

Licensing Sub Committee (Miscellaneous)

Tuesday 5 October 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Gordon, Vice Chair.
Councillor Rennie.

Apologies for absence: Councillor Lock

Also in attendance: Sharon Day – Lawyer, Peter Clemens – Senior Licensing Officer , Rachael Harris – Senior Environmental Health Officer and Rhodri Morgan – Environmental Health Officer.

The meeting started at 11.00 am and finished at 11.50 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

12. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillors Mrs Bowyer was appointed as Chair and Councillor Gordon was appointed as Vice Chair for this meeting.

13. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

14. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

15. VARIATION OF PREMISES LICENCE - OPEN AIR, 3 AND 4 SHERWELL ARCADE, NORTH HILL, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) heard from the applicant's solicitor that they were requesting that the matter be adjourned pending the appeal of the Bac Bar;
- (iii) considered the representations from Devon and Cornwall Constabulary and Environmental Health against the application to adjourn;

Agreed that having listened to what was said by all parties Members acknowledged that all applications must be dealt with on their own merits. However Members considered that the application should be adjourned pending the outcome of the appeal of the Bac Bar which was in the same area as Open Air and where substantially the same representations had been raised. The committee was advised that the issues on which the Court was likely to determine in that appeal may have a bearing on this application. For this reason the adjournment was considered to be in the public interest in accordance with Plymouth City Council's hearing regulations. It was not possible to set a date for the hearing of this application as no court date for the appeal had been provided, however authority to set a new hearing date was delegated to the Licensing Officer once a final appeal date was known.

16. EXEMPT BUSINESS

There were no items of exempt business.

17. **VARIATION OF PREMISES LICENCE - OPEN AIR, 3 & 4 SHERWELL ARCADE, NORTH HILL, PLYMOUTH (E7)**

Minute 15 refers.