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SOUTH HAMS LICENSING COMMITTEE - THURSDAY, 7TH JUNE, 2012

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 2)

2. **Reports**

Reports to Licensing:

- a) Item 6 - Exempt - To determine whether an applicant for a Hackney Carriage Drivers Licence is a 'Fit and proper' person to hold such a licence (Pages 3 - 10)
- b) Item 7 - Exempt -To determine whether an applicant for a Hackney Carriage Drivers Licence is a 'Fit and proper' person to hold such a licence (Pages 11 - 16)
- c) Item 10 - 10. Summary of new/variation of premises licences issued between 4 April 2011 and 30 March 2012 plus licences issued under the Miscellaneous provisions Act 1982 plus other miscellaneous licences (Pages 17 - 22)

3. **Minutes** (Pages 23 - 26)

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Agenda Item 1

Please reply to: Darryl White
Service: Corporate Services
Direct Telephone: 01803 861247 Direct Fax: 01803 866669
E-Mail: darryl.white@southhams.gov.uk

To: Chairman & Members of the Licensing Committee
(Cllrs Baverstock, Blackler, Carson, Carter, B Cooper,
Cuthbert, Gilbert, May, Pannell, Saltern, Squire and Wright).

Our Ref: CS/DW

cc: Usual officer and press circulation

28 May 2012

Dear Councillor

A meeting of the **Licensing Committee** will be held in the **Cary Room**, Follaton House, Plymouth Road, Totnes on **Thursday, 7 June 2012** at **2.00pm** when your attendance is requested.

Yours sincerely

Darryl White
Democratic Services Manager

**FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT DARRYL WHITE
DEMOCRATIC SERVICES MANAGER ON DIRECT LINE 01803 861247**

A G E N D A

1. **Minutes** - to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 17 February 2011 (pages 1 to 2) and of the meetings of the Licensing Sub-Committee held during the period 16 May 2011 to 3 May 2012 (pages 3 to 32);
2. **Urgent Business** - brought forward at the discretion of the Chairman;
3. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
4. **Declarations of Interest** - Members are invited to declare any personal or prejudicial interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting;

5. **Exclusion of the Public and Press**

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”;

6. **To determine whether an applicant for a Hackney Carriage Drivers Licence is a ‘Fit and proper’ person to hold such a licence** – to consider an exempt report which seeks to determine whether an applicant is a ‘fit and proper’ person to hold a Hackney Carriage Drivers Licence with this Authority, in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (pages 33 to 46);
7. **To determine whether an applicant for a Hackney Carriage Drivers Licence is a ‘Fit and proper’ person to hold such a licence** – to consider an exempt report which seeks to determine whether an applicant is a ‘fit and proper’ person to hold a Hackney Carriage Drivers Licence with this Authority, in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (pages 47 to 55);

8. **Re-admittance of the Public and Press**

9. **Statement of Principles Under the Gambling Act 2005 for 2013 to 2016** – Members are advised that we need to renew the Statement of Principles under the Gambling Act 2005 for 2013 to 2016. As a consequence, Members are asked to agree that officers report back to the Committee later this year to consider any submissions received during the consultation exercise.

(NOTE: The weblink for the current Statement of Principles (Jan 2010-Jan 2013) can be accessed via:

http://www.southhams.gov.uk/shdc_colour_statement_of_principles_final_2010_to_2013_app.pdf)

10. **Summary of new/variation of premises licences issued between 4 April 2011 and 30 March 2012 plus licences issued under the Miscellaneous provisions Act 1982 plus other miscellaneous licences** – to consider the list of licences issued between 4 April 2011 and 30 March 2012 and allow Members to make any comments (pages 56 to 60).

Members of the public may wish to note that the Council's meeting rooms are accessible by wheelchairs and have a loop induction hearing system

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER
THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER**

If you or someone you know would like this publication in a different format, such as large print or a language other than English, please call Darryl White on 01803 861247 or by email at: darryl.white@southhams.gov.uk

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Summary of New / Variation of premises licences and club premises certificates issued between 1st April 2011 to 31st March 2012

