

Minutes of the Licensing Committee

14 September 2023

-: Present :-

Councillor Barbara Lewis (Chairwoman)

Councillors Mandy Darling, Hutchings, Johns, Joyce, Pentney, Jacqueline Thomas, Tolchard, Virdee and Chris Lewis

1. Apologies

An apology for absence was received from Councillor Douglas-Dunbar.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Chris Lewis instead of Councillor Stevens.

2. Minutes

The Minutes of the meeting of the Licensing Committee held on 15 May 2022 were confirmed as a correct record and signed by the Chairwoman.

3. Vaping Report for Torbay Council

Members considered a report that was prepared in response to a Notice of Motion that was submitted to Council on 7 March 2023, requesting the Licensing Committee to consider a report detailing enforcement activity and strategy within Torbay related to the illegal sale of vaping products to children and exploring opportunities for engagement with local schools to inform young people of the potential dangers of vaping.

Members noted the activities being undertaken by Trading Standards in relation to enforcement and Public Health with regards to educating children and young people on the potential harm of vaping. Members further noted the anecdotal evidence of organised crime and illegal activity regarding the supply of vapes.

Members recognised that powers of enforcement were limited within the existing legislation and that at present activities focused on disruption of supply until new legislation regarding advertising and enforcement was introduced.

Resolved:

That, as set out in the Notice of Motion considered by Council on 7 March 2023, the Chief Executive write to Stephen Barclay MP, Secretary of State for Health and Social

Care, to express the Council's demand for the greater regulation of vaping products including:

- Vaping products being in plain packaging and kept out of sight behind the counter;
- Mandatory age-of-sale signage on vaping products (this is currently voluntary); and
- A ban on free samples of vaping products being given out to people of any age.

4. Licensing Act 2003 - Draft Cumulative Impact Assessment 2024 - 2027

Members considered a report on the Draft Cumulative Impact Assessment 2024-2027, a consultation on which had been launched by the Cabinet in August 2023.

The Regulatory Service Manager (Commercial) explained that a Licensing Authority may publish a Cumulative Impact Assessment, stating that the Licensing Authority considers that the number of premises licences and club premises certificates in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in particular areas. A cumulative impact assessment must set out the evidence for the authority's opinion. Members were advised that there were currently two designated cumulative impact areas in Torquay, namely The Strand and Castle Circus.

Members were advised that it was proposed that the Cumulative Impact Assessment continue to cover the above areas given the evidence provided by the Police as to why the two areas should remain.

Resolved:

That Cabinet be recommended to approve the Cumulative Impact Assessment 2024-2027.

Chairman/woman