



Friday, 6 December 2019

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Monday, 16 December 2019

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Atiya-Alla

Councillor Ellery

Councillor Foster

A prosperous and healthy Torbay

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. Election of Chairman/woman

To elect a Chairman/woman for the meeting.

2. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. Declarations of interests

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. Urgent items

To consider any other items that the Chairman decides are urgent.

5. Miguel's, Beach Approach, Brixham

(Pages 3 - 20)

To consider an application for a Premises Licence in respect of Miguel's, Beach Approach, Brixham

6. Harbour Light, North Quay, Paignton

(Pages 21 - 48)

To consider a report for an application for a Premises Licence in respect of Harbour Light, Night Quay, Paignton.



Public Agenda Item: **Yes**

Title: **Miguel's, Beach Approach, Brixham TQ5 8JL**

Wards Affected: **St Peter's with St Mary's**

To: **Licensing Sub Committee**

16 December 2019

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Protection of Children from Harm".
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.

forward thinking, people orientated, adaptable - always with integrity.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:-

The Supply of Alcohol on the premises from 09:00 until 23:00 Sunday to Thursday and from 09:00 until midnight Friday and Saturday.

To be open to the public from 09:00 until 23:00 Sunday to Thursday and from 09:00 until midnight Friday and Saturday.

A description of the premises has been given on page 4 of the application as 'A small ground floor café style premises to offer traditional tapas alongside coffee, tea and the supply of alcohol for consumption on the premises'.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Protection of Children from Harm". This is shown as Appendix 2.

There have been no other Representations received from any other Responsible Authority or any Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
 - (i) to impose conditions on the licence, or
 - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.

- (b) Any person who made a relevant Representation who desires to contend
 - (i) that the licence ought not to have been granted, or
 - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

2.7 Following such Appeal, the Magistrates' Court may:-

- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1 Details of the application.

Appendix 2 Representation from the Police.

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016-2021.



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **DEAN HANNABY AND ROBERT BUTLER**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description MIGUEL'S BEACH APPROACH			
Post town	BRIXHAM	Postcode	TQ5 8JL
Telephone number at premises (if any)		01292 444444	
Non-domestic rateable value of premises		£10,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input type="checkbox"/> | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname HANNABY		First names DEAN		
Date of Birth 01/01/1980		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality BRITISH				
Current residential address if different from premises address		01/01/1980		
Post town	01/01/1980	Postcode	01/01/1980	
Daytime contact telephone number		01/01/1980		
E-mail address (optional)		01/01/1980		

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname BUTLER			First names ROBERT	
Date of Birth 16/07/1990		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality BRITISH				
Current residential address if different from premises address		[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]	
Daytime contact telephone number		[REDACTED]		
E-mail address (optional)	[REDACTED]			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	[REDACTED]
Address	[REDACTED]
Registered number (where applicable)	[REDACTED]
Description of applicant (for example, partnership, company, unincorporated association etc.)	[REDACTED]
Telephone number (if any)	[REDACTED]
E-mail address (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY		
3	1	1	0	2	0	19

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)
A SMALL GROUND FLOOR CAFE STYLE PREMISES TO OFFER TRADITIONAL TAPAS
ALONGSIDE COFFEE, TEA AND THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE
PREMISES.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

- | | | |
|----|--|--------------------------|
| a) | plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) | performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	<input type="text"/>	<input type="text"/>	<u>Please give further details here</u> (please read guidance note 4)		
	<input type="text"/>	<input type="text"/>			
Tue	<input type="text"/>	<input type="text"/>			
	<input type="text"/>	<input type="text"/>			
Wed	<input type="text"/>	<input type="text"/>	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
	<input type="text"/>	<input type="text"/>			
Thur	<input type="text"/>	<input type="text"/>			
	<input type="text"/>	<input type="text"/>			
Fri	<input type="text"/>	<input type="text"/>	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	<input type="text"/>	<input type="text"/>			
Sat	<input type="text"/>	<input type="text"/>			
	<input type="text"/>	<input type="text"/>			
Sun	<input type="text"/>	<input type="text"/>			
	<input type="text"/>	<input type="text"/>			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)		On the premises	<input checked="" type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Mon	0900	2300				
Tue	0900	2300				
Wed	0900	2300				
Thur	0900	2300				
Fri	0900	2400				
Sat	0900	2400				
Sun	1000	2300				
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name DEAN HANNABY	
Date of Birth 09/05/1987	
Address [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) WARWICK DISTRICT COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NO CONCERNS FOR THE WELFARE OF CHILDREN WITH RESPECT TO THE ACTIVITIES ON SITE. NO ADULT ENTERTAINMENT OR SERVICES OR OTHER INAPPROPRIATE ENTERTAINMENT WILL BE PERMITTED ON THE PREMISES.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	0900	2300	
Tue	0900	2300	
Wed	0900	2300	
Thur	0900	2300	
Fri	0900	2400	
Sat	0900	2400	
Sun	1000	2300	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

STAFF SELLING OR SERVING ALCOHOL WILL BE MADE AWARE OF THEIR ROLE IN PROMOTING THESE OBJECTIVES THROUGH ON-GOING TRAINING AND SUPERVISION.

b) The prevention of crime and disorder

THE PREMISES WILL OPERATE A ZERO TOLERANCE POLICY WITH REGARDS TO THE USE OF ILLEGAL DRUGS AS WELL AS "LEGAL" HIGH.

CUSTOMERS USING THE OUTSIDE SPACE TO SMOKE WILL NOT BE ALLOWED TO TAKE GLASSWARE OUTSIDE AND WILL BE MONITORED FOR ANTI SOCIAL BEHAVIOURS AT ALL TIMES.