Licensing Act 2003 / Gambling Act 2005

Date received	Name of premises	Type of application	Outcome
04.04.11	Dartington Hall, Dartington	Minor variation	Granted by officer
06.04.11	Holliss Filling Station, Townstal, Dartmouth	Minor variation	Granted by officer
18.04.11	Avon Mill Garden Centre, Avonwick	Variation	Withdrawn
26.04.11	Vintage Tea, Totnes	New	Granted by officer
05.05.11	Hollowcombe Farm, Ermington	New	Granted by officer
09.05.11	Ivybridge Constitutional Club	Minor variation	Granted by officer
09.05.11	Saveurs, Dartmouth	Minor variation	Granted by officer
16.05.11	Hexagon & Gym, Dartington Hall, Dartington	New	Granted by officer
17.05.11	Avon Mill Garden Centre, Avonwick	Variation	Granted by officer
20.05.11	Coast Nightclub, Kingsbridge	Minor variation	Granted by officer
23.05.11	Dartington Village Hall	New	Granted by officer
23.05.11	Woolwell Centre, Woolwell	New	Mediated – approved by sub-committee
06.06.11	Cliff House, Salcombe	New	Granted by officer
09.06.11	Winking Prawn, North Sands	Minor variation	Granted by officer
20.06.11	Birssy's Bar, Dartmouth	Variation	Granted by officer

28.06.11	Somerfield, Ivybridge	Minor variation	Granted by officer
05.07.11	No.8, Dartmouth	Variation	Mediated – approved by sub-committee
06.07.11	Royal Avenue Gardens, Dartmouth	New	Mediated – approved by sub-committee
07.07.11	Kingsbridge Inn, Totnes	Minor variation	Granted by officer
25.07.11	Filham Park (IvyLive Festival), Ivybridge	Variation	Granted by officer
07.09.11	King William IV Hotel, Totnes	Minor variation	Granted by officer
17.10.11	Shell Carew, A38 South Brent	New	Adjourned twice at hearings. Withdrawn.
18.10.11	Dartmouth Yacht Club, Dartmouth	New	Mediated – approved by sub-committee
21.10.11	Totnes FM Studio Lounge, Totnes	New	Granted by officer
21.10.11	South Milton Beach Café, South Milton	New	Withdrawn
10.11.11	Newnham Park (Volksfest), Plympton	Minor variation	Granted by officer
16.11.11	Hideaway Speakeasy, Kingsbridge	New	Full hearing – granted with amendments by sub-committee
18.11.11	Kingsbridge Inn, Totnes	Minor variation	Not granted – representation from E Health.
09.12.11	Kerswell Farmhouse, Cornworthy	New	Granted by officer
23.01.12	River Shack, Stoke Gabriel	Minor variation	Not granted – representation from E Health.
01.02.12	Golden Down Festival, Blackawton	New	Withdrawn
27.02.12	Drift Record Club, Totnes	New	Mediated – approved by sub-committee
27.02.12	Lord Nelson, Totnes	Minor variation	Granted by officer
29.02.12	Royal Avenue Gardens, Totnes	Minor variation	Granted by officer
01.03.12	High Cross House, Dartington Hall,	New	Granted by officer

	Dartington		
06.03.12	River Shack, Stoke Gabriel	Minor variation	Granted by officer
13.03.12	Borough Park, Totnes	New	Withdrawn
13.03.12	Co-Operative Store, Ivybridge	Variation	Withdrawn
22.03.12	Michelcombe Farm, Holne	New	Granted by officer
26.03.12	Oyster Shack, Bigbury	Variation	Granted by officer
26.03.12	Dart Marina Hotel & Spa, Dartmouth	New	Mediated – approved by sub-committee
30.03.12	Aveton Gifford Memorial Hall, Aveton Gifford	Minor variation	Granted by officer

Issue of licences/Amendments under Licensing Act 2003, Gambling Act 2005 and The Local Government (miscellaneous provisions) Act 1982 in the period 1st April 2011 to 31st March 2012

Transfer of premises licence	49	Issued by officer
Change of designated premises supervisor	94	Issued by officer
Personal Licences		
New	67	Issued by officer
Temporary Event Notices	573	Acknowledged by officer

Gambling Act 2005

Category D Machines – (fruit machine £70 payout)
New

4 Issued by officer

Small Society Lotteries (New)

11 Issued by officer

Occasional Use Notice

4 Issued by officer

Club Machine Permits

2 Issued by officer

The Local Government Miscellaneous Provisions Act 1982

Hackney Carriage
Drivers (New and Renewal)

151 Issued by officer

Vehicles (New and Renewal)	153	Issued by officer
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Private Hire

Drivers (New and Renewal)	25	Issued by officer
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Vehicles (New and Renewal)	17	Issued by officer
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Operators (New and Renewal)	13	Issued by officer
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Combined Driver Licences (New and Renewal)	0	Issued by officer
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Miscellaneous Licensing

