



Wednesday, 14 December 2011

LICENSING SUB-COMMITTEE

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

Thursday, 22 December 2011

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 Addis
Councillor Brooksbank

Councillor Doggett

Our vision is working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Warrillow, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207064

Email: democratic.services@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 personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

4. Urgent items

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

5. Seamus O'Donnells, 28 Victoria Parade, Torquay

To consider a report on an application for a Variation to a Premises Licence in respect of Seamus O'Donnells, 28 Victoria Parade, Torquay.

(Pages 1 - 54)



Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Seamus O'Donnells, 28 Victoria Parade, Torquay TQ1 2BD

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **22 December 2011**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
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 Variation to a Premises Licence. The Premise is situated within the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.
- 1.4 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”, Public Safety” and “The Prevention of Public Nuisance”
- 1.5 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown. The plan of the Premise's is shown as Appendix 2

A brief description of the proposed Variation is as follows:-

The Variation is for the upstairs function room and not the whole premises.

To extend the hours for the sale of alcohol by 3 hours in the evening from 10:00 until 03:00 seven days a week. The existing Licence allows the sale of alcohol from 10:00 until midnight.

To extend the hours of the exhibition of films, indoor sporting events, live music, recorded music, performance of dance and anything of a similar description to the above from 10:00 until 03:00 seven days a week. The existing Licence allows the following the activities seven days a week as follows; films from 0:700 until midnight, indoor sporting events from 10:00 until midnight, live music from 10:00 until 23:45, recorded music from 10:00 until 00:30, performance of dance from 10:00 until midnight, and anything of a similar description from 10:00 until midnight.

To extend the hours for making music, and the facilities for dancing by 3 hours from 10:00 until 03:00 seven days a week. The existing licence allows these activities from 1000 until midnight.

To extend the hours for late night refreshment by 2.5 hours from 23:00 until 03:00 seven days a week. The existing licence allows this activity from 23:00 until 00:30.

To add an additional entertainment activity of a similar description to making music and the provision of facilities for dancing, from 10:00 until 03:00 seven days a week.

To extend the opening hours by 2.5 hours from 07:00 until 03:00 seven days a week. The existing hours allow the premises to be open from 07:00 until 00:30.

- 2.2 There is a current Premises Licence in place which is shown as Appendix 3.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the amended Premises Licence, as relevant Representations have been received from a Responsible Authorities and Interested Parties. The Licensing Authority is also satisfied that Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are 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 "Public Safety". This is shown as Appendix 4.

We have received a Representation from Public Protection in relation to the

Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 5.

The Licensing Authority has also received 2 Representations from an Interested Parties in relation to the Licensing Objective “The Prevention of Public Nuisance”. These are shown as Appendix 6.

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

At the time of writing this report, additional information has been provided by Public Protection to support their Representation which is shown as Appendix 7 and Appendix 8. Public Protection have provided this additional information to the Applicant in advance of this hearing.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 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.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
 - (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 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.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Relevant parts of the application form
Appendix 2	Plan of the Premises
Appendix 3	Copy of the current Premises Licence
Appendix 4	Copy of the Representation from the Police
Appendix 5	Copy of the Representation from Public Protection
Appendix 6	Copy of the Representations from the Interested Parties
Appendix 7	Letter dated 1 December 2011 from Public Protection to the Designated Premises Supervisor and Licence Holder of Seamus O'Donnells warning about statutory noise nuisance.
Appendix 8	Further letter 9 December 2011 from Public Protection to the Designated Premises Supervisor and Licence Holder of Seamus O'Donnells giving further information about their Representation.

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.
Torbay Council Licensing Policy 2011.

Application to vary a premises licence 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 ADMIRAL TAVERNS (780) LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

422

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

SEAMUS O'DONNELLS
28 VICTORIA PARADE

Post town TORQUAY

Post code TQ1 2BD

Telephone number at premises (if any) 01803 294608

Non-domestic rateable value of premises £

Part 2 – Applicant details

Daytime contact telephone number 01244 505433

E-mail address (optional)

Current postal address if different from premises address
ADMIRAL TAVERNS LIMITED
SUITE H3
STEAM MILL BUSINESS CENTRE
STEAM MILL STREET

Post Town CHESTER

Postcode CH3 5AN

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

This variation will be for the upstairs function room only and not for the whole premises.

The variation will be for the following:

- To extend the opening hours to the public
- To extend the hours for sale of alcohol

To extend the hours of provision of regulated entertainment which includes the following:

- Exhibition of Films
- Indoor Sporting Event
- Live Music
- Recorded music
- Performances of dance
- Anything of a similar description

To extend the hours of the provision of entertainment facilities which includes the following:

- Making music
- Dancing
- Entertainment of a similar description
- To extend the hours of the provision of late night refreshment

The new times will be as follows:

Opening Hours

Monday – Sunday: 0700 - 0300

Sale of Alcohol

Monday – Sunday: 1000 – 0300

Exhibition of Films, Indoor Sporting Event, Live music, Recorded music, Performances of dance, Anything of a similar description, Making music, Dancing, Entertainment of a similar description

Monday – Sunday: 1000 - 0300

Provision of late night refreshment

Monday – Sunday: 2300 – 0300

This variation will be for the upstairs ~~function room~~ only and not for the whole premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" 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 checked="" 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 checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300	State any seasonal variations for the exhibition of films (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1000	0300			
Fri	1000	0300	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Sat	1000	0300			
Sun	1000	0300			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	1000	0300	
Tue	1000	0300	State any seasonal variations for indoor sporting events (please read guidance note 4) .ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES
Wed	1000	0300	
Thur	1000	0300	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY
Fri	1000	0300	
Sat	1000	0300	
Sun	1000	0300	FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1000	0300			
Tue	1000	0300	State any seasonal variations for the performance of live music (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Wed	1000	0300			
Thur	1000	0300	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Fri	1000	0300			
Sat	1000	0300			
Sun	1000	0300			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1000	0300			
Tue	1000	0300	State any seasonal variations for the playing of recorded music (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Wed	1000	0300			
Thur	1000	0300	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 (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Fri	1000	0300			
Sat	1000	0300			
Sun	1000	0300			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1000	0300	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	1000	0300			
Wed	1000	0300	State any seasonal variations for the performance of dance (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1000	0300			
Fri	1000	0300	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Sat	1000	0300			
Sun	1000	0300			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	1000	0300		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1000	0300	<u>Please give further details here</u> (please read guidance note 3)		
Wed	1000	0300			
Thur	1000	0300	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	1000	0300	ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Sat	1000	0300	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	1000	0300	TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	1000	0300		
Tue	1000	0300	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.	
Wed	1000	0300		
Thur	1000	0300	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY	
Fri	1000	0300		
Sat	1000	0300		
Sun	1000	0300		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	1000	0300		
Tue	1000	0300	State any seasonal variations for providing dancing facilities (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.	
Wed	1000	0300		
Thur	1000	0300	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY	
Fri	1000	0300		
Sat	1000	0300		
Sun	1000	0300		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u> 		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	1000	0300		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1000	0300	<u>Please give further details here</u> (please read guidance note 3)		
Wed	1000	0300			
Thur	1000	0300	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Fri	1000	0300			
Sat	1000	0300	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Sun	1000	0300			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0300			
Tue	1100	0300			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Wed	1100	0300			
Thur	1100	0300			
			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 (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Fri	1100	0300			
Sat	1100	0300			
Sun	1100	0300			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input 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 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300			
Thur	1000	0300			
Fri	1000	0300			
Sat	1000	0300			
			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 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY		
Sun	1000	0300			