THE PREMISES WILL OPERATE CHALLENGE 25 AND ALL STAFF WILL BE TRAINED APPROPRIATELY AND ASK FOR ID IF NECESSARY USING ONLY PASSPORTS, DRIVING LICENCES, MILITARY ID'S & PASS CARDS AS ACCEPTABLE.

ANY GLASSWARE FOUND OUTSIDE WILL BE CONFISCATED AND DISPOSED OF.

c) Public safety

FIRE EXITS WILL BE CLEARLY MARKED. STAFF WILL BE TRAINED IN THE EVACUATION OF CUSTOMERS IN EMERGENCIES.

A QUALIFIED FIRST AIDER WILL BE ONSITE DURING TRADING HOURS.

FIREFIGHTING EQUIPMENT WILL BE MAINTAINED AND IN GOOD ORDER.

d) The prevention of public nuisance

TAXI DETAILS WILL BE AVAILABLE FROM STAFF AT ALL TIMES.

CUSTOMER NOTICES AND DIRECT INFORMATION WILL INFORM CUSTOMERS TO LEAVE THE PREMISES QUIETLY AND RESPECTFULLY.

STAFF WILL RECEIVE TRAINING IN REDUCING ANY DRUNK AND DISORDERLY BEHAVIOUR.

ALL MUSIC WILL BE AT AN AMBIENT LEVEL ONLY.

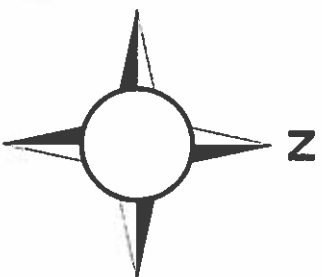
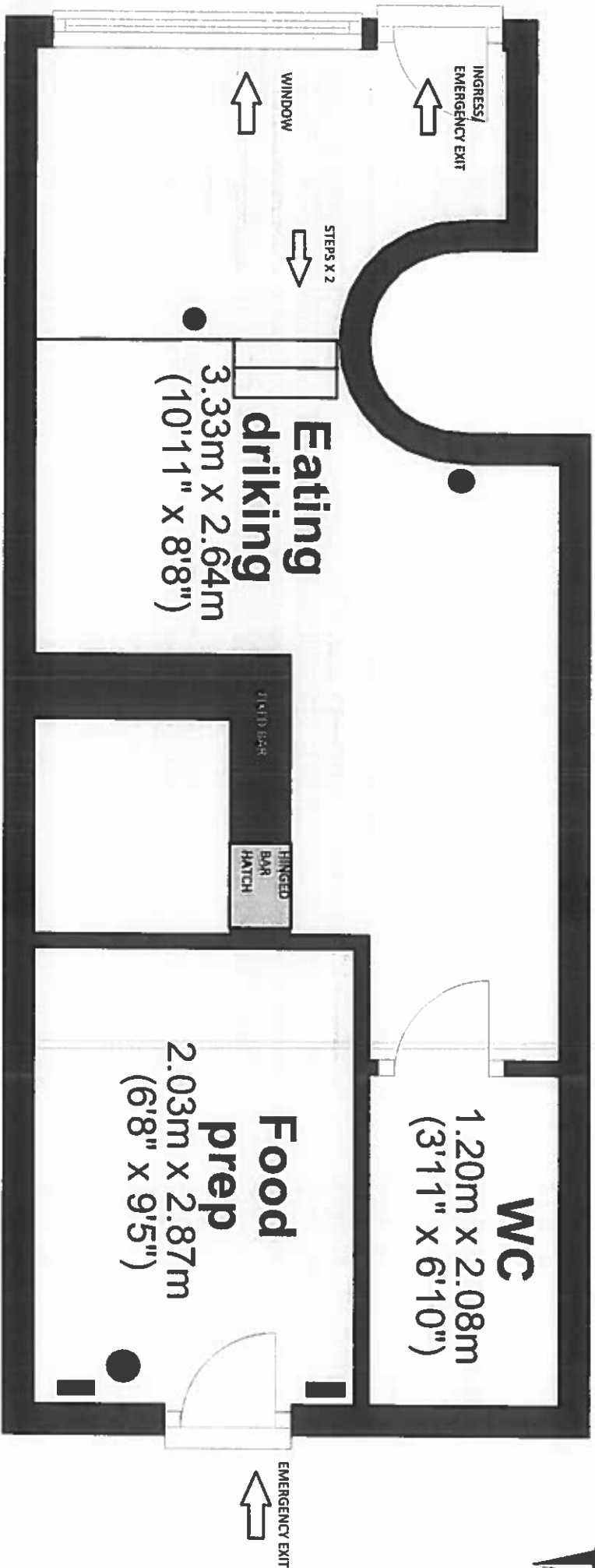
e) The protection of children from harm

THE CHALLENGE 25 SCHEME WILL BE ENFORCED BY ALL STAFF. STAFF WILL ONLY ACCEPT IDENTIFICATION AS DESCRIBED ABOVE.

CUSTOMERS UNDER THE AGE OF 18 WILL BE ASKED TO LEAVE BY 2100 HOURS IN ALL CIRCUMSTANCES.

CUSTOMERS UNDER THE AGE OF 18 MUST BE WITH AN APPROPRIATE ADULT AT ALL TIMES.

Ground Floor





Devon & Cornwall Police

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

19 November 2018

Dear Sir/Madam

Miguel's, Beach Approach, Brixham, Devon, TQ5 8JL

I refer to an application for the Grant of a Premises Licence in respect of the above named premises submitted by Mr Dean Hannaby and Mr Robert Butler.

On Tuesday 12 November 2019 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council, attended the premises and discussed the application with both Mr Hannaby and Mr Butler. Mrs Smart advised them that their application in its current format is unacceptable to the police as there is no drinking up period and it indicates that the premises are to operate as a café style premises but this is not reflected within the application, which suggests that the premises will operate as a bar, with later opening hours on a Friday and Saturday, and this could lead to an increased risk of crime and disorder.

