



Wednesday, 2 October 2013

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 10 October 2013

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Addis
Councillor Brooksbank

Councillor Faulkner (A)

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 4)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 26 September 2013.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
7. **Suspension of Torbay Council Driver's Licence** (Pages 5 - 13)
To consider an exempt report on the suspension of a Torbay Council Driver's Licence which was deferred from 26 September 2013.



Minutes of the Licensing Sub-Committee

26 September 2013

-: Present :-

Councillors Addis, Brooksbank and Faulkner (A)

24. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

25. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Faulkner (A) instead of Councillor Stocks.

26. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 August 2013, 22 August 2013, 29 August 2013 and 12 September 2013 were confirmed as a correct record and signed by the Chairman.

27. Licensing Act 2003 – An application for a Club Premises Certificate for Torre Conservative Club, Ground Floor, Quay House, Lansdowne Lane, Torquay TQ2 5BS

Members considered an application for a Club Premises Certificate, in respect of Torre Conservative Club, Ground Floor, Quay House, Lansdowne Lane, Torquay TQ2 5BS.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation received in respect of the Licensing Objective 'The Prevention of Crime and Disorder.'	4 September 2013
Interested Parties	Four Representations received in respect of the Licensing Objective 'The Prevention of Public Nuisance.'	Various Dates

There were no other Representations from any other Responsible Authorities.

A further late Representation was considered by the Council's Senior Lawyer but was not circulated to Members, as it did not add any further information to which had already been submitted by the same Interest Party.

Google Map photos were circulated by the Senior Licensing Officer to assist Members in relation to the proximity of the Interested Parties properties and that of the proposed premises.

Oral Representation received from:

Name	Details
The Applicant and Architect	The Applicant and their Architect outlined their application, as set out in the report and responded to Members questions.
Interested Parties	The Interested Parties outlined their Representations, as set out in the report and responded to Members questions.

The Applicant advised Members that the Condition proposed by the Police was accepted.

Other Information:

In light of submissions made by the Applicant and the concerns raised by Members, due to the issues raised by the Interested Parties in their Representations, the Council's Senior Lawyer drew to the Applicant's attention page 24 of the Council's Licensing Policy, namely 4.4; which states '**Impose**, where appropriate, stricter conditions, limited hours and in some circumstances refuse types of regulated entertainment at Premises in close proximity to residential premises'.

Upon advice from the Council's Senior Lawyer, being mindful that the Applicant had no Legal Representation, the Chairman agreed to adjourn for ten minutes to enable the Applicant's Architect to draft the Applicant's proposed sound-proofing solutions, as the Committee needed to be satisfied that the Licensing Objectives were met.

The Applicant's Architect circulated drawings of the proposed sound-proofing and responded to question from Members and Interested Parties.

Decision:

That the application for a Club Premises Certificate in respect of Torre Conservative Club, Ground Floor, Quay House, Landsdowne Lane, Torquay TQ2 5BS be granted as applied for, subject to the following conditions;

The Condition proposed by the Police and agreed by the Applicant and that no regulated entertainment shall be permitted until the proposed sound-proofing work, as circulated by the Applicant at the hearing, are completed.

No windows shall be opened during regulated entertainment and all external doors shall be self-closing.

Regulated entertainment shall only be permitted in the function room and no regulated entertainment shall be permitted after 11pm Sunday to Thursday inclusive.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Certificate subject to the additional conditions, having been satisfied that the proposed works put forward by the Applicant in respect of sound-proofing should seek to promote the Licensing Objective, namely 'The Prevention of Public Nuisance.'

In doing so, Members were mindful of the Council's Licensing Policy in respect of regulated entertainment at premises in close proximity to residential premises.

Members noted that there was no Representation from Environmental Protection, but due to discussions that took place at the hearing, Members felt that the additional conditions were appropriate.

In addition, Members noted the concerns raised by the Interested Parties and were satisfied that these would be addressed by the additional conditions.

Should issues arise as a result of this grant, Members would welcome a Review of this Club Premises Certificate.

28. Exclusion of the Press and Public

Prior to consideration of the item in Minute 29 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

29. Suspension of Torbay Council Driver's Licence

The Sub-Committee considered an Exempt Report on the suspension of a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence. The Sub-Committee also considered a letter from the Police, as set out in Appendix 1 to the Exempt Report and a letter from the Senior Licensing Officer, as set out in Appendix 2 to the Exempt Report.

The Council's Senior Lawyer advised Members on the seriousness of the allegations for which the driver had been charged and the level of satisfaction they would require before making such a decision on the recommendation of the report and that proposed by an Officer of Devon and Cornwall Constabulary.

It was advised that in the interest of justice, this could not be determined on the limited information contained in the report and in the absence of the driver himself and/or a representative of the Police to answer Members questions.

The Senior Licensing Officer advised Members that the driver had voluntarily surrendered his Driver's Licence on the 16 September 2013.

Decision:

Having carefully considered the written Representation and non-attendance of the driver or any representative from Devon and Cornwall Constabulary, Members resolved to defer the matter until the 10 October 2013 at 9.30am, where it is hoped that the driver and a representative from Devon and Cornwall Constabulary would attend to answer Members questions.

This decision was taken to ensure that the interest of justice was upheld for all parties concerned.

In the interest of public safety, due to the seriousness of the allegations charged and in the absence of any evidence to the contrary at this stage, Members further resolved that the Driver's Licence be suspended, as in accordance with section 61 (1)(b) of the Local Government (Miscellaneous) Provisions Act 1976, until Friday 11 October 2013 and that this suspension shall have immediate, as in accordance with section 61(2B) of the Local Government (Miscellaneous) Provisions Act 1976, for the reason stated in the decision.

Chairman

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