N

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 8)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.
Day	Start	Finish	
Mon	0700	0300	
Tue	0700	0300	
Wed	0700	0300	
Thur	0700	0300	
Fri	0700	0300	
Sat	0700	0300	
Sun	0700	0300	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 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY FROM THE START OF STANDARD TIMING ON NEW YEARS EVE TO THE START OF STANDARD TIMING ON NEW YEARS DAY

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Annexe 2 - Conditions consistent with the Operating Schedule - The Prevention of Public Nuisance

1. - Live Music must terminate at 23.45 except on new years eve and new years day.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

ENSURE ALL STAFF UNDERSTAND THE SOCIAL RESPONSIBILITIES ASSOCIATED WITH THE SALE AND SUPPLY OF ALCOHOL.
CUSTOMERS WHO ARE OR APPEAR TO BE DRUNK WILL BE REFUSED FURTHER ALCOHOL SALES.

c) Public safety

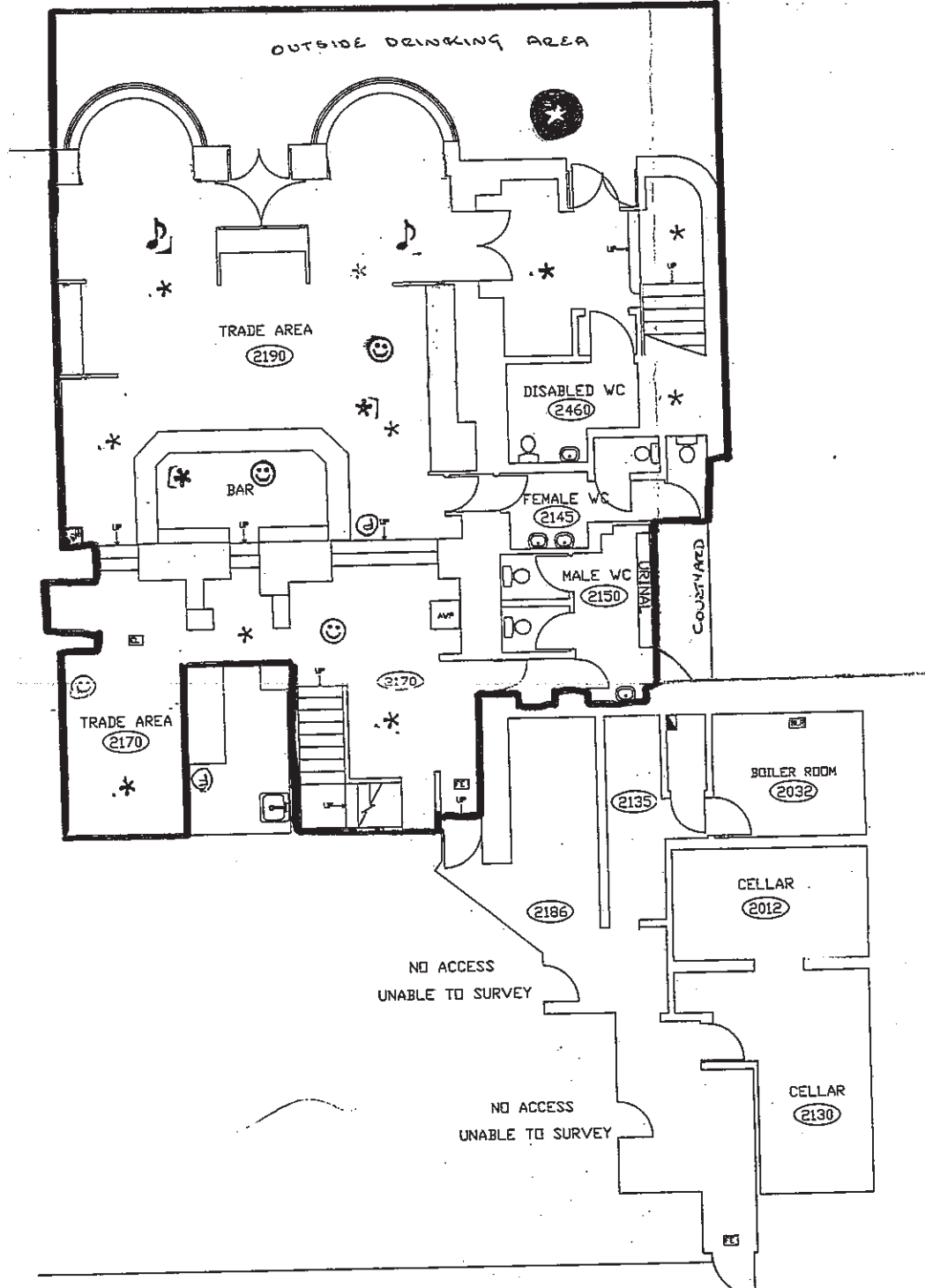
SECUREMENT OF EMPTY BOTTLES, PROMPT CLEARANCE OF GLASSES THROUGHOUT OPENING HOURS.
ASSURING THAT ALL WINDOWS AND DOORS ARE KEPT CLOSED WHEN REGULATED ENTERTAINMENT TAKES PLACE APART FROM FOR ENTRANCE & EXIT

