



Wednesday, 17 April 2013

## LICENSING SUB-COMMITTEE

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

**Thursday, 25 April 2013**

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 Pentney

Councillor Bent

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**Working for a healthy, prosperous and happy Bay**

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

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207026**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@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. **Minutes** (Pages 1 - 5)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 28 March 2013.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre, Cockington Lane, Torquay TQ2 6XA** (Pages 6 - 38)  
To consider an application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre, Cockington Lane, Torquay TQ2 6XA.

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

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

**8. Suspension of Torbay Council issued Driver's Licence**

(Pages 39 - 58)

To consider a Report.



## Minutes of the Licensing Sub-Committee

28 March 2013

-: Present :-

Councillors Addis, Bent and Ellery

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### 35. Election of Chairman/woman

Councillor Bent was elected as Chairman for the meeting.

### 36. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Ellery instead of Councillor Parrott.

### 37. Minutes

The Minutes of the meeting of the Sub-Committee held on 3 January 2013 and 24 January 2013 were confirmed as a correct record and signed by the Chairman.

### 38. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ4 5DS

Members considered a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance', 'The Protection of Children Harm' and 'Public Safety'. The Representation also proposed conditions should the application be granted.	7 March 2013

Public Protection	Representation objecting to the application on the grounds of 'Public Safety' and 'The Prevention of Public Nuisance'. The Representation also proposed additional conditions should the application be granted.	12 February 2013
Police	Representation advising that two of the additional conditions proposed by the Police in their representation dated 7 March 2013 had been agreed, one additional condition had been withdrawn with the fourth additional condition remaining unresolved.	26 March 2013

## Additional Information:

A request from the Police had been received for an extension of time for oral representations. The Chairman agreed to the request and permitted all parties 15 minutes for oral representations.

## Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Police	The Police Representative outlined their representation as set out in the submitted report and responded to Members questions.
Public Protection	The Senior Environmental Officer outlined his representation as set out in the submitted report and responded to Members questions.

## Decision:

That the application for a Variation to a Premises Licence in respect of Park Lane, Torwood Street, Torquay be granted as applied for subject to the following:-

- i) the Applicant's proposed additional condition 1 under the heading The Prevention of Crime and Disorder within his application be amended to read:-

"In relation to the consumption of food and drink (alcoholic or non-alcoholic) on the ground floor terrace, there shall be no consumption after 2 a.m. on Friday and Saturday and after midnight from Sunday to Thursday.";

- ii) that the existing conditions on the licence be amended as proposed by the Police and agreed by the Applicant as set out in paragraphs 1) and 3) of the letter from the Police dated 26 March 2013;
- iii) that the conditions proposed by the Senior Environmental Health Officer in his Memorandum dated 12 February 2013 (except for the condition relating to smoking in the external areas) and agreed by the Applicant be added to the licence; and
- iv) with regard to the area having the benefit of the Pavement Café Permit granted by Torbay Council the Sub-Committee impose a further condition:

“The consumption of alcohol shall cease in the Pavement Café area at 10 p.m.”

#### Reasons for Decision

The Sub-Committee carefully considered all the written and oral representations made. They had regard to the Council’s Licensing Policy and noted that the application premises were within the area to which the Council’s Special Saturation Policy applied. Therefore, as two Responsible Authorities had made relevant representations, there was a rebuttable presumption, in relation to this variation application, that it would normally be refused on the basis that to grant would add to the problems of public nuisance in the area. However, the presumption can be rebutted if the applicant can demonstrate that there will be no negative cumulative impact on the Licensing Objective the Prevention of Public Nuisance.

The Sub-Committee considered the views of the Police and Public Protection and had regard to the representation from the Applicant on how to manage the problems identified. The Sub-Committee feel that the conditions being imposed will ensure the Licensing Objectives are not undermined particularly in relation to ‘The Prevention of Public Nuisance’.

#### **39. Licensing Act 2003 – An application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay TQ1 2BB**

Members considered a report on an application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay. The Premises are situation within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the grounds ‘The Prevention of Crime and Disorder’ and ‘The Prevention of Public Nuisance’.	6 March 2013

Public Protection	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	19 February 2013
Police	A google map with the Licensed Premises located around the Harbourside and their closing times listed.	Circulated on 26 March 2013

Additional Information:

A request from the Police had been received for an extension of time for oral representations. The Chairman agreed to the request and permitted all parties 30 minutes for oral representations.

Oral Representations received from:

Name	Details
Applicants Legal Representative	The Applicants Legal Representative outlined the application and responded to Members questions. The Applicants Legal Representative circulated a copy of his oral representation which included an undertaking made by the applicants.
Police Legal Representative	The Police Legal Representative indicated that the Police were no longer objecting to the application being granted and proceeded to outline their representations regarding the application and responded to Members questions.
Public Protection	The Senior Environmental Health Officer outlined his objection to the application and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Pasty 'n' More, 11 Victoria Parade, Torquay be granted as applied for in accordance with the Operating Schedule subject to the following:

- i) that the terminal hour of the licence be 0430 Monday to Sunday; and
- ii) that in relation to SIA door supervision the following condition be added:

“There shall be a minimum of one SIA door supervisor on duty at the premises whenever the premises are open beyond 0100, who shall remain on duty until 30 minutes after the premises have closed and whilst on duty shall wear a hi-visibility top in order to distinguish them from Members of the Public”.