As a result of discussions, and email correspondence, the police propose that the below conditions should be added to the licence:

1. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with a monitor behind the bar and a recording system. All recordings shall be kept for a minimum of 14 days and copies of recordings shall be supplied to the police within 7 days of any request.

Contact the police

Emergency 999

Non-emergency  www.devon-cornwall.police.uk/reportcrime

 101@dc.police.uk  101

Follow us  DevonAndCornwallPolice

 DC_Police

 DCPolice



2. Substantial food in the form of tapas style meals shall be available until 2100 hrs daily.
3. Customers will not be permitted to leave the premises with any glasses or bottles belonging to the premises.
4. All staff shall receive training in relation to their responsibilities under the Licensing Act 2003, on commencement of their employment, with refresher training being provided at least every 6 months. Records will be kept in relation to this training, which shall be retained on the premises and produced to a representative from any responsible authority on demand. Records will be kept for a minimum period of 12 months.
5. The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
6. Children under the age of 16 will be accompanied by a responsible adult at all times.
7. Challenge 25 Posters will be prominently displayed within the premises.

In addition the police request that the closing time of the premises is amended to 2330 hrs from Sundays to Thursdays, and 0030 hrs on Fridays and Saturdays. This will allow customers 30 minutes to consume their drinks in the period between the last permitted sale of alcohol and the closing time of the premises.

The police consider that these conditions are appropriate to ensure that this premises does not have an adverse impact on any of the Licensing Objectives as they will ensure that the premises is food led, that staff are appropriately trained, that the CCTV is of an acceptable standard and that a suitable age verification policy is in place. For your information, the applicants have indicated that they are happy for these conditions to be added to the licence and an email indicating their agreement is attached to this letter.

As an agreed position has been reached in this matter, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (6 April 2018) the police do not consider that a hearing is necessary in relation to this application, unless contested representations are received from other responsible authorities or members of the public.

Should you require any further information concerning this matter, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'J Smart'.

Julie Smart
Police Licensing Officer

SMART Julie 50403

From: ~~Julie SMART~~
Sent: 18 November 2019 15:02
To: SMART Julie 50403
Subject: RE: Miguels, Beach Approach, Brixham

Perfect. Thank you. No I don't think we need to add the late night refreshments. We don't intend on being a late night venue at all in fairness.

Thanks again for your help and time.

We will await with baited breath for a hearing date, thank you.

Many thanks

Dean

PS CCTV is up and recording. Had been since the 16th.

On 18 Nov 2019 14:55, SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Hi Dean

Yes, sorry that's my mistake. Did you want to add late night refreshment too?

Next I have to write to the licensing authority outlining the agreement we have reached, and then you will be notified of the date of the hearing.

Kind regards

Julie

From: ~~Julie SMART~~
Sent: 18 November 2019 14:48
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: Re: Miguels, Beach Approach, Brixham

Hi Julie.

Many thanks for the email.

We are happy to agree to all of these terms.

Sunday to thursday closing time should be 2330 rather than the 2300 hours as discussed last week? Just wanted to clarify as it states 2300 on your email.

Many thanks

Dean

On 18 Nov 2019 14:42, SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Good afternoon Dean/Robert

It was nice meeting with you last week to discuss your application for a premises licence.

As a result of our discussions please find below a list of proposed conditions that the police would like included within your licence:

1. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with a monitor behind the bar and a recording system. All recordings shall be kept for a minimum of 14 days and copies of recordings shall be supplied to the police within 7 days of any request.
2. Substantial food in the form of tapas style meals shall be available until 2100 hrs daily.
3. Customers will not be permitted to leave the premises with any glasses or bottles belonging to the premises, other than 'off sales'.
4. All staff shall receive training in relation to their responsibilities under the Licensing Act 2003, on commencement of their employment, with refresher training being provided at least every 6 months. Records will be kept in relation to this training, which shall be retained on the premises and produced to a representative from any responsible authority on demand. Records will be kept for a minimum period of 12 months.
5. The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.

6. Children under the age of 16 will be accompanied by a responsible adult at all times.
7. Challenge 25 Posters will be prominently displayed within the premises.

As you have stated that you intend to operate as a restaurant style premises I would recommend that you consider adding late night refreshment to your application, in order that you can supply hot food and drinks (tea/coffee) after 2300 hrs. Without this added to your application, if a customer asks for a cup of coffee after 2300 hrs you cannot legally supply it.

Unfortunately your application does not include a drinking up period, and therefore I shall be requesting that the closing times for your premises are 2300 hrs on Sundays to Thursdays, and 0030 hrs on Friday and Saturdays.

Please can you let me know if the above is acceptable to you.

Kind regards

Julie Smart

Alcohol Licensing – Torbay

Julie.smart@devonandcornwall.pnn.police.uk

01803 218900

07921 933974

Internal: 304900

How to contact the police – ClickB4UCall

Includes: online crime reporting, 101 email, help from other organisations, community messaging, British Sign Language videos, third party reporting, Police Enquiry Offices

In an emergency always call 999



Briefing Report No:

Public Agenda Item: **Yes**

Title: **Harbour Light, North Quay, Paignton TQ4 6DU**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee**

16 December 2019

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence. The Premises is situated within the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives "The Prevention of Public Nuisance" and "Public Safety".
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.

forward thinking, people orientated, adaptable - always with integrity.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:-

Recorded Music from 10:00 until midnight indoors 7 days a week. Also on New Year's Eve from 10:00 until 01:00 the following morning.

Late Night Refreshment indoors from 23.00 until midnight 7 days a week. Also on New Year's Eve from 10:00 until 01:00 the following morning.