d) The prevention of public nuisance

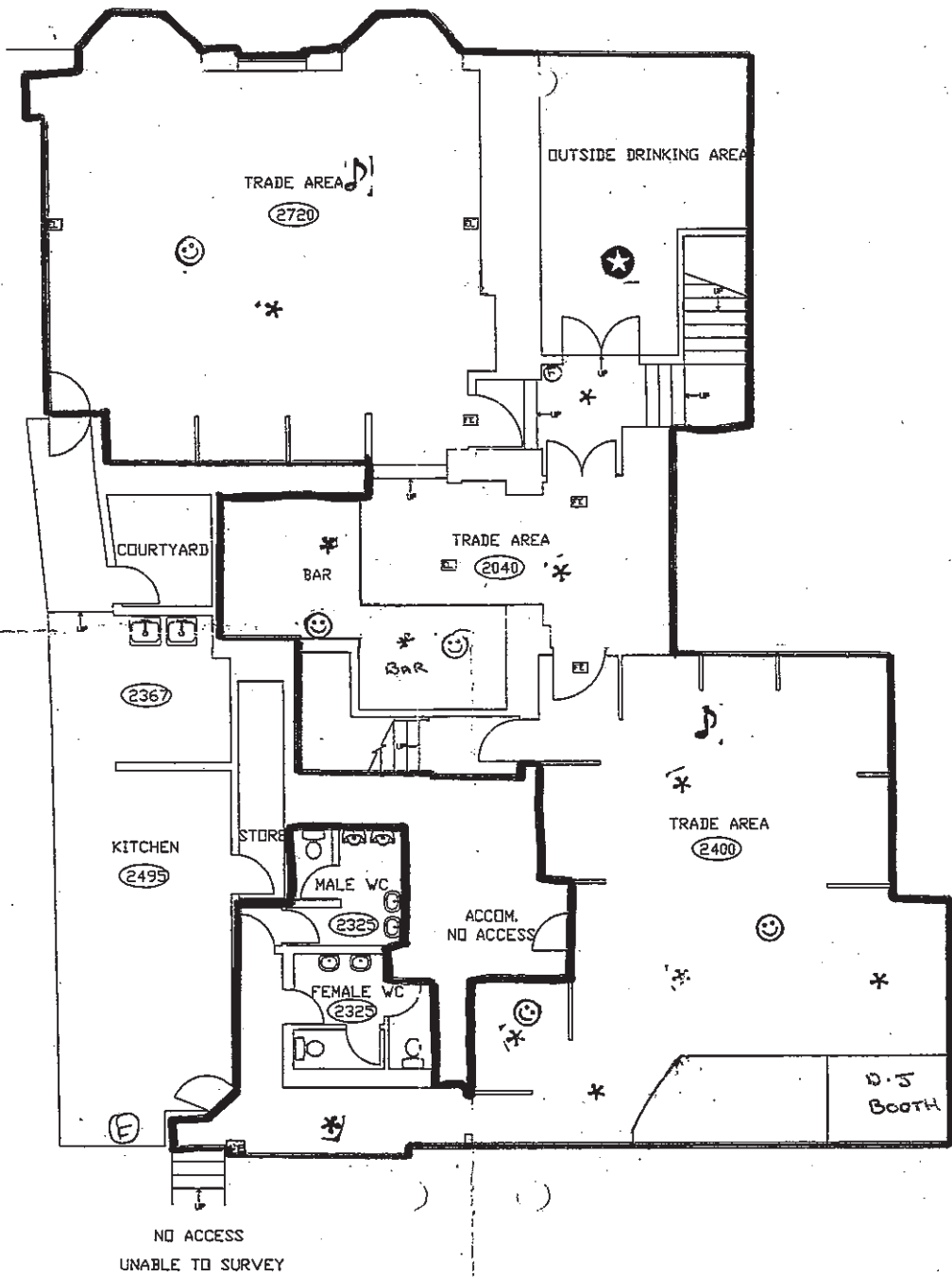
A ZERO TOLEREANCE DRUGS POLICY IS IN PLACE.
DRUGS AND INCIDENT BOOKS ARE USED TO RECORD INCIDENTS.

e) The protection of children from harm

A CHALLENGE 21 SCHEME IS IN PLACE.