Reason for Decision:

The Sub-Committee carefully considered all the written and oral representations. The Sub-Committee had regard to the Council's Licensing Policy and noted that the application premises were within the area to which the Special Saturation Policy applies. However, as there was no proposal for alcohol to be sold at these premises the Special Saturation Policy does not apply and so there is no rebuttable position that this application should normally be refused on the basis that these premises would add to the problems of crime and disorder and public nuisance in the area.

Nevertheless, in light of the relevant representations made, the Sub-Committee, in accordance with the Council's Licensing Policy, have carefully considered the adequacy of measures proposed by the Applicant to prevent crime and disorder and prevent public nuisance.

The Sub-Committee find that granting the licence on this basis and with the added conditions will address the problems identified by the responsible authorities and will serve to promote the Licensing Objectives.

Finally, whilst not being part of their decision or reasons, the Sub-Committee wish to have it recorded that they note the Applicant's Undertaking to the Sub-Committee and the Responsible Authorities as set out in Summary of Oral Submissions provided by the Applicant's Legal Representative.

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Chairman/woman





Briefing Report  
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre, Cockington Lane, Torquay TQ2 6XA

Wards Affected: **Cockington with Chelston**

To: **Licensing Sub-Committee** On: **25<sup>th</sup> April 2013**

Contact Officer: **Mandy Guy**  
Telephone: **01803 208124**  
E.mail: **Licensing@torbay.gov.uk**

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## 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.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective “The Prevention of Public Nuisance”.
- 1.4 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.

- 1.5 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 premises is shown as Appendix 2.

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

To amend the plan to incorporate additional licensed area.

To extend the period for "Performance of a Play" (outdoors) from to June - September. The existing period is June–August.

To remove conditions relating to Coast & Countryside Trust, as they are now known as Cockington Court Craft Centre and the removal of non-enforceable noise conditions.

The addition of new conditions relating to "The Prevention of Public Nuisance.

- 2.2 The current Premises Licence 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 variation to the Premises Licence, as relevant Representations have been received from Interested Parties. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received 4 Representations from Interested Parties as well as 2 letters of support from Interested Parties in relation to the Licensing Objective "The Prevention of Public Nuisance". Further to this we have also received a Memo from a Senior Environmental Health Officer of Public Protection who did not wish to make a Representation but to note their support of certain conditions being removed. These are shown as Appendix 4.

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

- 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 sections of the application form.
Appendix 2	Plans including extended area
Appendix 3	Copy of the current Premises Licence.
Appendix 4	Representations from Interested Parties.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

### **Documents available in members' rooms**

None

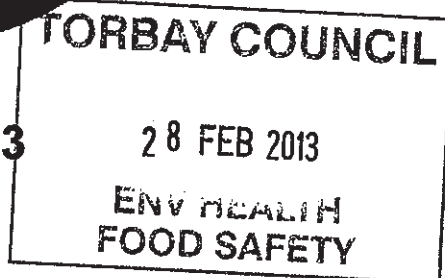
### **Background Papers:**

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

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



EDC 001382.  
FORM L  
P 190



**LICENSING ACT 2003**  
**APPLICATION**  
**TO VARY A PREMISES LICENCE**

**NOTIFICATION**

*Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.*

*Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.*

*You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, [www.torbay.gov.uk](http://www.torbay.gov.uk)*

**Completed forms should be returned to:**

**Principal Safety & Licensing Officer**  
**Torbay Council**  
**Environmental Health and Community Safety**  
**Roebuck House**  
**Abbey Road**  
**Torquay**  
**TQ2 5EJ**

**Contact Details:**

**Tel: 01803 20 8126**

**Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)**

**Fax: 01803 20 8854**

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**





## 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 Torbay Development Agency  
(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

<b>Premises licence number</b> PL0798
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## Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Cockington Court Craft Centre Cockington			
<b>Post town</b>	Torquay	<b>Post code</b>	TQ2 6XA

<b>Telephone number at premises (if any)</b>	01803 607230
<b>Non-domestic rateable value of premises</b>	£25,750.00

## Part 2 – Applicant details

<b>Daytime contact telephone number</b>	01803 607230		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>			
<b>Post Town</b>		<b>Postcode</b>	

**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)**

- Change of premises plan to show additional licensed area.
- Change to Licensable Activity (Performance of a play) additional month requested
- Removal of un-enforceable conditions
- Change of reference from Trust or Torbay Coast & Countryside Trust in the premises licence to be amended to Cockington Court
- Addition of new conditions for the Prevention of Public Nuisance

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

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

##### Provision of entertainment facilities:

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

**A**

Plays Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	14:00	21:30		<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue	14:00	21:30			
Wed	14:00	21:30	<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4) June - September only		
Thur	14:00	21:30			
Fri	14:00	21:30	<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	14:00	21:30			
Sun	14:00	21:30			



