

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON WEDNESDAY 24 AUGUST 2011**

Present: Councillors Cuthbert, Gilbert and Squire
T Johnson, Solicitor, SHDC
D White, Member Support Services Manager, SHDC
N Wopling, Licensing Officer, SHDC

LSC.04/11 **APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr Squire be appointed Chairman for the duration of the meeting.

LSC.05/11 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

LSC.06/11 **TO DETERMINE AN APPLICATION FOR THE VARIATION OF THE
PREMISES LICENCE AT NO. EIGHT, 8 FOSS STREET,
DARTMOUTH TQ6 9DW**

1. Update from the Solicitor

The Solicitor updated the Sub-Committee that he still had not been given adequate assurances from the Police Authority in relation to the necessary delegated authority being in place for valid representations to be made by other officers on behalf of the Superintendent.

However, in this particular instance, since the amendments had already been agreed, the Solicitor was satisfied that this application could be determined at this meeting by the Sub-Committee. Nonetheless, the Sub-Committee did acknowledge these comments and equally wished to put on record its request for assurances to be received from the Police Authority in this regard.

2. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and advised that appendix C to the presented agenda report outlined the amendments that had been agreed following the aforementioned initial representations made by the Police Authority.

Since these amendments had been agreed by all parties, it had therefore been deemed that a formal hearing would not be necessary.

3. Committee's Deliberations

The Sub-Committee discussed the application between themselves and particular reference was made to:-

- (a) confirmation that outside alcohol would only be served at a table and by a waiter/waitress;
- (b) the Chairman having received correspondence from two of the four Dartmouth local Ward Members outlining that they had no objections to these proposals.

4. The Decision

The Chairman then proceeded to announce the decision as follows:

"We have considered the application for a variation to the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the four licensing objectives.

Following representation and the agreement reached between parties, we now note all parties consider a hearing unnecessary. We agree.

It is our decision therefore to grant this application subject to the agreed amendments being incorporated into the operating schedule."

LSC.07/11 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT ROYAL AVENUE GARDENS, DARTMOUTH

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and advised that appendix C to the presented agenda report outlined the amendments that had been agreed following initial representations made by local residents. Since these amendments had been agreed by all parties, it had therefore been deemed that a formal hearing would not be necessary.

2. Committee's Deliberations

The Sub-Committee discussed the application between themselves. In discussion, reference was made to the unusual nature of this application whereby the Council was both the applicant and the determining authority. For clarity, the Solicitor confirmed that he had found no case law in this regard. However, in this particular instance he was content to advise that since the amendments had been agreed by all parties, the Sub-Committee could proceed to determine this application.

The Chairman then announced the decision of the Sub-Committee.

3. The Decision

The Chairman announced the decision as follows:

“We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the four licensing objectives.

Following representation and the agreement reached between parties, we now note all parties consider a hearing unnecessary. We agree.

It is our decision therefore to grant this application subject to the agreed amendments being incorporated into the operating schedule.”

Chairman