Animal Boarding Licence (New and Renewal)	19	Issued by officer
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Pet Shop Licences (New and Renewal)	4	Issued by officer
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Riding Establishments (New and Renewal)	11	Issued by officer
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Skin Piercing (New)	4	Issued by officer
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Motor Salvage Operator (New)	3	Issued by officer
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Scrap Metal Dealer (New and Renewal)	4	Issued by officer
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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 7 JUNE, 2012

MEMBERS

* Cllr J W Squire - Chairman

* Cllr B E Carson - Vice-Chairman

∅ Cllr J H Baverstock

* Cllr J I G Blackler

* Cllr B E Carson

* Cllr R J Carter

* Cllr B S Cooper

* Cllr P K Cuthbert

* Cllr R D Gilbert

* Cllr D W May

* Cllr C M Pannell

* Cllr M F Saltern

* Cllr J W Squire

* Cllr S A E Wright

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: The Business Support Manager, Licensing Officer, Solicitor and Democratic Services Manager

Also in attendance:

Item 6 (Minute L.4/12 below refers): Applicant and his Employer

L.1/12 **MINUTES**

The minutes of the meetings of the Licensing Committee held on 17 February 2011, and of the Licensing Sub Committees held during the period 16 May 2011 to 3 May 2012, were each confirmed as a correct record and signed by the Chairman.

L.2/12 **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.

L.3/12 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.4/12

TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE DRIVERS LICENCE IS A 'FIT AND PROPER' PERSON TO HOLD SUCH A LICENCE

Consideration was given to an exempt report which sought to determine whether an applicant was a 'fit and proper' person to hold a Hackney Carriage Drivers Licence with this Authority, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Business Support Manager introduced the item and drew Members' attention to the report and appendices. In addition, reference was made to the further papers, which had been circulated separately to the agenda.

In summarising, the Committee was asked to determine whether the applicant was a 'fit and proper' person on the balance of probabilities.

At this stage, the applicant and his employer were invited to make representations and respond to any questions.

Once the Committee and the applicant were both content that they had no further points or questions to raise, the meeting was adjourned to consider the application.

The Committee proceeded to consider the application in the company of the Democratic Services Manager and the Solicitor.

The Decision

The Chairman then proceeded to announce the decision as follows:

"Members of the Licensing Committee have considered very carefully your application to renew your Hackney Carriage Driver Licence for a further twelve months.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the comments made by the Police on the Criminal Record Bureau Disclosure.
- We have read your written submission together with that of your employer and two references from your colleagues supporting your good character.
- We have listened very carefully to what you have told us this afternoon regarding the domestic circumstances between yourself and the complainants;
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper' person to continue to drive a Hackney Carriage Vehicle.

The Committee is going to GRANT the renewal of your Hackney Carriage Driver Licence. This decision is based on the allegations against you appearing to relate to domestic circumstances and the Authority have not received any other complaints about your behaviour in any other way.”

L.5/12

TO DETERMINE WHETHER THERE MAY BE REASONABLE CAUSE TO REVOKE OR SUSPEND A HACKNEY CARRIAGE DRIVER LICENCE – WHETHER THE DRIVER IS ‘FIT AND PROPER’

Consideration was given to an exempt report which sought to determine whether there was ‘reasonable cause’ to suspend or revoke a Hackney Carriage Driver licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.

In introducing the matter, the Business Support Manager advised that the licence holder was unable to attend this meeting and had requested that the Committee consider adjourning the meeting to a later date.

Having discussed the merits of adjourning this matter at great length, a motion was **PROPOSED, SECONDED** and on being put to the vote was declared **CARRIED** that:-

“No decision be taken at this meeting and the matter be re-considered at the next Committee meeting, to be held on Monday, 18 June 2012 at 10.30am.”

L.6/12

RE-ADMITTANCE OF THE PUBLIC AND PRESS

RESOLVED

That the public and press be re-admitted to the meeting.

L.7/12

STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 FOR 2013 TO 2016

Members were advised that the Statement of Principles under the Gambling Act 2005 was in need of renewal for 2013 to 2016.

The Committee endorsed the proposal whereby a report be presented back to a future Committee meeting towards the end of 2012, in order to consider any submissions received during the consultation exercise.

L.8/12

**SUMMARY OF NEW/VARIATION OF PREMISES LICENCES ISSUED
BETWEEN 4 APRIL 2011 AND 30 MARCH 2012 PLUS LICENCES
ISSUED UNDER THE MISCELLANEOUS PROVISIONS ACT 1982
PLUS OTHER MISCELLANEOUS LICENCES**

The Committee considered and noted the list of licences issued between 4 April 2011 and 30 March 2012.

(Meeting commenced at 2.00 pm and concluded at 3.35 pm).

Chairman