O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:00	<b>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</b> (please read guidance note 5) The park itself is open 24 hours a day.
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	00:00	

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  
 General  
 No.5 - TCCT must be insured by NFU Mutual to a limit of £5 million for public liability  
 Public Safety  
 No.4 - No smoking shall be allowed in Cockington Court

Annexe 3  
 The Prevention of Public Nuisance  
 No.1 - Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.  
 No.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 or a designated member of staff.  
 No.5 - A senior member of staff(manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**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**

**c) Public safety**

**d) The prevention of public nuisance**

Should complaints in respect of noise be received and proven, the noise management plan in the following condition shall be implemented.

a) - The volume of the music at external events shall not exceed the level agreed with the local Environmental Health Department.

b) - A member of staff will monitor this level throughout the event to ensure that this level is adhered to.

c) - All music played internally shall be played through a noise limitation device. The level of this device shall be agreed with the local Environmental Health Department and shall not be tampered with.

e) The protection of children from harm

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Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

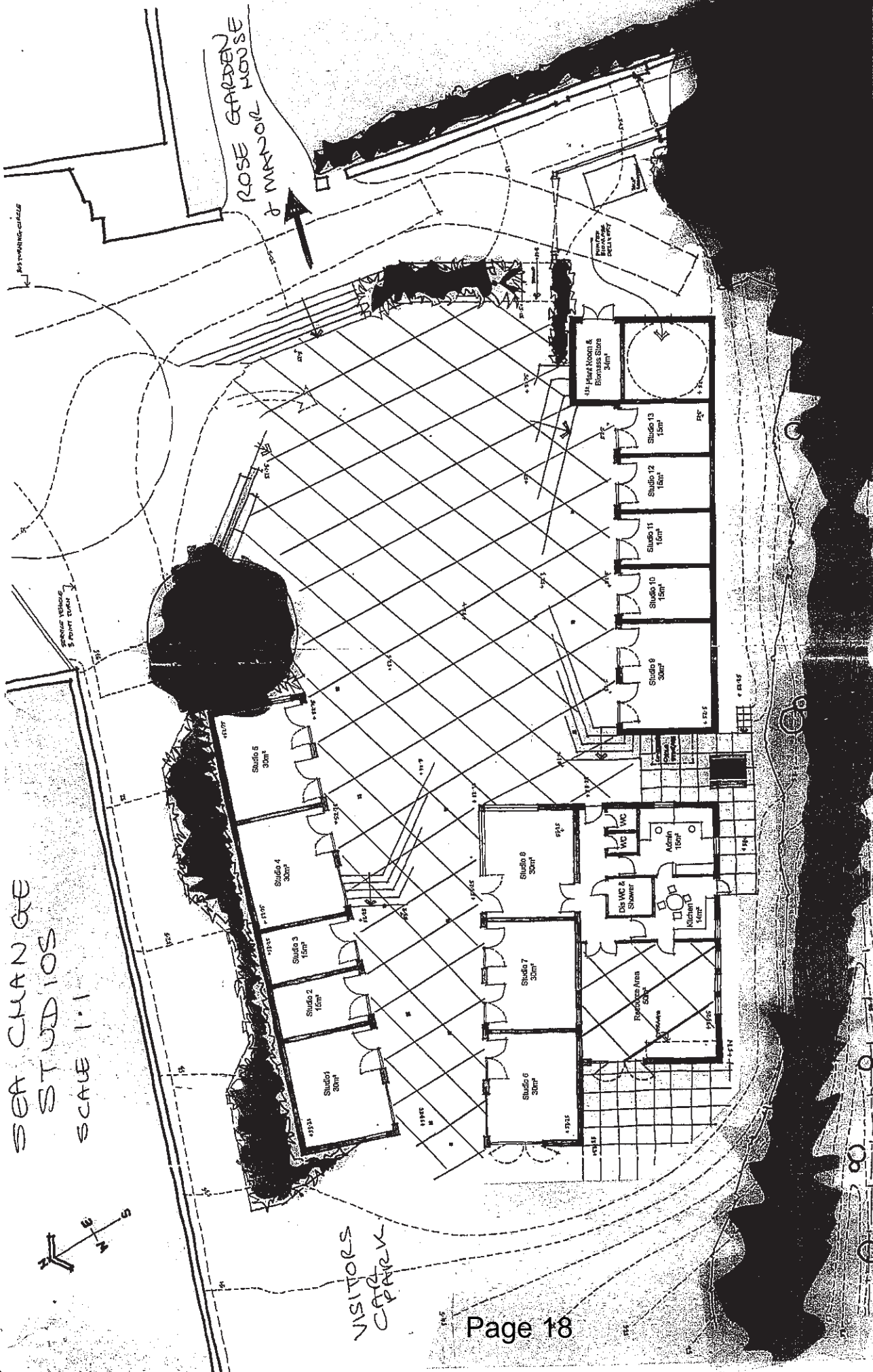
**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	M Wakefield - Centre Director
Date	27 <sup>th</sup> Feb 2013.
Capacity	Centre Director Coddington Court (TDA).