The Supply of Alcohol on and off the premises from 10.00 until midnight 7 days a week. Also on New Year's Eve from 10:00 until 01:00 the following morning.

To be open to the public from 10:00 until 00:30 7 days a week. Also on New Year's Eve from 10:00 until 01:30 the following morning.

We have received three moodboards from the applicant to assist with their application. These are shown as appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as relevant Representations have been received. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from Public Protection in relation to the Licensing objective "The Prevention of Public Nuisance". This Representation is shown as appendix 3.

We have received three Representations from Members of the Public in relation to the Licensing Objectives "The Prevention of Public Nuisance" and "Public Safety". These are shown as Appendix 4.

There have been no other Representations received from any other Responsible Authority or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of

Schedule 5, to the Applicant.

- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
 - (i) to impose conditions on the licence, or
 - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
 - (b) Any person who made a relevant Representation who desires to contend
 - (i) that the licence ought not to have been granted, or
 - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.
- 2.7 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

- Appendix 1 Details of the application.
- Appendix 2 Three moodboards to assist with the application.
- Appendix 3 Representation from Public Protection.
- Appendix 4 Three Representations from Members of the Public.

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016-2012.



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We St. Austell Brewery Company Limited
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Harbour Light North Quay			
Post town	Paignton	Postcode	TQ4 6DU
Telephone number at premises (if any)		n/a	
Non-domestic rateable value of premises		£12,750 (Band B)	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

Surname		First names	
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name St. Austell Brewery Company Limited
Address 63 Trevarthian Road St Austell PL25 4BY
Registered number (where applicable) 00107021
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) n/a
E-mail address (optional) n/a

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

~~Bar/Restaurant~~

Public House - Bar - Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

n/a

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) For New Year's Eve from 10:00h until 01:00h the following morning.		
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	00:00			
Tue	23:00	00:00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23:00	00:00			
Thur	23:00	00:00			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) For New Year's Eve from 23:00 until 01:00 the following morning.		
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) For New Year's Eve from 10:00h until 01:00h the following morning.		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Michael Harvey Jones	
Date of birth 31/07/1973	
Address 71 Hill Hay Close Fowey Cornwall	
Postcode	PL23 1EL
Personal licence number (if known) WBCPA1219	
Issuing licensing authority (if known) Wyre Borough Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon		00:30	
	10:00		
Tue		00:30	
	10:00		
Wed		00:30	
	10:00		
Thur		00:30	
	10:00		
Fri		00:30	
	10:00		
Sat		00:30	
	10:00		
Sun		00:30	
	10:00		
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) For New Year's Eve until 01:30h the following morning.

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see attached.

b) The prevention of crime and disorder

Please see attached.

c) Public safety

Please see attached.

d) The prevention of public nuisance

Please see attached.

e) The protection of children from harm

Please see attached.

Harbour Light, North Quay, Paington TQ4 6DU
Proposed Licensing Conditions

Hours

For sale of alcohol (on and off sales) and recorded music (indoors) Monday to Sunday from 10:00 until 00:00. For New Year's Eve from 10:00 until 01:00 the following morning.
For late night refreshment (indoors) Monday to Sunday from 23:00 until 00:00. For New Year's Eve from 23:00 until 01:00 the following morning.

General – all four licensing objectives

Food shall be available throughout the premises throughout the trading day.
Locations of fire safety and other safety equipment subject to change in accordance to the requirements of the responsible authorities or following risk assessment.
Any details shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change at any time.
A direct telephone number for the manager of the premises shall be publicly available at all times the premises is open. Telephone number is to be made available to residents and businesses in the vicinity.

Prevention of crime and disorder

CCTV will be installed operated and maintained. The system will enable frontal identification of every person entering the premises. The system will record in real time and operate whilst the premises are open for licensable activities. The recording shall be kept available for a minimum of 31 days.
Recordings shall be made available immediately upon request to an authorised officer or a police officer (subject to GDPR) throughout the 31 day period following any incident.
A member of staff with knowledge of the CCTV system will be present on site while the premises are open to the public to aid any enquiry from a police officer or authorised officer requiring recent CCTV recordings with a minimum of delay, as requested.
The premises will have a security alarm fitted.
An incident log shall be kept at the premises and made available upon request to an authorised officer of the council or the police. It must be completed within 24 hours of any incident and will record the following

- a. All crimes reported to the venue
- b. All ejections of patrons
- c. Any complaints received concerning crime and disorder
- d. Any incidents of disorder
- e. Any refusal of the sale of alcohol
- f. Any visit by a relevant authority or emergency service

Public Safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying the application.
Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.
Public areas will be maintained free from obstruction and trip hazards.
All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

Prevention of Public Nuisance

All highway and public spaces within the vicinity of the premises will be kept litter free to the satisfaction of the licensing authority.
Refuse such as bottles will be placed into receptacles outside the premise at times that will minimize the disturbance to nearby property.
No deliveries will take place between 10pm and 6am.
No collection, including refuses and recyclable food waste shall take place between 10pm and 6am.
Customer notice is to be displayed at all exits asking patrons to leave the premises quietly and respect the needs of the local residents.
No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration will be transmitted through the structure of the premises which gives rise to a nuisance.

No fumes, steam or odours shall be emitted from the licence premises so as to cause a nuisance to any person living or carrying on business in the area where the premises are situated.
All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

CONDITIONS BELOW SPECIFICALLY RELATE TO ANY OUTSIDE AREAS;

Any outside seating area shall be limited to an area marked on the plan and afforded the appropriate tables and chairs permission.

The requirement for door supervisors shall be risk assessed and where it is found that door supervisors are required a minimum of two shall be in place throughout the time identified in the risk assessment. Such risk assessment shall be made available to any authorised officer or constable on request.

