



Minutes of the Licensing Committee

27 January 2011

-: Present :-

Councillors Addis, Baldrey, Doggett, Excell, Hytche, Parrott, Pentney, Scouler and Stocks

471. Apologies.

Apologies for absence were received from Councillors Amil, Horne, Manning and Thomas (J).

472. Committee Membership.

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Baldrey instead of Councillor Faulkner (A).

473. Minutes.

The Minutes of the meeting of the Committee held on 2 December 2010 were confirmed as a correct record and signed by the Chairman.

474. Street Trading Re-designations.

Members considered Report 7/2011 which set out 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. The Environmental Health Manager (Commercial) advised the Committee that the areas proposed for re-designation were within the existing or proposed Business Improvement Districts (BID) and sought changes from Prohibited to Restricted Consent Areas.

Resolved

That a public notice be placed in the paper to advise the public that Torbay Council intends to change the street trading designation for those streets in Appendix 2 to Report 7/2011, from Part A of the Street Trading Schedule (Prohibited Streets) to a Part B (Consent Street – Council permission required to trade from the land).

475. Pavement Café Permit Application.

The Committee considered the application for a Pavement Café Permit, full details of which are set out in Appendix 1 to these Minutes.

Chairman

**APPENDIX 1
to the Minutes of the Licensing Committee
held on 27 January 2011**

The Brixham Deli, 68a Fore Street, Brixham

Decision maker:

The Licensing Committee at its meeting held on 27 January 2011.

Details of application:

Application for a Pavement Café Permit, under the Highways Act 1980, for The Brixham Deli, 68a Fore Street, Brixham, as set out in Report 8/2011.

Written representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the Pavement Café Permit application in respect of The Brixham Deli, 68a Fore Street, Brixham as set out in Appendix 3 to Report 8/2011.	29 October 2010
Members of the Public (52 signatories)	Representation objecting to the Pavement Café Permit application as set out in Appendix 3 to Report 8/2011.	Date unknown
Police	Representation advising that the Police have no objections to the Pavement Café Permit application as set out in Appendix 3 to Report 8/2011.	1 November 2010
Brixham Town Council	Representation setting out the minutes of the meeting of Brixham Town Council's Planning Committee recommending refusal of the Pavement Café Permit application as set out in Appendix 3 to Report 8/2011.	22 November 2010

APPENDIX 1 continued...

Additional information:

The Anti Social Behaviour and Licensing Legal Advisor informed the Committee that the representation from Brixham Town Council dated 22 November 2010, was received after the deadline for receipt of representations and did not outline any issues or state any reasons for refusing the application and therefore Members should disregard the representation.

Oral representations received from:

Name	Details
Principal Engineer	The Principal Engineer advised the Committee that Highways Officers believed the application would not compromise road user safety. He further advised that the current street furniture would be re-sited at a cost to the applicant and advised that there had not been any recorded injury from accidents in the last five years in the vicinity of the Brixham Deli. The Principal Engineer also responded to Members questions.
Applicant	The Applicant outlined the application and responded to Members questions.

Applicant's response to representations:

With agreement from the Chairman, the Applicant circulated photographs showing the street scene outside the Brixham Deli, 68a Fore Street, Brixham.

Decision:

That the application for a Pavement Café Permit in respect of the Brixham Deli, 68a Fore Street, Brixham be granted in accordance with the plan set out at Appendix 1 to Report 8/2011.

Reason for decision:

Having carefully considered all the written and oral representations, the Committee noted the recommendation of approval as set out in Report 8/2011 by the Council's Highway's Department and the absence of an objection from the Police.

The Committee also noted the concerns raised in the representations however, resolved that following the recommendation of the Highway's Department these concerns would be alleviated.