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	



SEA CHANGE  
STUDIOS  
SCALE 1:1

VISITORS  
PARKING

AREAS TO BE  
LICENSED FOR  
EVENTS / MUSIC /  
SELLING ALCOHOL ETC



# SEA CHANGE STUDIOS

SCALE 1:1



POSITION OF FIRE DETECTION/  
WARNING SYSTEM - FIRE EXTINGUISHERS  
- EMERGENCY LIGHTING AND EXITS

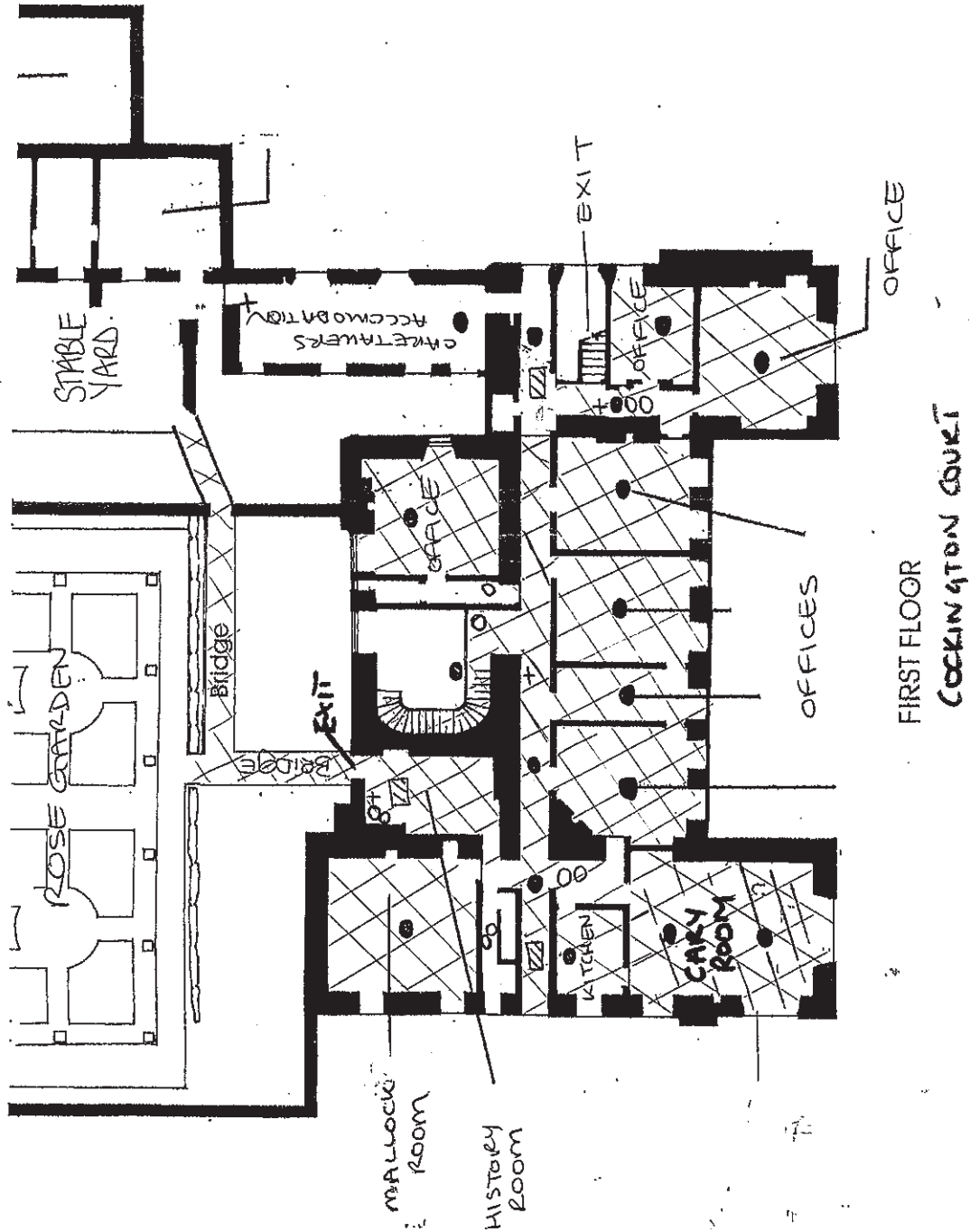
FIRE EXIT SIGN  
EMERGENCY EXIT

- SMOKE DETECTORS
- POWDER EXTINGUISHER
- FOAM " "
- WATER " "
- CO2 " "
- △ FIRE BLANKET
- + BREAK GLASS
- ▨ FIRE/ EMERGENCY LIGHTING