If doorstaff are employed the premises licence holder shall ensure that the following details for each member of security, are contemporaneously entered into a bound register kept for that purpose:

- (i) Full name,
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation),
- (iii) The time they began their duty
- (iv) The time they completed their duty.

This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door supervisors engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

[BJ The premises licence holder shall ensure that the following details for each member of security are entered into a bound register kept for that purpose to include the following details:

- (i) Name
- (ii) Date of birth
- (iii) Address
- (iv) Contact telephone numbers
- (iv) SIA Certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority.
- (v) Commencement date of performing duties at the premises.
- (vi) The full details of any agency through which they have been allocated to work at the premises if appropriate.

These details should be easily accessible to any authorised officer of the Licensing Authority or a constable.

No regulated entertainment.

The premises licence holder shall ensure that any patrons drinking and or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance or disruption of the public highway.

Notices shall be displayed requesting customers to respect the neighbourhood and depart the premises quietly.

All children shall be accompanied by an adult

No customer may consume alcohol or substantial food purchased other than in these licensed premises.

During the hours of operation of the premises the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area will be swept and or washed and litter and sweepings collected and stored in the accordance of the approved refuse storage arrangements by close of business.

CCTV shall cover the available space.

Regular glass and litter collections will take place.

Ashtrays and suitable receptacles to be provided for smoking

Premises shall be laid out to no less than 80% tables and chairs

A management plan will be drawn up and disclosed to relevant officers

The contents of such plan shall include;

- i) Dispersal policy
- ii) Lighting arrangements
- iii) Conduct of customers, to include dress and language obligations

Protection of children from harm

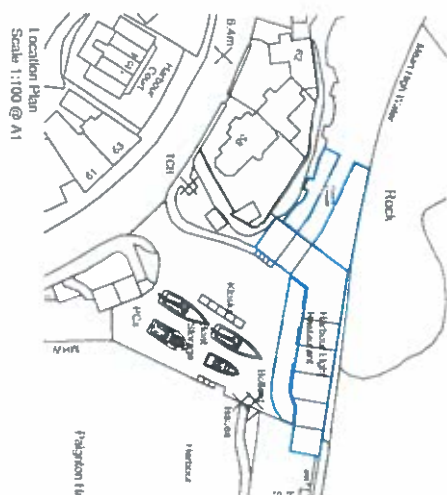
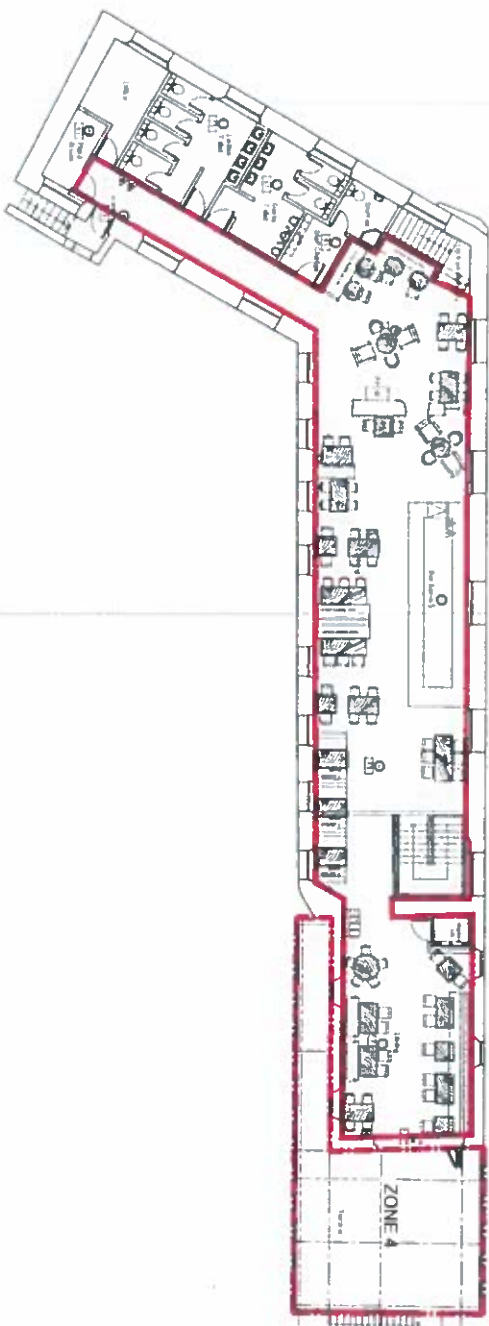
All staff shall be trained and aware of the law regarding the refusal of service to any person who is drunk or is underage and all shall be aware of how to seek ID from anyone who appears to be underage.

A challenge 21 policy will be adopted with appropriate signage on display.

A refusal to serve log will be maintained and made available for inspection to officers upon request.

This log shall include the date, time, name and signature of the staff member who refused the sale.