BUILDING SURVEYED AREA = 569.7 SQ. M



















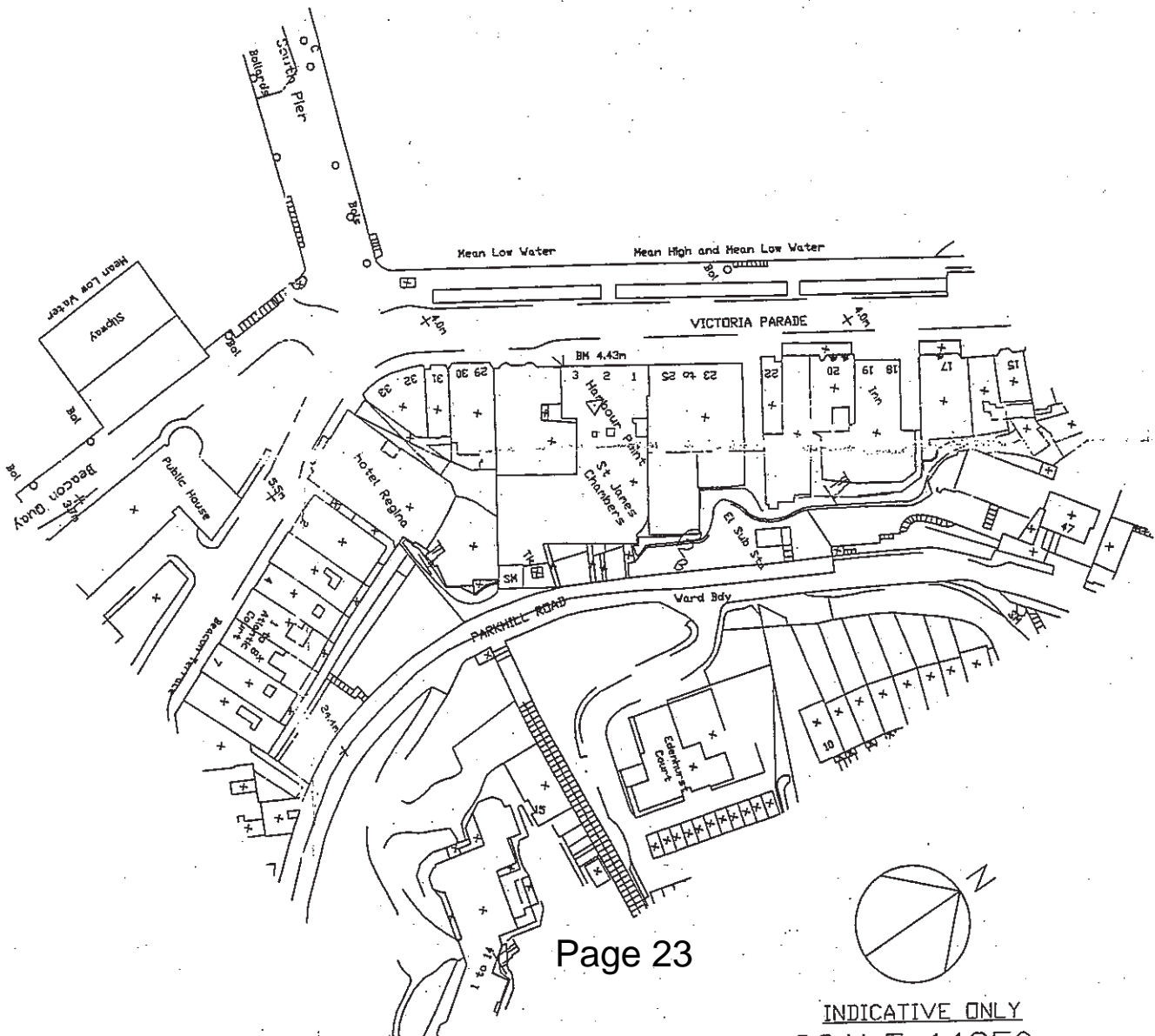
SCALE 1:100
FIRST FLOOR

SCHEDULE OF ADDITIONAL ACCOMMODATION

- 1. Number of storeys of building. 4
- 2. Staff accommodation. 3


LEGEND

-  CEILING HEIGHT
-  WINDOW
-  FIRE PLACE
-  DOOR
-  TOILET
-  URINAL
-  WASH HAND BASIN
-  BOILER
-  FIRE EXIT
-  EMERGENCY LIGHT
-  DISTRIBUTION BOARD
-  STEPS
-  SINK UNIT
-  AMUSEMENT WITH PRIZES
-  BAR FLAP
-  FIRE FIGHTING EQUIPMENT



This page is intentionally left blank

Licensing Act 2003
Premises Licence

LOCAL AUTHORITY	
	Licensing Section Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION	
Seamus O'Donnells 28 Victoria Parade, Torquay, Devon, TQ1 2BD.	Telephone 01803 211855

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> - an exhibition of a film - an indoor sporting event - a performance of live music - any playing of recorded music - a performance of dance - entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance - entertainment facilities for making music - entertainment facilities for dancing - provision of late night refreshment - the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	7:00am	Midnight
C. Indoor sporting event	Monday to Sunday	10:00am	Midnight
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	11:45pm
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	12:30am
G. Performance of dance (Indoors)	Monday to Saturday	10:00am	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	Midnight
I. Provision of facilities for making music (Indoors)	Monday to Sunday	10:00am	Midnight

Licensing Act 2003
Premises Licence

422

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	10:00am	Midnight
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	12:30am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	12:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2


NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Admiral Taverns (780) Limited
 150 Aldersgate Street, London, EC1A 4EJ.
 Telephone 01244 321171

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Admiral Taverns (780) Limited
 05847941

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Lesley Ann BUTCHERS


PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1475
 Issued by Torbay

F. K. Hughes

Fran Hughes
 Executive Head of Community Safety
 27 May 2009



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence , or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITION: DOOR SUPERVISION

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.
 - (b) In respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. Staff shall be trained on the requirements of the Licensing Act 2003.
2. Staff shall be trained in drugs awareness.

The Prevention of Crime and Disorder

1. The premises shall remain open for 30 minutes after the end of the sale of alcohol, with access to amenities and the provision of soft drinks.

ANNEXES continued ...

2. A personal licence holder must be on the premises whenever trading after 20:00hr.
3. The Designated Premises Supervisor must maintain membership to the Torbay Licensed Traders Association 'Pubwatch'.
4. Persons who are an identifiable threat to public order shall be refused service.

Public Safety

1. Health and safety risk assessments must be carried out and regularly reviewed.
2. Fire safety measures provided shall be maintained and regularly reviewed to be in good working order, in accordance with Fire Precautions (Workplace) Regulations.
3. An appropriate, safe occupancy level must be maintained at all times.
4. A risk assessment must be undertaken where there is a sufficient risk of overcrowding and remedial steps must be taken.
5. Where there is a sufficient risk of overcrowding the DPS shall agree the most effective means of control with the Police.
6. Function bookings must be restricted to 100 persons per separate bar room.

The Prevention of Public Nuisance

1. Live music must terminate at 23:45hr, except on New Years Eve and New Years Day.
2. The volume of recorded music must be reduced to background level during the wind down period.
3. All windows must be kept closed after 23:45hr.
4. Suitable signage must be prominently displayed requesting customers to leave quietly.
5. Persons on or leaving the premises shall be reminded to conduct themselves in an orderly manner so as not to cause annoyance to residents and persons passing by.
6. Kitchen extraction filters must be cleaned at least once a week.

The Protection of Children from Harm

1. Any person who appears to be under the age of 21 shall be asked for identification if attempting to purchase alcoholic drinks.
2. Identification that shall be accepted are: A valid passport, photographic driving licence or approved identification card carrying PASS logo.
3. Children shall be permitted in all the public areas.
4. Amusement machines with Prizes must be sited where supervision is available to prevent minors playing them.

PUBLIC ENTERTAINMENT LICENCE STANDARD CONDITIONS - 2000 REVISION

1. GENERAL

- (a) In these conditions the term 'Council' shall mean the Torbay Borough Council or any officer authorised to use appropriate Delegated Powers on its behalf.

ANNEXES continued ...

- (b) In these conditions, the term 'Licence' shall be the Public Entertainment Licence issued or renewed from time to time by the Council.
- (c) In these conditions, the term 'Premises' shall be the building, land or any part thereof more particularly referred to in the Licence.
- (d) In these conditions, the term 'Licensee' shall be that person or those several persons whose name or names are so indicated on the Licence.
- (e) In these conditions, the terms "Door Steward", "Security Staff", "Door Staff" and "Steward", whether in the singular or the plural, shall be any person employed as a steward who has the authority of the proprietor or licensee exclusively or mainly to decide upon the suitability of customers to be allowed entry to the premises, to maintain order on the premises and/or to assist patrons escape in the event of fire. Such staff shall have no other duties and shall be in addition to staff employed on cloakroom, bar, food preparation, food service, pay desk and disc jockey duties.

2. DISPLAY

- (a) The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.
- (b) A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
- (c) There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-
"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"

3. SANITARY EQUIPMENT AND CLEANLINESS

- (a) All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
- (b) Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.