POSITION OF FIRE DETECTION / WARNING SYSTEM - FIRE EXTINGUISHERS -  
EMERGENCY LIGHTING AND EXITS

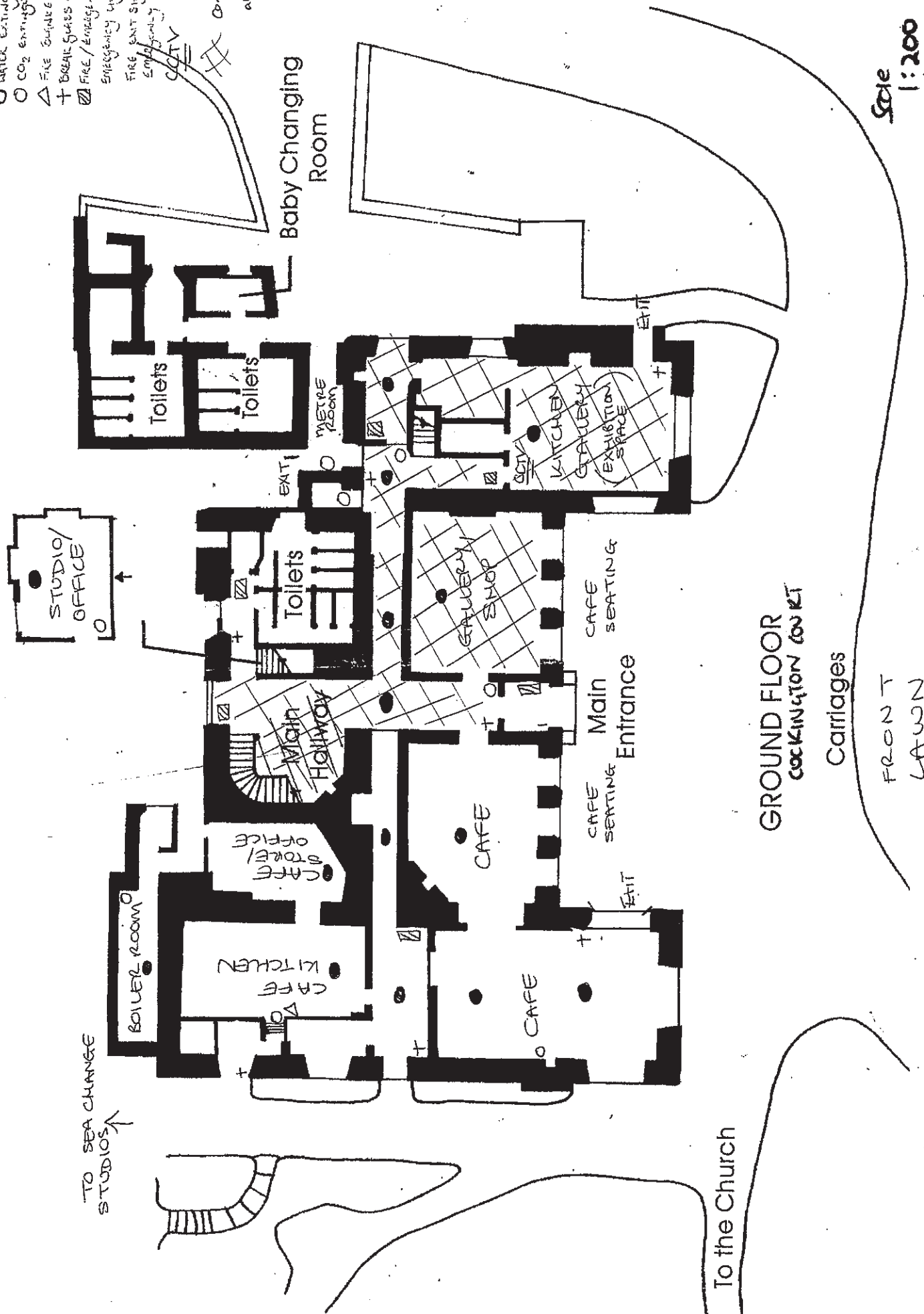
- SMOKE DETECTORS
- FOAM EXTINGUISHER
- WATER EXTINGUISHER
- CO<sub>2</sub> EXTINGUISHER
- △ FIRE BLANKET
- + BREAK GLASS ALARM POINT
- ▨ FIRE/EMERGENCY LIGHTING
- ▨ EMERGENCY LIGHTING
- ▨ FIRE EXIT SIGN
- ▨ EMERGENCY EXIT
- XX Consumption of alcohol



Scale 1:250  
Approx

POSITION OF FIRE DETECTION / WARNING SYSTEM -  
 FIRE EXTINGUISHERS - EMERGENCY LIGHTING  
 AND EXITS

- SMOKE DETECTORS
- FOAM EXTINGUISHER
- WATER EXTINGUISHER
- CO<sub>2</sub> EXTINGUISHER
- △ FIRE EXTINGUISHER
- + BREAK GLASS ALARM FOR EMERGENCY LIGHTING
- ▣ FIRE / EMERGENCY LIGHTING
- FIRE EXIT SIGN
- EMERGENCY EXIT
- CCTV
- ⊗ Consumption of alcohol.







# Agenda Item 6

## Appendix 3

### Licensing Act 2003

# Premises Licence

# 798

#### 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

### Cockington Court Craft Centre

Cockington, Torquay, Devon, TQ2 6XA.