This log will be countersigned by the DPS of the premises on a monthly basis.





signage text TBA



wall lights

wall colour



over porch light

joinery colour



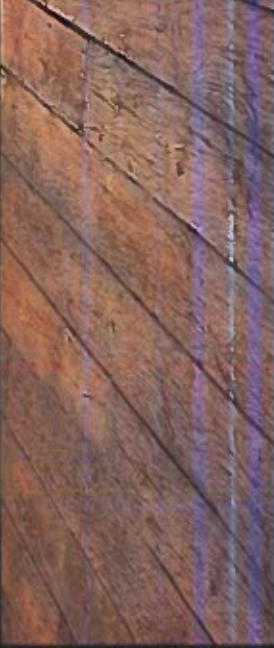
furniture to ground floor



Firepit and furniture to balcony



glass and metal balustrade to balcony



Rustic wood effect Millboard balcony



planters

feature beams on first floor



stair void and feature pendants



new stair void!



leathers



feature fire ground floor

nautical timber flooring



floor tiling



first floor bar servery



first floor booth



lighting to back of cubicle



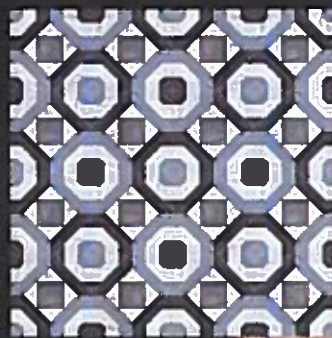
wall colour



vanity lighting



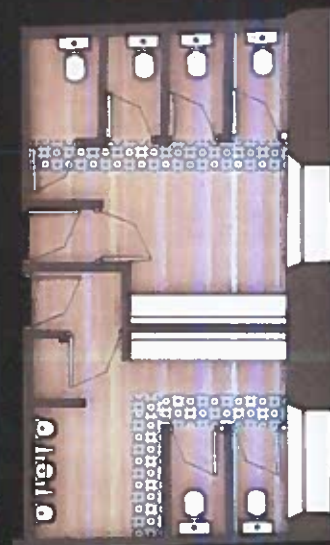
toilet stalls



main porcelain feature tile



main porcelain timber effect flooring



toilet plan

Memorandum

To: Licensing and Public Protection Team From: Mr Karl Martin

c.c. TORBAY COUNCIL Contact:

c.c. 08 NOV 2019 Ext: 01803 208025

c.c. COMMUNITY SAFETY My Ref: 1ZV SRU No: 253247

For the attention of: Gary O'Shea, Principle Licensing Officer Your Ref:

Date: 8th November 2019

Subject: New application, Harbour Lights, North Quay, Paignton

- a) I have no comments to make on the above application ☐
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder ☐
 - ii) Protection of children from harm ☐
 - iii) Public safety ☐
 - iv) Prevention of public nuisance ☒
1. The building known currently as the Harbour Light is a 16th Century Grade II listed building. Throughout most of the buildings history it has been used for fish and general harbour storage. In recent times the building has been used as a restaurant as well as general storage for the working harbour. Please see Appendix 1 for locations maps and Appendix 2 for site photographs.
2. A previous owner converted the Justice licence under grandfather rights to the Licensing Act in 2005. Terminal hour for alcohol under this licence was 11:00pm with premises closed by 00:30 am.
3. This application retains the same operational hours, except for bank holidays, however the terminal hour for alcohol now ceases at midnight, except for bank holidays.
4. The applicant seeks to only to use the benefit of deregulation afforded by the Live Music Act 2012 in respect of Live Music, but does seek recorded music until midnight.
5. The applicant is extending the physical premise boundary by the inclusion of 3 external seating areas. Please see the premises plan submitted with the application.
6. External live or recorded music is not requested in this application, subject to the provisions of the Live Music Act. However in the operating schedule a condition has been proposed ruling out regulated entertainment in any exterior area. This may offer a reasonable degree of reassurance.

Internal noise

7. Due to the constructions of the building, the distance from the nearest dwelling and the nature of the premises I do not believe recorded music until midnight will impact on the local community.

External noise – dispersion of customers

8. Due to the nature of the business and premises capacity it's not anticipated this application will impact on the community.

External noise – Exterior seating areas

9. Zone 1

The applicant has submitted as part of the operating schedule a schedule of conditions aimed at preventing nuisance and disorder. Combining the proposed conditions with a number of physical factors I do not believe this area will impact on the community.

Zone 2 & 3

The proximity of three residential dwellings situated on the cliff above these seating areas is a cause of concern. Two out of three do not have direct line of sight and are sighted approximately 7 metres above the proposed seating area. However the architects plans imply circa 100 people could be seated across zone 2 & 3.

The diagram in Appendix 1 shows 100 people talking at a moderate level could produce a sound pressure level of 45 dB at the façade of the second nearest residential building. In a bedroom 10 dB is removed to factor the effect of the open window. At 35dB the criteria of BS 8223 is complied with. Above 35dB is likely to impact on the ability to sleep.

The figures inputted into the diagram are conservative and does not take into account the natural variance in human speech or aspects which can cause nuisance or annoyance. Also not included is the effect this may have on residents wishing to use their gardens.

The diagram has been included in this representation to highlight how little buffer exists between not undermining the licensing objectives and causing a public nuisance.

The applicant is changing the use of the area, because to my knowledge the area has not been used for seating before. As a result this aspect of the application requires careful and detailed consideration.

