix 1 to Report 88/2011.
Police	The Police Representative explained why the Police had not considered it necessary to object to the application.
Member of the Public	A Member of the Public outlined his objection to the application.

Decision:

That the application for Fiveways Store, 58-60 Westbourne Road, Torquay, be granted, as applied for.

Reason for decision:

Having carefully considered all the written and oral representations Members resolved that they could not be satisfied that the concerns raised by the Interested Parties could be attributable to these premises.

In addition Members noted that despite the concerns raised by the Interested Parties, there was an absence of any formal representation by the Police and that in their oral representation stated the Neighbourhood Beat Manager for the area had no concerns in respect of crime and disorder should this Premises Licence be granted.

In concluding Members were satisfied that the conditions proposed by the applicant would seek to promote the Licensing Objectives and as such should alleviate the concerns raised by the Interested Parties.

Chairman