Telephone 01803 607230

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- a performance of live music
- any playing of recorded music
- a performance of dance
- the sale by retail of alcohol

#### THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
A. Performance of a play (Outdoors)	Monday to Sunday Maximum 10 plays per annum with attendance limited to 400 people.	2:00pm	9:30pm	June - August only
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday Non Standard Timings: A maximum of 6 events per annum with attendance limited to 5000 people. Non Standard Timings: 2 events per year with attendance limited to 5000 people. These events shall be on consecutive nights.	10:00am	Midnight	Indoors only
		10:00am	5:00pm	Outdoors
		10:00am	11:00pm	Outdoors
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday Non Standard Timings: A maximum of 6 events per annum with attendance limited to 5000 people. Non Standard Timings: 2 events per year with attendance limited to 5000 people. These events shall be on consecutive nights.	10:00am	Midnight	Indoors only
		10:00am	5:00pm	Outdoors
		10:00am	11:00pm	Outdoors
G. Performance of dance (Outdoors)	Monday to Sunday	10:00am	10:30pm	

Licensing Act 2003  
**Premises Licence**

**798**

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

Activity (and Area if applicable)	Description	Time From	Time To	
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	11:00pm	Indoors only
	Non Standard Timings:	10:00am	5:00pm	Outdoors
	A maximum of 6 events per annum with attendance limited to 5000 people.			
	Non Standard Timings:	10:00am	11:00pm	Outdoors
	1 event per year with attendance limited to 5000 people. This event shall be on consecutive night to the other single non standard event.			
	Non Standard Timings:	10:00am	10:30pm	
	1 event per annum with attendance limited to 5000 people. This event shall be on consecutive night to the other single non standard event.			

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To	
Monday to Sunday	8:00am	Midnight	Cockington Court
The park itself is open 24 hours a day.			

**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**

Torbay Development Agency events@cockingtoncourt.org	Cockington Court, Cockington, Torquay, Devon, TQ2 6XA. Telephone 01803 607230
---	--

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

--

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

NO DPS	Not relevant.
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**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.	Issued by
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*Stephen Cox*

Steve Cox  
Environmental Health Manager (Commercial)  
15 July 2011

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.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEXES continued ...

7). The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**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. Risk assessments shall be drawn up for each event.
2. Attendees at all events shall be reminded to behave in an orderly manner especially when leaving.
3. Events shall take place at least 500m away from local residents, except for 1 event per year.
4. Village businesses and residents shall be kept informed of events at Cockington.
5. The Trust shall provide nominated first aiders for all events.
6. TCCT must be insured by NFU Mutual to a limit of £5 million for public liability.
7. There will be classical, jazz and similar music only.

**ANNEXES continued ...**

8. Risk assessments, itinerary and event notification shall be sent to police 3 months prior to the event.

**The Prevention of Crime and Disorder**

1. Cash taken at events must be regularly collected and counted in a secure room and locked in a safe.
2. Stewards wearing Torbay Coast and Countryside uniforms must patrol the grounds during events.
3. The maximum occupancy for marquee functions shall be agreed by the event organiser and included in their Terms and Conditions.
4. Numbers of tickets sold shall be carefully monitored with attendees counted as they enter the site.

**Public Safety**

1. There must be adequate parking for most events at Cockington. Additional car parks can be opened up on Trust land and stewarded by Trust staff or their representatives, with supplementary signs if necessary as well as waiting cones placed along Cockington Lane.
2. Adequate access for emergency vehicles must be provided along the rear car park, adjacent to The Drum Inn. Trust staff shall ensure that this is kept clear.
3. There must be ample space at Cockington for people to wait to be admitted to events.
4. No smoking shall be allowed in Cockington Court.
5. Electricity supplies to marquees shall be installed by a qualified electrician.
6. All electrical equipment must be fitted with RCDs.
7. All cables must be covered by cable protecting strips or matting.
8. Marquees must be treated with flame-retardant material, have lighting and emergency back up lighting and fire exits.
9. No explosive or highly-flammable material shall be allowed in the marquee.
10. Fire extinguishers shall be on hand.
11. No special risk entertainment shall be carried out in Cockington.
12. There shall be no fireworks.

**The Prevention of Public Nuisance**

1. Speakers and PA Systems shall normally be directed up Cockington Valley and away from Cockington Village and its residents, with the exception of theatre events.
2. Deliveries for events shall take place at a time not likely to cause a nuisance.
3. Setting up and get out for events shall take place during daytime, except for 1 event per year.
4. Facilities for depositing litter shall be provided with additional bins ordered when required. Litter picks shall be carried out post-event where necessary.

**The Protection of Children from Harm**

1. Performances that are unsuitable for children shall be advertised as such and people shall be warned when booking tickets if the Trust has been advised by the theatre or dance company if the production is unsuitable.
2. Signs shall be exhibited at the entrance to indicate if a production is unsuitable for children.
3. When performances are primarily for children, additional stewards shall be provided to ensure children cannot access



**ANNEXES continued ...**

the stage area.