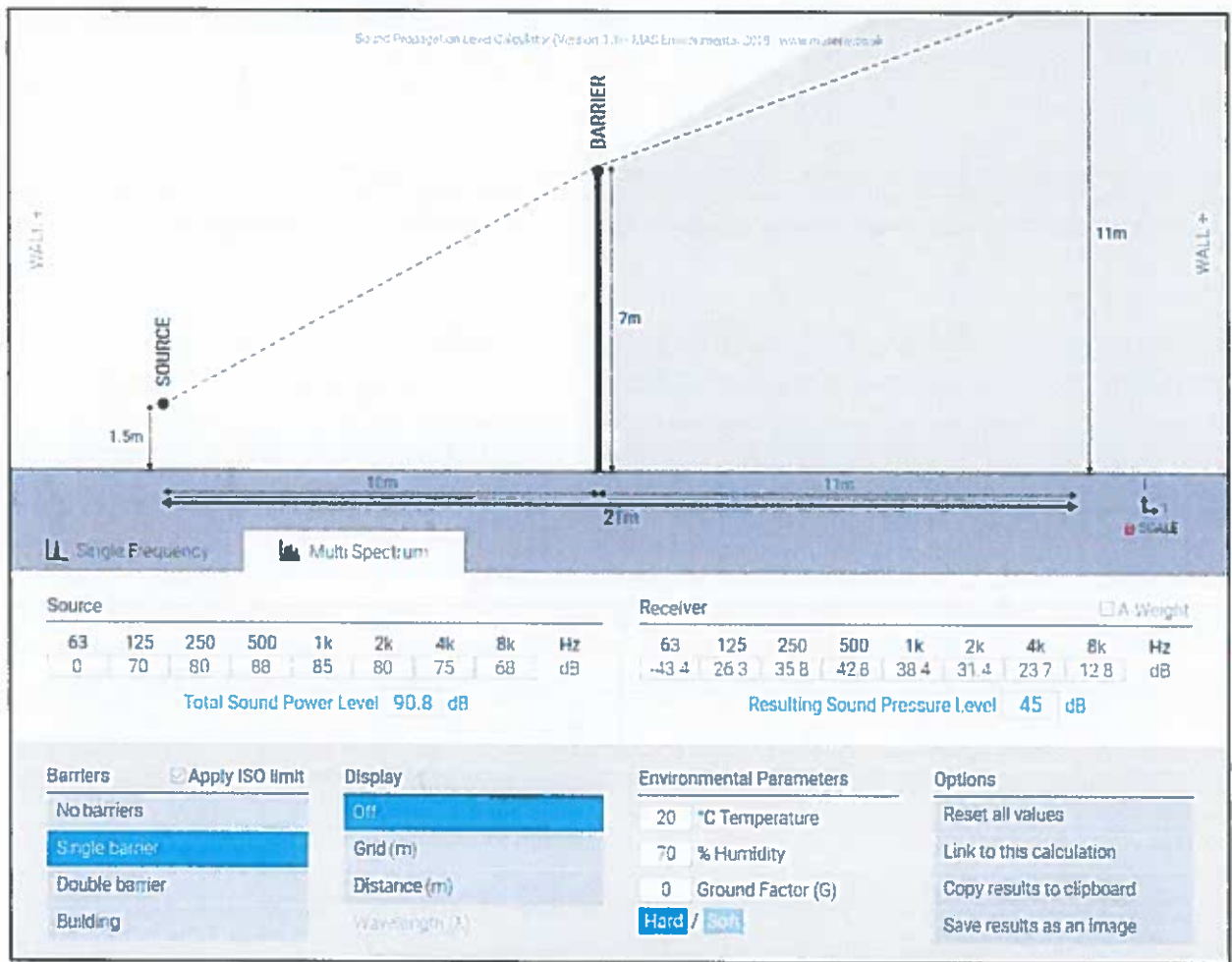
The use of this area as a seating space I do not object to, but rather the terminal hour remains the primary area of concern.

10. Consultation with the applicant's agent will continue and I am confident a satisfactory outcome will be achieved that is acceptable to both the applicant and residents.
11. Please see Appendix 2 for area photographs and maps.

Karl Martin

**Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council**

Appendix 1 – Sound propagation test



Appendix 2 – Google Maps and photographs

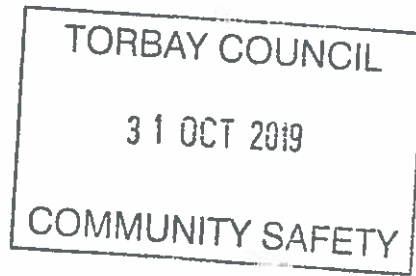
2.1



2.2







Licensing and Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Ref: License application for The Harbour Light, Paignton Harbour, TQ4 6DU.

As a resident of an adjacent property, we object to the license application on the grounds of Prevention of Public Nuisance. The application is clearly counter to the council's guidelines set out in "Torbay Council's Licensing Statement of Principles 2016" and should be refused.

The Harbour Light borders Paignton Harbour and the Eastern Esplanade. It is intended to install outside seating as part of the premises along the Esplanade to provide an estimated 116 seats in this area. (See <https://www.torbay.gov.uk/council/councillors/public-notices/>, but reproduced here for convenience.).



As can be seen on the plan, this is directly adjacent to a number of residential properties.

The Council's Licensing Statement of Principles 2016 states:

"There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable - 39 - Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused."

As far as we are aware, no such consideration has been given, nor mitigation measures proposed. Certainly, no discussions have taken place with residents of neighbouring properties.

Licensing until midnight would be very disturbing to these adjacent properties, particularly as tables and chairs will then have to be tidied up and put away. There is no practical way that usage could be restricted to, say, 9pm.

Further:

"Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23.00hr. The criteria applied, from boundary to nearest residential property are:

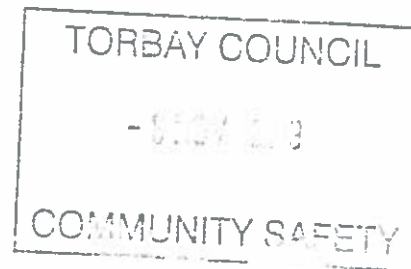
- (i) Before 23.00hr - Noise emanating from the premises shall not be clearly distinguishable above other noise.
- (ii) After 23.00hr - Noise emanating from the premises shall not be distinguishable above background levels of noise."

Since, unless the sea is rough, the background noise in the area is very low, this could not be sustained.

For these reasons, the application in its present form must be refused.

Yours faithfully,

Laura Wright - Admin, Finance & Performance Leader
Licensing & Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR



04/11/2019

Dear Laura

Re. Town and Country Planning Act 1990, Reference: P/2019/1041, Application for Premises License (Licensing Act 2003) to permit the sale of alcohol & play recorded music @ Harbour Lights Restaurant Development, North Quay, Roundham Road, Paignton, TQ4 6DU (St Austell Brewery).