4. STEWARDS, CAPACITY AND CONTROL

- (a) The Licensee shall take all due precautions for the safety of public, the performers and employees and, except with the approval of the Council in writing, shall retain control over all licensed portions of the Premises. Any instructions given by the Council regarding the safety of the audience or any other person present at the entertainment shall be put into effect as soon as required.
- (b) The Licensee shall be responsible for compliance with these conditions and will be in attendance at the Premises throughout the provision of any entertainment. Arrangements may be made for a responsible person, being not less than 21 years of age, to be appointed in writing for the purpose of deputising for the Licensee in his absence. He shall be assisted by a staff of attendants or stewards as required by these Standard Conditions and any Special Conditions of the Licence.
- (c) The Licensee shall be responsible for ensuring that public entertainment is offered only within the terms, on the days and within the hours more particularly set out in the Licence or other written notification to the Licensee. This shall include the instigation of a scheme or procedure for ensuring that the maximum allowable capacity is not exceeded. Such arrangements shall include provisions whereby any authorised officer of the Council or any member of the Devon Fire and Rescue Service in uniform or a Police Constable can determine, without a physical count, the number of persons on the Premises. Counting by means of a numbered ticket system including complimentary, guest or other

ANNEXES continued ...

free tickets which at any one time for a single performance will indicate the maximum number of persons admitted into the Premises may be substituted in place of counting machines. Such arrangements shall also include provisions for ascertaining the number of persons present on different levels within the Premises if more than one is in use.

- (d) Throughout the time that the public are on the Premises, the following minimum number of stewards shall be provided unless the Licence specifies some other number in which case such other number will apply:-

(i) NON LIQUOR LICENSED PREMISES

In respect of the whole premises

For every level in use under 100 capacity

For every level in use over 100 capacity

(ii) LIQUOR LICENSED PREMISES

One steward shall be provided for each 75 people based on the maximum permitted capacity for the Premises.

(Figures shown indicate the ratio of stewards to persons attending the entertainment assuming the maximum level of permitted capacity)

- (e) **This condition shall be operative only where it is stipulated in the licence document that it shall do so. The Licence document may also specify arrangements different from those detailed below in which case such alternative requirements will take precedence. If the premises have the benefit of a Special Hours Certificate issued by the Licensing Justices, all reference to 'premises' within this Condition shall be limited to those areas covered by such Certificate and only during such times as specified therein. In all other cases, the arrangements shall apply to all areas shown in the Licence document.**

Any person employed as a steward shall have been appropriately trained and registered with Torbay Council by having successfully completed a course of instruction under the Torbay Door Stewards Registration and Training Scheme and confirmed to be a fit and proper person to carry out such duties. In addition, any person in the employ of the proprietor or licensee who has applied for entry to the Scheme may be employed on such duties provided that such person has not been advised that participation within the Scheme will be subject to Committee approval and is ONLY prevented from undertaking appropriate training by the unavailability of a course. In these circumstances, any such unregistered person shall not be counted as part of the required number of stewards under the Special Conditions of the Licence or Paragraph 4d. above unless a specific request shall have been made to the Council for a temporary registration to be granted in respect of that person, consent to use such applicant as part of the required number being indicated by the issue of a Temporary Registration Badge. Under no circumstances will the number of temporarily registered staff exceed 50% of the required minimum number of stewards. A list shall be kept of all staff employed in respect of stewarding duties, such record to include the dates on which appropriate training has been provided or the date a Temporary Registration shall have been granted. In addition, a register shall be kept at the premises of all stewards on duty on each day the premises are opened to the public, such register to be entered with the name of the employee, the time that the duty commenced and ended and each entry shall be signed by both the employee and the Licensee. Both the list and register shall be retained for at least twelve calendar months and produced on demand at any reasonable time to an officer appointed for the purpose by the Council, a member of the Devon Fire and Rescue Service or a Police Constable. All such stewards shall, whilst the public are on the premises, wear the appropriate photographic identity badge in a position where it can be seen and read. In the event that the full number of required stewards is not available at any time, the premises will be allowed to open to the public on the basis that the capacity in such circumstances shall be reduced and shall not exceed 75 people to each available steward with a minimum of one to each fire exit. Whenever such arrangements shall have become necessary, the register referred to above shall be annotated accordingly giving appropriate reasons for the change.

- (f) Any person acting as a steward in any circumstances other than those outlined in Paragraph 4e. above shall have been given appropriate instruction in Fire Safety and First Aid.
- (g) All persons acting as stewards shall wear appropriate distinctive clothing or armbands so that they may be readily identifiable as stewards.

5. ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES

ANNEXES continued ...

- (a) The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
- (b) In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
- (c) All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
- (d) Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.
- (e) All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
- (f) All doors and fastenings shall at all times be kept in proper working order.
- (g) All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.
- (h) The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
- (i) Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or storing any article shall be made in corridors, passageways, gangways or exitways.
- (j) All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall be conspicuous.
- (k) Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
- (l) Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- (m) Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.

6. SEATING AND STANDING

- (a) In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
- (b) In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.

ANNEXES continued ...

- (c) Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
- (d) Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.

7. ELECTRICAL, LIGHTING, HEATING AND VENTILATION ARRANGEMENTS

- (a) The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
- (b) It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council). Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.
- (c) The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
- (d) All temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.
- (e) All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
- (f) A record shall be kept of Certificates of Fitness obtained
- (g) The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.
- (h) A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
- (i) A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
- (j) Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
- (k) All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
- (l) The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.

ANNEXES continued ...

- (m) The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
- (n) The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
- (o) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- (p) In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- (q) Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
- (r) When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
- (s) All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or dimmed while the public are on the Premises.
- (t) In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.
- (u) All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
- (v) All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to the satisfaction of the Devon Fire and Rescue Service.

8. FIRE PRECAUTIONS

- (a) All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.
- (b) The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior consent of the Council.
- (c) A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
- (d) A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
- (e) The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
- (f) A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
- (g) No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.

ANNEXES continued ...

- (h) No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
- (i) No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- (j) Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
- (k) Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
- (l) Smoking will be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
- (m) Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.
- (n) A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
- (o) The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
- (p) Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
- (q) The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
- (r) Combustible materials may only be stored in such positions as may be approved by the Council.
- (s) Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have been examined and tested and are in a safe working condition, shall be given annually by a recognised insurance company and shall be submitted to the Council with any initial or renewal Licence application.
- (t) Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
- (u) All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.

9. STRUCTURE AND SUITABILITY

- (a) No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical

ANNEXES continued ...

requirements.

- (b) Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
- (c) In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
- (d) Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
- (e) Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
- (f) If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when required by the Council.
- (g) Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people

10. CONDUCT OF PREMISES AND NOISE NUISANCE

- (a) The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
- (b) The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
- (c) The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction of the Council.
- (d) The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- (e) During any period of time where amplified sound is played in any part of the Premises either:-
 - (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
 - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR
 - (iii) suitable noise compressors/limiters (Entertainment Noise Controllers) be installed and operated to the satisfaction of the Council.