4. Bar staff shall be suitably trained to prevent the sale of alcohol to under 18s.
5. For marquee functions, the hirer shall be responsible for ensuring alcohol is not served to people under 18 years and this shall be included in their Terms and Conditions.
6. For Trust events, alcohol shall be served in cordoned off areas and children shall not be allowed into these areas. Signs shall be put up to alert attendees to this.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Public Nuisance**

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
2. The volume of amplified sound used in connection with the entertainment provided shall at times be under the control of the licensee/management or a designated member of staff.
3. For outdoor amplified entertainment after 21.00hrs, a designated member of staff shall assess the impact of any noisy activities on neighbouring residential premises to ensure noise levels have not increased.
4. Outdoor functions which shall carry on after the hours of 21.30hrs, with amplified live and recorded music and entertainment, shall be limited to not more than 10 occasions per year.
5. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
6. Prior to the event taking place each year contact shall be made with a senior member of the Environmental Protection Unit of Torbay Council to agree noise limits and preventative control measures.
7. Noise disturbance from all plant and machinery shall be kept to a minimum.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.



**COCKINGTON VILLAGE RESIDENTS ASSOCIATION**

26 March 2013

**Cockington Village Resident's Association: Consultation on new Licence application for Cockington Court**

Dear Sirs,

The Cockington Village Resident's Association (CVRA) is grateful for the opportunity to contribute to the consultation on the application to vary the Cockington Court Licence and would like to raise the following representation.

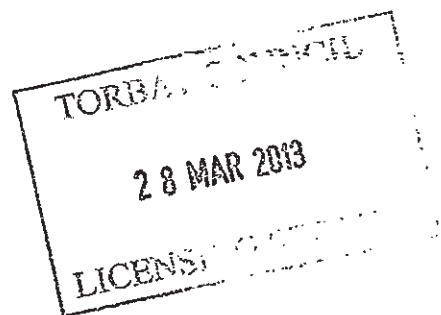
The CVRA support most of the changes proposed but object to the proposed changes to the clause on the prevention of public nuisance (Annex 3). The original clause that protects neighbours and residents from unreasonable disturbance is seen by the community as an essential measure to allow them a degree of independent protection and more importantly informs the Licensee that noise is an important environmental issue for an area that has an exceptionally low ambient noise level, particularly in the late afternoons and evenings. This principal has been identified in the relevant Neighbourhood Plan, supported by community consultation.

The CVRA does not wish to further restrict the Court operations but strongly desires to see the operations retained as low key and, as established for many years, a low noise evening/night-time environment. We therefore wish to see the following clause retained as an addition to the proposed new clauses:

**Annexe 3: The Prevention of Public Nuisance**

No.1 - Noise or vibration shall not emanate from the premises such as to cause persona in the neighbourhood to be unreasonably disturbed.

Yours sincerely,



INCOMING EMAIL

From: [REDACTED]  
To: Licensing <EX:/O=TORBAY COUNCIL/OU=CIVIC OFFICES  
SERVER/CN=ENVIRONMENT/CN=ENVIRONMENTAL/CN=LICENSING>  
Date: 28/03/2013 13:10:28  
Subject: Cockington Court

To whom it may concern.

I have been informed that a variation in the operating licence for Cockington court and park has been applied for.

They are seeking to remove the clause: Noise or vibration shall not emanate from the premises such as to cause

persona in the neighborhood to be unreasonably disturbed.

They wish to replace it with the clause; The volume of music at external events shall not exceed the level agreed

with the local environmental health department.

It is obvious from the request that the level of noise they will produce will cause persona in the neighbourhood

unreasonable disturbance, or why ask for it.

I am a resident of [REDACTED] and overlook the park. The noise of music from previous events was extreme,

and polluted the environment. Many times I rang the council to complain and at times was close to ringing the

police. Such was the nuisance.

I strongly request that you retain the clause; Noise and vibration shall not emanate from the premises such as to cause

persona in the neighborhood to be unreasonably disturbed.

We are talking about Cockington, not clubland!

Yours Faithfully;

[REDACTED]

INCOMING EMAIL

From: [REDACTED]  
To: Licensing <EX:/O=TORBAY COUNCIL/OU=CIVIC OFFICES  
SERVER/CN=ENVIRONMENT/CN=ENVIRONMENTAL/CN=LICENSING>  
Date: 28/03/2013 12:37:28  
Subject: Re-Proposal to change Licence for Cockington Court and Park

Dear Sir / Madam,

It has only just been brought to my notice that the TDA is proposing to change the operating Licence for Cockington Court and Park.

This would be a retrograde step and completely unacceptable to residents, like myself, who live within the vicinity of Cockington.

As I understand it the present position allows for a specified number of occasions, i.e. Cockington Fair or drama, during the year, when the noise is tolerated.

There have been times in the past when noise levels have been excessive, and occasions when I have submitted objections.

The following is part of a letter which I wrote in 2006 to object to an application for a Premises Licence by Torbay Coast & Cockington Trust, which explains how I feel, and is still relevant.

