



Minutes of the Licensing Sub-Committee

11 September 2014

-: Present :-

Councillors Addis, Pentney and Brooksbank

11. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

12. Minutes

The Minutes of the meeting of the Sub-Committee held on 14 August 2014 were confirmed as a correct record and signed by the Chairman.

13. Licensing Act 2003 - An application for a Premises Licence in respect of Pelican Cafe, 61 Roundham Road, Paignton TQ4 6DS

Members considered a report on an application for a Premises Licence in respect of Pelican Cafe, 61 Roundham Road, Paignton TQ4 6DS.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder' and proposed conditions.	13 August 2014
Interested Party	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance.'	18 August 2014

Members noted that there had been no additional Representations received from any other Responsible Authority or Interested Party.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Police	The Police outlined their objection, as set out in the submitted documents, outlined proposed conditions and responded to Members questions.

Members were advised by the Senior Licensing Officer that she had spoken with the Interested Party who had made the Representation and they had informed her that they would not be able to attend. Members agreed it was in the public interest to continue with the meeting.

Additional Information

Members noted that the Police had proposed five conditions, as per Appendix 4 of the submitted report, and confirmed that these conditions had been agreed by the Applicant.

Decision:

That the application for a Premises Licence in respect of Pelican Cafe, 61 Roundham Road, Paignton TQ4 6DS be granted as applied for, subject to the 5 conditions proposed by the Police and agreed by the Applicant being added and that the outside area of the premises shall cease to be used at 11pm.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence as decided, having been satisfied that the imposition of the proposed and additional conditions would alleviate the concerns of the Interested Party and the Police and promote the Licensing Objectives.

14. Conviction of Torbay Council Licensed Driver of Fraud

Members considered a report concerning a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence.

Decision:

Members resolved to issue Mr Dawe-Smith with a warning in respect of the conviction and failure to notify the Local Authority of this conviction.

Reason for Decision:

Having carefully considered all the written and oral representations, Members are satisfied on the evidence before them that Mr Dawe-Smith does not pose a risk to Public Safety.

Whilst Members had regard to the seriousness of the offence and that contained within the Council's Policy, Members noted that Mr Dawe-Smith had been a driver licensed by Torbay Council for twelve and a half years and during that time, there were no issues of concern. This coupled by the absence of any risk, Members resolved that in keeping his licence, this will allow Mr Dawe-Smith to continue to make reparations to the public purse.

15. Taxi Driver Report

Members were advised by the Senior Licensing Officer that the Taxi Driver had surrendered the Torbay Council Taxi Driver's Licence and Badge on the 8 September 2014, therefore it was no longer necessary for the Sub-Committee to consider this matter.

The Chairman noted the Senior Licensing Officers submission and agreed that this was a matter which did not require any further consideration.

Chairman/woman