I am writing in response to the public notice as published in the Paignton Herald on 16/10/2019.

As you will be aware from my previous correspondence, I supported the initial application for the regeneration of the Harbour Lights Restaurant.

I have carefully considered the content of the notice in conjunction with the site plan.

Further to this, I would like to put forward the following objections:

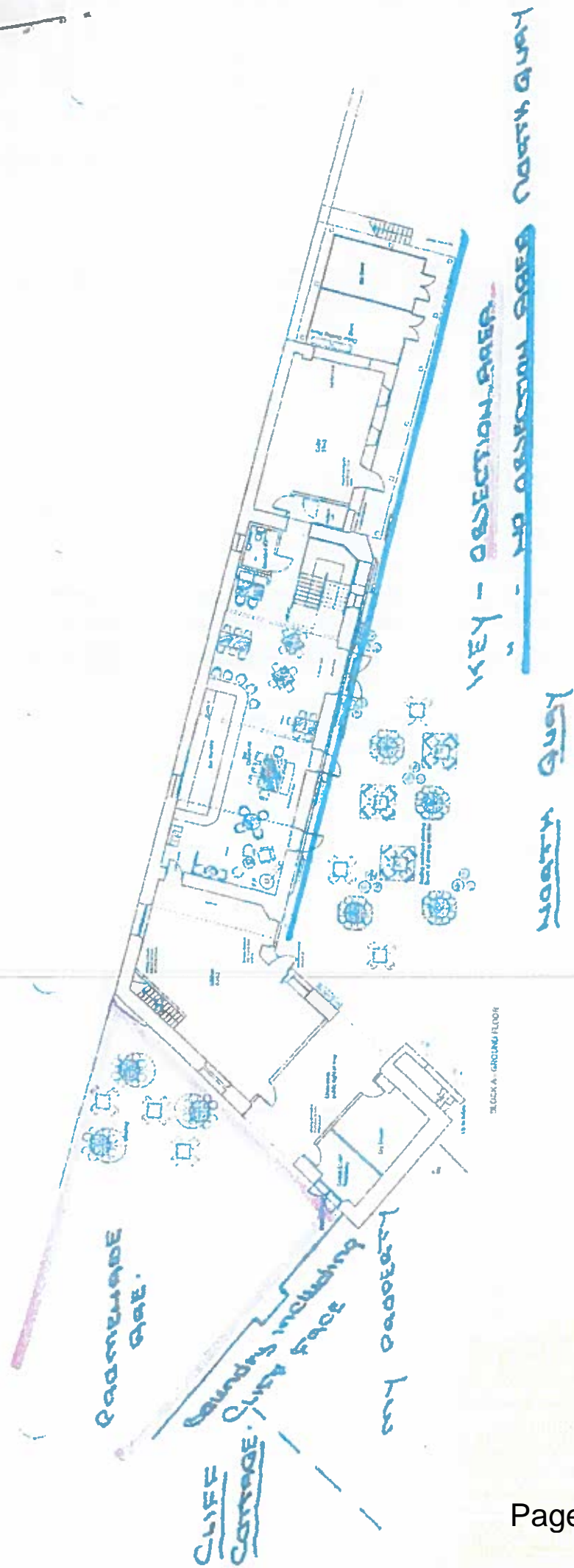
- 1.) Excessive noise and anti-social behaviour
- 2.) The proposed additional outside seating (promenade side)
- 3.) Requisite lighting for the coastal path area will be intrusive at night time
- 4.) Loud music being played on the promenade avenue
- 5.) Increased presence of Seagulls (a known pest) attracted to food waste in the external areas

My objections are founded on the basis that my property is one of 1 other cottages abut the entire area. I have serious concerns about loud music being permitted outside, especially between the hours of 10 pm until midnight. I do not have any objection to music being played inside the premises or on the North Quay balcony area. Please see the attached plan of which I have marked the areas that apply to my concerns and objections.

The tranquil harbour environment was the main reason I decided to purchase the property and I feel that the proposed seating arrangements (which are additional to the North Quay seating area) will spoil the peace of my home life and result in a loss of personal amenity.

I ask you to sympathetically consider my objection and I look forward to hearing from you in due course.

Yours sincerely



Executive Head of Community Safety

Torbay Council

c/o Torquay Town Hall

Castle Circus

Torquay

TQ1 3DR



23 October 2019

Re: Objection to Licence Application for Harbour Lights, North Quay, Paignton, TQ4 6DU

Dear Sirs

Not sure if this is the correct address to write to. Can you kindly forward to the relevant department.

As our local councillor, we would like to you know how upset we are about the proposed changes to The Harbour Lights Restaurant

We are most distressed about the request for licencing hours from 10.00 to 00.30 Monday to Sunday. The previous business was a restaurant which kept a lot shorter opening times. Also, everything was inside and therefore very quiet.

We are very concerned about St Austells Brewery wanting to put outside seating along the harbour right in front of our house. We live in one of the three thatched cottages and DO NOT want to have people sitting outside our home, drinking until the early hours.

This will drastically affect our way of life. My husband is a postman and has to get up before 5am every day – how is he supposed to get any sleep if we get disturbed by revellers every night? This is a residential area – how can it be agreed that public seating and drinking is ok to carry on right outside our window?

We have no objection to the restaurant opening but are so distressed about the thought of the outside activity. Where is the consideration for local residents?

- Can the outside seating request be declined in it's entirety?
- What type of seating is planned?
- How many seats are planned?
- Can you guarantee that the seats will be taken in at night?
- Can you guarantee that we will not be disturbed by the noise?
- Can you guarantee that all food/drink/glasses etc are removed from the outside areas regularly?

Please let us have your response as soon as possible

Kind regards