



Minutes of the Licensing Sub-Committee

25 July 2019

-: Present :-

Councillors Doggett, Ellery and Foster

49. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

50. The Morley Guest House, 16 Bridge Road, Torquay

Members considered a report on an application for a Premises Licence in respect of The Morley Guest House, 16 Bridge Road, Torquay.

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' and 'The Prevention of Public Nuisance'. | 18 June 2019 |

Oral Representations received from:

| Name | Details |
|----------------------|--|
| Applicant | The Applicant presented their application for a Premises Licence and responded to questions. |
| Member of the Public | The Member of the Public outlined their representation and responded to Members questions. |

Decision:

That the application for a Premises Licence in respect of Morley Guest House, 16 Bridge Road, Torquay be granted, as applied for and subject to the following additional condition:

On receiving a complaint in respect of unreasonable disturbance from noise emanating from the premises outside area between 9 pm and 7 am, the Premises Licence Holder or a member of staff shall request that patron(s) responsible for causing the noise to either cease doing so or return inside the Premises.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the Premises Licence as they were satisfied on the evidence before them, that such a condition should alleviate the concerns of the Interest Party and would ensure that the Licensing Objectives are upheld.

Members noted that there were no representations from any of the Responsible Authorities and therefore drew inference that they did not have any concerns in respect of this application.

In concluding, Members further noted that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

51. The Curious Kitchen, 14-16 Middle Street, Brixham

Members considered a report on an application for a Premises Licence in respect of The Curious Kitchen, 14-16 Middle Street, Brixham.

Written Representations received from:

| Name | Details | Date of Representation |
|----------------------|--|------------------------|
| Member of the Public | Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'. | 25 June 2019 |

Oral Representations received from:

| Name | Details |
|----------------------|--|
| Applicant | The Applicant presented their application and responded to Members questions. |
| Member of the Public | A Member of the Public outlined their objection to the application and responded to Members questions. |

Decision:

That the application for a Premises Licence in respect of The Curious Kitchen, 14-16 Middle, Street, Brixham be granted as applied for, subject to the following amended condition:

That Condition 2 on page 37 of the report, under the heading 'The Prevention of Public Nuisance', shall be amended to read as follows:

Prominent, clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of nearby residents and to leave the premises and area quietly.

And; that the following additional condition shall be added to the Premises Licence:

That the sale of alcohol shall only be made to persons taking table meals and seated.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the Premises Licence as applied for subject to the amended and additional conditions, having been satisfied that such conditions, along with those contained within the operating schedule, should alleviate the concerns of the Interest Party and would uphold the Licensing Objectives.

Members noted that there were no representations from any of the Responsible Authorities and therefore drew inference that they did not have any concerns in respect of this application.

In concluding, Members further noted that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

52. Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence

Members considered a report that set out relevant facts relating to a holder of a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence. Members were requested to determine on the facts before them, whether or not the holder of the dual Hackney Carriage and Private Hire drivers licence remained a fit and proper person to hold such licence.

Members gave consideration to a request by the Respondent for oral representations be heard in private. Members concluded that the meeting should proceed in public having determined that the public interest in disclosing the information outweighed the public interest in maintaining exempt information.

The Respondent addressed Members and responded to questions.

Decision:

That Mr Marconi's Torbay Council Dual Hackney Carriage and Private Hire Drivers' Licence be suspended for a period of 3 months or until such time within that 3 months, that Mr Marconi successfully undertakes a driver awareness course and provides written evidence of completion of the course to the Licensing Authority.

Should Mr Marconi fail to successfully undertake a driver awareness course and provided written evidence of completion of the course to the Licensing Authority by

the 1st November 2019, Mr Marconi drivers' licence shall remain suspended until he has done so.

Reason for Decision:

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the drivers' licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to them to get into a vehicle with the Respondent alone. An unequivocal and unanimous answer by Members to this question was 'no'.

Whilst Mr Marconi appeared to display genuine remorse for the matters in which he appeared before them, however in light of the seriousness of offence and the aggravating factor in not reporting the conviction to the Licensing Authority, as required and which Mr Marconi should have been aware of, Members determined on the evidence before them that a suspension was an appropriate determination.

It is anticipated that undertaking the course successfully and familiarising himself with Torbay Council's Hackney Carriage and Private Hire Licensing Policy, Mr Marconi will become again a 'fit and proper person' to be a driver licensed by Torbay Council. However on the evidence before them when determining this decision, Members could not be satisfied that should Mr Marconi, when presented with similar circumstances, would not react in a similar manner to that resulting in the driving conviction he received in October 2018.

Members gave careful consideration to revoking Mr Marconi's drivers licence but in noting his 10 years excellent record as a driver licensed by Torbay Council, up until this incident, the mitigation put forward by him surrounding the incident which led to the conviction, and that he was not carrying out his duty as a licensed driver at the time of the incident, they determined that successfully undertaking a driver awareness course to highlight the significant dangers of his action and thereby assist him to reconsider driving when in an extremely emotional state would alleviate any further risks.

Chairman/woman