ANNEXES continued ...

11. HYPNOTISM AND OTHER ENTERTAINMENTS PROVIDING SPECIAL RISKS

(a) Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-

- Hypnotism (as defined by the Hypnotism Act 1952);
- Striptease, lap dancing or any similar performance;
- The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
- The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

(b) With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars. (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.

(c) In relation to any consent given for a hypnotism display, the following conditions shall apply:-

- 1 No exhibition, demonstration or performance shall be held whereby:
harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
- 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
- 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
- 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the

ANNEXES continued ...

hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

12. MISCELLANEOUS

- (a) If the premises have the benefit of a Special Hours Certificate, issued by the Licensing Justices under Section 77 of the Licensing Act 1964, all drinking glasses in which drinks are served shall be of strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
- (b) A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with, Conditions 5m, 7f, 7h, 7n, 8a, 8d, 8j, 8m, 11h and 11i of these Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
- (c) Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform, or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.
- (d) The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
- (e) The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
- (f) Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
- (g) Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence, shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
- (h) A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
- (i) In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This requirement is without prejudice to the Statutory Requirements).
- (j) The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

Please note: condition 4e regarding Torbay Door Stewards Registration and Training Scheme has now been superseded by the mandatory condition on door supervision.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

General

None

The Prevention of Crime and Disorder

None

Public Safety

ANNEXES continued ...

None

The Prevention of Public Nuisance

1. Noise and vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23:00hr. The criteria applied, from the boundary to the nearest residential property are;
 - (a) Before 23:00hr- Noise emanating from the premises will not be clearly distinguishable above other noise.
 - (b) After 23:00hr- Noise emanating from the premises will not be distinguishable above background levels of noise.
 - (c) The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/ Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
3. Windows will be kept shut during amplified entertainment to reduce noise break out.
4. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.

The Protection of Children from Harm

None

ANNEXE 4

PLANS

Copy attached to Licence.

Our ref: Lic/East/Tor/jks

Your ref:

Licensing Department
Torbay Council
Roebuck House
Abbey Road
TORQUAY
TQ2 5EJ

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
Middlemoor
EXETER EX2 7HQ

22 November 2011

Telephone: 01392 452225

Dear Sir/Madam

Seamus O'Donnells, 28 Victoria Parade, Torquay

I refer to the above premises and an application for the Variation of the Premises Licence, issued by Torbay Council, number 422.

The police have met with the Designated Premises Supervisor, Mrs Lesley Butchers, on behalf of the applicant, Admiral Taverns Ltd and discussed the application. As a result of these discussions the police consider that the following conditions should be imposed on the licence in order to ensure that the Licensing Objectives are met:

1. The premises shall join and maintain membership of the Torquay Night-time Economy Forum and the DPS or a member of the Management Team shall attend at least 2 meetings per calendar year.
2. The premises shall join, maintain membership of, and actively participate in Torquay Pubwatch.
3. The premises shall join, maintain membership of and actively participate in the Nitenet Radio Communications Scheme.
4. A CCTV system to be installed at the premises to the satisfaction of the police, and must operate at all times the premises are open to the public. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided with downloaded images at any reasonable time.
5. On Sundays, Mondays, Tuesdays, Wednesdays and Thursdays, if the premises sells alcohol after 12 midnight and remains open after 0030 hrs, the DPS shall undertake a risk assessment as to the need for SIA door stewards. The DPS should consider the nature of the event, the number of persons expected to attend and recommendations from the Devon and Cornwall Constabulary. If SIA door stewards are deemed necessary, a minimum of two stewards shall be employed on the premises from 2200 hrs until closing.
6. On Fridays and Saturdays, New Years Eve, Christmas Eve, Boxing Day,

Valentine's Day and Halloween (whenever they do not fall on a Friday or Saturday), and on Sundays and Mondays of Bank Holiday Weekends, when the premises sells alcohol after midnight and remains open after 0030 hrs, a minimum of two SIA stewards shall be employed on the premises from 2200 hrs until closing.

7. On every operational day when door supervision is required, SIA door stewards employed in front of house duties shall wear high visibility jackets or tabards for the entirety of their duty.
8. Written records of all SIA door stewards, including full name and full SIA badge number, shall be kept on the premises for at least 12 months and be available for inspection at any reasonable time by a member of the Responsible Authorities.
9. All drinks must be served in toughened or strengthened, polycarbonate or plastic glasses.
10. On days when the premises sells alcohol after midnight, and remains open after 0030 hrs, no drinks shall be served after 2200 hrs in glass bottles from which it is intended or likely that a person shall drink.
11. There shall be a cooling down period of 30 minutes after the last sales of alcohol when music will be turned down.
12. All drinks promotions shall be managed in a responsible manner.
13. On all days the premises sells alcohol after midnight, and remains open after 0030 hrs, from 2200 hrs onwards the DPS or a Personal Licence Holder shall be on duty on the premises.
14. Any person employed at the premises in the sale and supply of alcohol after 2200 hrs shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment or for existing staff within 2 months of the licence being granted.
15. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept on the premises and be available for inspection at any reasonable time by a member of the Responsible Authorities. Such record to be kept for at least 12 months.
16. No under 18 year olds to be allowed on the first floor of the premises after 2200 hours, unless they are attending a private pre-booked function.
17. At each exit used by customers, suitable signage shall be displayed informing customers that they are entering a "No Drinking Zone" and that no open drinking vessels are to be taken beyond such point.
18. At each exit used by customers, suitable signage shall be displayed requesting customers to leave in a quiet and orderly manner.
19. Door stewards, the DPS and Personal Licence Holders shall monitor the immediate vicinity of the premises and take all reasonable steps to ensure patrons leaving the premises do so in an orderly manner and quietly so as not to disturb residents.
20. There shall be no entry/re-entry to the premises after 0200 hrs.

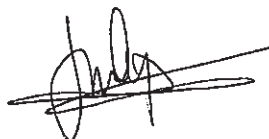
In respect of condition 13 above, the police consider that this condition should apply as opposed to condition number 2 under the Prevention of Crime and Disorder on page 4 of the Premises Licence. Furthermore condition 3 under the heading of The Protection of

Children from Harm on page 4 of the Premises Licence should be removed, as this will be replaced with condition 16 above. In addition, the police request that all other conditions on the Premises Licence that refer to door stewards (pages 5 and 6, condition 4a – 4g) should be removed so as not to conflict with the proposed door steward conditions outlined at 5 and 6 above.

The police do not consider that there are other ways in which this application can be made acceptable, and for your information Mrs Butchers has confirmed to my Licensing Officer that these conditions are satisfactory to her.

