

Minutes of the Licensing Sub-Committee

17 August 2023

-: Present :-

Councillors Douglas-Dunbar, Barbara Lewis and Johns

6. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

7. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Johns instead of Councillor Tolchard.

8. Minutes

The Minutes of the meeting of the Sub-Committee held on 27 July 2023 were confirmed as a correct record and signed by the Chairwoman.

9. Barton Acorn Youth, Community and Sports Centre, Lummaton Cross, Barton, Torquay

Members considered a report on an application for a Premises Licence in respect of Barton Acorn Youth, Community and Sports Centre, Lummaton Cross, Barton, Torquay.

Written Representations were received from:

Name	Details	Date of Representation
Divisional Director of Safeguarding, Torbay Council Childrens Services	Representation objecting to the application for a Premises Licence on the ground of the protection of children from harm.	28 July 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the Application and responded to Member's questions.
Applicant's Representative	The Applicant's representative together with the Applicant responded to questions from Members.

Divisional Director of Safeguarding, Torbay Council Childrens Services	The Divisional Director of Safeguarding, Torbay Council Childrens Services outlined their representation and responded to Member's questions.
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Decision:

That the application for a Premises Licence in respect of Barton Acorn Youth, Community and Sports Centre, Lummaton Cross, Barton, Torquay be refused.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members resolved to unanimously refuse the application. Members considered the Applicant and the Chair of the Board of Trustees who attended the hearing to support the Applicant, to be naïve to the responsibility of holding a Premises Licence in the setting applied for, resultant in a broad application which in Members opinion, lacked the required detail and assurance, that the intended operation of the Premises Licence would uphold the Licensing Objective, 'The Protection of Children from Harm'.

In coming to their decision, Members noted that the Applicant and the Chair of the Board of Trustees in their oral submission, stated they were willing to learn and take advice from Children's Services. However, being granted a Premises Licence is of such a responsibility, that Members were of the unanimous opinion, any learning and advice should have been sought in advance of the application, taken on board, with a clear strategy of implementation which was reflective in the operating schedule, forming a critical part of the application to ensure the Protection of Children from Harm Licensing Objective was upheld. Especially where Members were advised by the Chair of the Board of Trustees, that the capacity of the Premises could hold around 900 persons. This re-enforced Members view that the Applicant did not understand the responsibilities of holding a Premises Licence in the setting applied for and gave them no assurance, should they have been mindful to grant the application, that children would not be harmed and that the Licensing Objective, The Protection of Children from Harm, would not be undermined.

Whilst Members noted that the Applicant, who was also the intended Designated Premises Supervisor, had previous experience as a bar manager, managing premises in Soho, London, these premises were frequented by adults only. This experience was evident, as it appeared to Members, very little consideration had been given to the wider harm children could and would be exposed to, where the application was to licence the whole of the premises, both indoors and outdoors, at times when it was possible that children and young people's activities were taking place and located in an area of high deprivation, vulnerability and predominantly residential.

Members recognised that the premises was a youth and community and sports centre, with activities for children and young people being one element of the centre's delivery but Members noted youth activity was a core element and this, presented a real risk of harm to those young people attending the Premises, with their being no separation within the application of licenced and unlicenced areas. Members noted the proposal of the Applicant and Chair of the Board of Trustees to control traffic flow throughout the premises, during licensable activities taking place, but Members were not satisfied that these were robust enough and had been given sufficient

consideration as to the practicalities of implementation, with children's safety as a primary concern.

Members noted that the Applicant was on the Board of Trustees, as a volunteer and whilst he said he would be present during events, he was employed elsewhere. Of concern, Members noted the absence of any detail as to the alternative arrangements, should he be absent through illness, holidays etc and the arrangement appeared to Members to be on a very ad hoc basis which filled them with no confidence that any of the Licensing Objectives would be promoted, or the proposed conditions understood or adhered to by other volunteers or employees, some of which would only be recruited through agency, to service events. Members also noted that the Applicant himself proposed to train other volunteers and staff, but no evidence was provided as to his qualification to deliver this training, or sight of a training manual which may have assured Members that children would have been protected from harm, given the Applicant's experience he referred to, being in an adult setting only.

Whilst Members understood the financial challenges in maintaining this and any other Premises, and that a Premises Licence may generate income to achieve this, this was not a factor which Members could consider in their determination. Members were however very concerned, that this appeared to be an apparent driver, as evident in the Applicant and Chair of Board of Trustees submissions, in wanting the flexibility to hold any event, hence the breadth of that applied for, with no relevant experience and contrary to any evidence of the considerations required, as set out in the Licensing Authority's Statement of Principles, and statutory guidance.

Members further noted the Chair of the Board of Trustees comparison submission in respect of other premises which permitted children to be present, but this sought to only compel Members determination of a refusal, rather than to grant, as it was without any submissions around control measures and further demonstrated a level of naivety of that required to operate such a premises in a responsible manner, which protected children from harm.

Inconsideration of the written and oral Representation put forward by the Divisional Director of Children's Services at Torbay Council, Members found this to be compelling, evidence based and highlighted further the naivety of the Applicant, the Chair of the Board of Trustees and the level of detail missing from the application to assure her and Members, that this application would keep children safe and promote the Licensing Objective, 'The Protection of Children from Harm'. Reference to harm was made not only in respect of children and young people attending the centre for specific activities but also those attending events where licensable activities would take place, and the potential exposure of harm this could present. Details of which had been overlooked by the Applicant.

In concluding, Members gave careful consideration as to whether there were conditions that they could impose, as an alternative to an outright refusal of the application. However, the breadth of the application, the lack of detail in the operating schedule to protect children from harm, the apparent naivety and absence of experience of the Applicant and the Chair of the Board of Trustees, and the compelling concerns put forward by the Divisional Director which were shared by Members unanimously, Members determined that this was too great for them to

overcome with conditions, and were hampered by the Applicants desire for flexibility, without recognising the need for control measures.

Chairman/woman