"Events held at Cockington Court and in the Park already at times create an excessive amount of noise, most especially when that noise is amplified. The geography of the valley creates a natural bowl around Cockington village and the Park, any noise is additionally amplified by this natural effect.  
( The Greeks knew this and so designed their theatres ).

A few years ago the Drum Inn in Cockington village was granted an extended licence for some events.

Amplified noise, plus the noise of cars, often past midnight had to be endured by residents until this licence was thankfully revoked.

An all year-round licence for events inevitably creating noise, plus the availability of alcohol would be unbearable.

Residents in Cockington and those bordering the valley would be subjected to noise at any time of the day or week.

This is a reasonably quiet residential neighbourhood, subject to high levels of Council Tax.

Cockington Park is for most of the time a tranquil haven away from traffic noise and the busyness of the everyday.

It benefits local residents and visitors alike to be able to relax in pleasant parkland and to not be bombarded with noise.

More and more we are subject to levels of noise which research shows is damaging to peoples wellbeing.

Obviously the intention behind the application is to attract business to Cockington Court.

Apart from the stress and disturbance caused by excessive noise, there will be added traffic in the narrow lanes already unable to cope in the summer months. "

The above is just as relevant now, if not more so, as it seems Cockington is being overtaken by commercial interests.

I trust that my concerns and will be taken into consideration when a decision is being made.

Yours sincerely,



INCOMING EMAIL

From: [REDACTED]  
To: Licensing <EX:/O=TORBAY COUNCIL/OU=CIVIC OFFICES  
SERVER/CN=ENVIRONMENT/CN=ENVIRONMENTAL/CN=LICENSING>  
Date: 28/03/2013 18:56:28  
Subject: Cockington court proposed operating licence change.

Dear Sir /Madam

Ref. Cockington Court changes in operating licence.

We find the proposed changes for events in Cockington UNACCEPTABLE>

Noise is an important issue with the Park and its effect on persona residing in the area.

In the past weddings etc have gone on late giving rise to unbearable noise levels which could be heard up and down the valley and surrounding neighbourhood. It was completely impossible to sleep with the disco music and DJs at the wedding receptions.

Therefore,

The following clause MUST remain.

Noise and vibration shall not emanate from the premises such as to cause persona in the neighbourhood to be unreasonably disturbed.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 28 March 2013 10:43  
**To:** Rackley, Shaun  
**Subject:** Cockington Court Premises Licence Application

Dear Sir,

I write in support of the application by the Torbay Development Agency to amend the Premises Licence for Cockington Court, which was previously in the name of this Trust.

I understand in providing this support that the contentious issue of managing the impact of noise from events held at the Court will be successfully addressed by the new conditions imposed in terms of noise management and that your department will be able to take prompt action where noise is causing an unreasonable degree of disturbance to local residents.

Yours faithfully,

Dominic Acland  
Director  
[REDACTED]

Torbay Coast & Countryside Trust | 21 Old Mill Road | Torquay | TQ2 6AU | Tel: 01803 606912



**Torbay Coast &  
Countryside Trust**

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Registered Charity No. 1077561

**Rackley, Shaun**

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**From:** [REDACTED]  
**Sent:** 28 March 2013 19:13  
**To:** Rackley, Shaun  
**Subject:** Cockington Court - change in licence.

As a local resident of Cockington I would like to offer my support to the variation in operating licences for Cocking Court. I feel that the additional conditions stipulated within the application will help prevent any event or function generating excessive noise or creating a nuisance for the local community and I would welcome a more diverse and varied range of entertainment being right on my doorstep which will enable me to enjoy my local park even more.

[REDACTED]

# Memorandum

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<b>To:</b> Licensing	<b>From</b> :	<b>Community Safety</b>
<b>c.c</b>	<b>Contact</b> :	Mr Gareth Fudge
<b>c.c.</b>	<b>Ext</b> :	01803 208025
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 187405/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref Date</b> :	 7 March 2013

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**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Cockington Court, Cockington Court,  
Cockington Lane, Torquay, Devon, TQ2 6XA**

- 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

I can confirm, for the committee's reference that I have no objection to the removal of conditions x y and z. This department has received no complaints in respect of the operation of Cockington Court over the last three years.

The conditions proposed by Cockington Court require that the operator inform the Responsible Authority of any complaints in respect of noise. Once complaints are received, the level of the music must be monitored at a level approved by the Responsible Authority. The staff of Cockinton are then required to monitor and control the music or entertainment at that level. This level can be easily checked by the Responsible Authority.

Condition 1 stating "Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed" is a condition that is so vague that it is un-enforceable, unreasonable disturbance is a phrase that cannot be tested in terms of the Licensing Act 2003. The Courts have indicated that where noise is to be controlled that they prefer there to be a defined measurable level.

Condition 5 "A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/event and periodically throughout the activity/entertainment to ensure that levels of noise have not increased".



This condition is of limited use as the "senior staff member" has nothing to assess the noise level against. Theoretically, the senior staff member could assess the impact and decide that it is really noisy and then ensure that it does not get any louder.

**Mr Gareth Fudge**  
Senior Environmental Health Officer

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