Should you require any further information, please do not hesitate to contact Julie Smart of Licensing Department on the above telephone number.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Nye', with a long horizontal line extending to the right.

Superintendent J Nye
Geographic Superintendent – Torbay

Memorandum

To:	From	: Community Safety
c.c	Contact	: Mr Gareth Fudge
c.c.	Ext	: 01803 208010
c.c	My Ref	: 1ZV SRU No: 168516/GDF
For the attention of: Licensing Steve Cox	Your Ref Date	: : 14 November 2011

Subject: Premises– Licensing Act 2003
**Premises Name & Address: Seamus O'Donnells, , 28 Victoria
Parade, Torquay, Devon, TQ1 2BD**

- 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

Over the past two years, I have received a number of complaints alleging that noise Seamus O'Donnells has caused significant disturbance to the residents of Harbour View Flats.

I have visited the area, and have confirmed that these flats are attached to Seamus O'Donnells as illustrated in the attached photograph. It appears that both premises are brick built and that there is not significant mass between the buildings as would be required for sound insulation. I have spoken with three of the residents in the flats all of whom state they are affected by noise from the premises, to the extent that currently they are disturbed by music penetrating their building and preventing them from sleeping. However, as the premises currently finishes playing amplified music at midnight, they have put up with it, as they tend not to go to bed until midnight.

However, the residents have expressed the concern that should the premises licence be granted past midnight then they would be driven from their properties by the music.

Having considered this, I am concerned that to increase the time allowed by Seamus O'Donnells to play music will only increase the disturbance suffered. Furthermore, I am also concerned that because the flats are attached, there would be no way to effectively insulate the complainants homes from the noise generated by the music without significant

structural work to Seamus O'Donnells to provide sound insulation. I note that this is not proposed by the applicant.

I am also concerned that the residents of the flats will also be disturbed by patrons of the premises leaving the premises when it closes at 03:00.

Given that these flats are right next to the entrance to Seamus O'Donnells, I am also concerned that residents will be disturbed by patrons leaving the area at 03:00 am.

This area of Victoria Parade is away from the main night time economy area and is generally much quieter by 03:00 am than the harbour side area. Disturbance to the residents of the flat are therefore much more likely as there will be less ambient noise to mask the sounds of patrons leaving.

I am also concerned that the applicant has taken no steps to address noise breakout through music into the adjacent residential premises. I considered whether the introduction of a noise limiter would be an appropriate means of controlling noise, however, given the proximity of the flats and the noise that currently breaks into the flats, I am concerned that it would not be possible to play music at a level that is appropriate for live or amplified music, without it causing significant disturbance to residents so the use of a noise limiter would either make amplified music unfeasible or result in disturbance to residents.

Therefore, I feel I have no alternative but to object to the grant of this variation.

If the committee are minded to grant the licence, the following conditions would be appropriate for the prevention of public nuisance.

A scheme of sound insulation works to the premises shall be submitted and approved by the local environmental health department. Such a scheme shall include sound insulation works to windows, doors, the wall adjacent to Harbour View Flats and shall include details of the construction of acoustic lobbies and glazing to prevent noise breakout. The scheme of works shall be implemented prior to music being played beyond Midnight.

Doors and windows shall be kept shut during the performance of regulated entertainment.

Prior to the playing of amplified music, a noise limiter shall be installed in the premises and all music encompassing regulated entertainment shall be played through the noise limiter. The limiter and associated Public Address system shall be kept in a tamper proof case under the control of an independent party.

The level of the noise limiter shall be set and agreed with the local Environmental Health Department. The limiter shall be calibrated annually and set at the level agreed with the Local Environmental Health Department. A report of the calibration shall be sent to the local Environmental Health Department.

No changes to the Public Address system shall be made without the express permission of the local Environmental Health Department, this includes moving of speakers or the addition or removal of any equipment.

Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.

Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.

Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.

Door staff operating the nite-net radio system outside the premises shall do so with the use of an earpiece to minimise disturbance caused by the radio.

Mr Gareth Fudge
Senior Environmental Health Officer



Subject: Seamus O'Donnells - 27056

Dear Sirs,

Please find below an objection to Seamus O'Donnells request for licence extension, until 3am, apologies if this is late but the torquay web portal has experienced technical difficulties for the past few weeks, meaning the variation could not be viewed

My objection is on the grounds of the prevention of public nuisance.

The licensing act 2003 explicitly states

"public nuisance, the 2003 act considers that appreciation must be given to persons living in the vicinity wrt noise nuisance, and conditions should be tailored to the individual premises."

Torbay Council has a policy for dealing with noise and follows the 'Principle' that citizens of Torbay can reasonably expect to be protected from significant loss of amenity due to noise and vibration.

The licencing act 2003 guidance clearly states it protects local residents whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises. Its local implementation across all agencies is aimed at reducing drunkenness and disorder.

The licensing act also encourages staggered closing times, where the application is seeking to harmonise this with other venues, resulting in increased migration between bars.

Whilst the premises has a current licence, evidence, through personal statements and video evidence has been given to environmental health over the past 11 months, which includes disturbances in terms of rowdy customers that migrate along the harbour side to Queens Quay. Environmental health has this diary but has not taken formal action, which is being dealt with separately.

The premises is in the cumulative impact area, which is designed to "reduce" the continuing expansion, at the detriment of others the night time economy.

Specifically, there is no limit on re-entry, no condition to be part of radio network, no door staff requirements, no demonstration of measures for prevention of crime / disorder, or public safety.

The premises has a reputation with doorway speakers for disturbing the local enjoyment of amenity ie the harbour.

As I have spent in excess of 10 percent of my holiday so far this year attending reviews, and given I work away during most weeks, and given the current economic climate, can a presence be arranged via telecom, giving me fair access to represent myself in any review.

I can also, and/or environmental health provide a diary over the past 11 months on noise issues witnessed and the material impact on myself as a resident.



The property is one of 7 flats owned by signpost housing association [redacted] to Seamus O'donnell pub. I have been suffering from late night noise from Seamus O'donnell pub for the last couple of years and have been in touch with both Garath Fudge from torbay council and Adrian Sanders (reference, SRU 161620/GDF) to try and get them to keep their noise down. After my communications with Adrian Sanders Their noise levels have finally come down, I understand from Garath Fudge that Seamus O'donnell pub are now applying for a late license and would like to object to this as it would cause distress to myself and other residents here at harbour view flats.

I hope to hear back from you on this matter,

[redacted]



Please reply to: Mr Gareth Fudge

Community Safety

Roebuck House

Abbey Road

Devon

TQ2 5EJ

My ref: NOU No: 001447

Your ref:

Telephone: 01803 208010

Fax: 01803 208854

E-mail: licensing@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 1 December 2011

Dear Ms Butcher

**Re: Section 80 Environmental Protection Act 1990
Statutory Noise Nuisance arising from the playing of Amplified music at Seamus O'Donnels
28 Victoria Parade Torquay**

I refer to my letter of the 28th of April I have received further complaint that you are continuing to play music at a level that is causing disturbance to your neighbours. I have visited your neighbors and have confirmed the existence of a statutory noise nuisance. As such I am under an obligation to serve an abatement notice requiring abatement of the nuisance. However, I am offering you an opportunity to resolve this matter informally.

You must take action immediately to reduce the volume of music disturbing your neighbours. Should complaints continue, I shall have no alternative but to serve an abatement notice. It is an offence to breach an abatement notice and upon conviction, a person operating a business may be fined a maximum of £20,000. It is therefore in your interest to ensure that this matter is resolved as a matter of urgency.

The nuisance is being caused by bass breakout into the neighbouring properties through your walls rather than through your windows or through open doors or windows. Therefore the quickest solution to the problem is to reduce the volume of the noise to a much lower level.

If you wish to discuss methods of preventing further nuisance, I can be contacted on the telephone number above.

Should you need to contact us please quote the reference number above.

Yours sincerely

Mr Gareth Fudge
Senior Environmental Health Officer
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

Cc: Admiral Taverns (780) Limited – 150 Aldersgate Street London EC1A 4EJ

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.

This page is intentionally left blank

Please reply to: Mr Karl Martin

Community Safety

Roebuck House

Abbey Road

Devon

TQ2 5EJ

My ref: NOU No: 001447

Your ref:

Telephone: 01803 208025

Fax: 01803 208854

E-mail:

Website: www.torbay.gov.uk

Date: 13th December 2011

Dear Ms Butchers

Seamus O'Donnells,
Re: Application to vary existing license Licensing
Seamus O'Donnells,28 Victoria Parade Torquay

I write further to Mr Gareth Fudge letter dated 1st December 2011 regarding noise nuisance arising from Seamus O'Donnell's.

On the 9th November 2011 I met with you at Seamus O'Donnell's to discuss your proposed application to vary your premises licence. At that meeting you will recall that I suggested a number of conditions with the aim to negate any impact your application would have on the Licensing Objective 'The Prevention of Public Nuisance. Despite having reassurance from you that these conditions will be added when you made the variation application, I note with disappointment the conditions have not been included in your application. This is particularly concerning, as your premises are within the Cumulative Impact Area of Torquay and Torbay Council's Licensing Policy on your type of application, is one of a rebuttable presumption to refuse. The conditions I suggested at that time have been repeated below.

1. All doors and windows shall be shut during all regulated entertainment.
2. A written management plan to be in place to ensure that this doors and windows are kept closed during any regulated entertainment.
3. Noise from licensable entertainment shall not be distinguishable from the ambient noise on the street 10 meters or more from the premises. This shall be assessed from the street. However, should a complaint from a resident in the area be made steps shall be taken to ensure that noise breakout is reduced to a level agreed with the Local Authority and the residents.
4. There shall be no exterior sited speakers or speakers in doorways and lobbies
5. The management of the premises will undertake monitoring of noise breakout from the premises and a written record needs to be kept of this monitoring. This shall be undertaken

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, galleries and arts

If you require this in a different format or language, please contact me.

at least once per day.

6. The volume of any regulated entertainment will be under the control of the management at all times. Should monitoring indicate that the volume should be reduced, management shall take steps to ensure that levels are reduced to those agreed in condition 3

Since meeting with you on the 9th November, when initially I did not feel that I had cause to object to your application because you assured me that my suggested conditions would be added to your application, new complaints have been received about noise nuisance coming from your premises which is disturbing nearby residents and denying them of their entitlement to quiet enjoyment of their home. The nature of the complaint has been outlined by Mr Fudges in his letter, dated 1st December 2011.

As Mr Fudge describes, noise amounting to a statutory nuisance has been recently witnessed by two Officers of this authority, inside the home of a neighbouring resident. Though I am pleased to inform you that the weekend of the 3rd and 4th of December 2011 your neighbours felt that following the service of this letter, they were not disturbed by noise breakout to the same level as they have been previously.

Despite this recent improvement, I am not satisfied at this stage that you can demonstrate that you have permanently remedied the noise breakout from your premises, or given enough reassurance by the way of proposed actions or agreement to conditions to control noise breakout should the variation to your premises licence be granted, as per the application made. Consequently on the 22nd December 2011 I will be recommending to the Licensing Committee that your application is not approved by the Members of the Licensing Committee.

This view is supported by Torbay Council Licensing Policy which states applications to vary an existing licence where that the applicant has not properly considered the issue of nuisance will normally not be approved (Sec 4.4 and 5.5).

Mr. Fudge has objected to your variation and you will receive a copy of his objection shortly. In his Representation he has recommended that should the Licensing Committee be minded to grant the variation, the following additional conditions be added to your licence, these are outlined below:-

1. A scheme of sound insulation works to the premises shall be submitted and approved by the local environmental health department. Such a scheme shall include sound insulation works to windows, doors, the wall adjacent to Harbour View Flats and shall include details of the construction of acoustic lobbies and glazing to prevent noise breakout. The scheme of works shall be implemented prior to music being played beyond Midnight.
2. Doors and windows shall be kept shut during the performance of regulated entertainment.
3. Prior to the playing of amplified music, a noise limiter shall be installed in the premises and all music encompassing regulated entertainment shall be played through the noise limiter. The limiter and associated Public Address system shall be kept in a tamper proof case under the control of an independent party.
4. The level of the noise limiter shall be set and agreed with the local Environmental Health Department. The limiter shall be calibrated by annually and set at the level agreed with the Local Environmental Health Department. A report of the calibration shall be sent to the local Environmental Health Department.
5. No changes to the Public Address system shall be made without the express permission of the local Environmental Health Department, this includes moving of speakers or the addition or removal of any equipment.
6. Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave


in a quiet manner.

7. Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.
8. Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.
9. Door staff operating the nite-net radio system outside the premises shall do so with the use of an earpiece to minimise disturbance caused by the radio.

Please do not hesitate to contact Gareth Fudge or Myself should you wish to discuss any aspect of this letter or offer any proposals to alleviate the concerns I have regarding your variation application.

Should you need to contact us please quote the reference number above.

Yours sincerely



Mr Karl Martin
Noise and Licensing Officer
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act *2000.*

Cc: Admiral Taverns (780) Limited – 150 Aldersgate Street London EC1A 4EJ

This page is intentionally left blank