



Wednesday, 8 May 2013

LICENSING SUB-COMMITTEE

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

Thursday, 16 May 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 Stocks

Councillor Brooksbank

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:

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: 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 - 3)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 25 April 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 Co-op, 16 Great Rea Road, Brixham TQ5 9SW** (Pages 4 - 30)
To consider an application for a Variation to a Premises Licence in respect of Co-op, 16 Great Rea Road, Brixham TQ5 9SW.

7. Licensing Act 2003 – An application for a Premises Licence in respect of White Rock Convenience Store, 91 Goodrington Road, Paignton TQ4 7HZ (Pages 31 - 44)

To consider an application for a Premises Licence in respect of White Rock Convenience Store, 91 Goodrington Road, Paignton TQ4 7HZ.



Minutes of the Licensing Sub-Committee

25 April 2013

-: Present :-

Councillors Addis, Bent and Pentney

42. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

43. Minutes

The Minutes of the meeting of the Sub-Committee held on 28 March 2013 were confirmed as a correct record and signed by the Chairman.

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

Members considered a report on an application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre, Cockington Lane, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Four Members of the Public	Four Representations objecting to the application for a Variation to a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Various
Two Members of the Public	Two Representations supporting the application.	Both representations dated 28 March 2013
Public Protection	A Representation supporting the removal of certain conditions relating to 'The Prevention of Public Nuisance'.	7 March 2013

Additional Information:

Prior to the Committee the Cockington Village Residents Association (CVRA) Legal Representative circulated Representations by the CVRA.

Oral Representations received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application and responded to Members questions.
CVRA Legal Representative	The Legal Representative for the CVRA outlined their objections to the application.
Member of the Public	A Member of the Public outlined her objection to the application.
Member of the Public	A Member of the Public outlined his objection to the application.
Public Protection Officer	The Public Protection Officer advised the Committee of his professional opinion of the submitted application and responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of Cockington Court Craft Centre be granted in part.

The proposed variations that do not relate to The Prevention of Public Nuisance be granted as applied for.

In relation to The Prevention of Public Nuisance the Licence will remain unchanged – conditions one to seven, Annex three of the current Premises Licence shall be retained. The proposed variation to conditions under this licensing objective is therefore rejected.

Reason for Decision:

Having carefully considered all the written and oral representations, the Licensing Sub-Committee believe varying the licence in the manner described is appropriate and will promote the Licensing Objectives, in particular 'The Prevention of Public Nuisance' and will alleviate the concerns of the residents and responsible authorities.

45. Exclusion of the Press and Public

Prior to consideration of the item in Minute 46 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

46. Suspension of Torbay Council issued Driver's Licence

The Sub-Committee considered an exempt report on the suspension of a Torbay Council issued Driver's Licence and whether the person remained a 'fit and proper person'. At the hearing the Respondent and the Respondents Employer made representations to the Sub-Committee.

Decision:

That the Respondent's Torbay Council Driver's Licence be revoked on the ground of 'any other reasonable cause' in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, and that in the interests of public safety this revocation is to have immediate effect pursuant to Section 61 (2B) of the same Act.

The Licensing Sub-Committee further recommends that the Respondent may re-apply for his Driver's Licence in 12 months.

Reason for Decision:

Having carefully considered all the written and oral representations put before the Licensing Sub-Committee, Members found they could no longer be satisfied that the Respondent was a 'fit and proper person' to hold a Torbay Council Driver's Licence.

In reaching this decision Members had regard to the following aggravating factors:

- i) the Respondents failure to notify Torbay Council, during the period of his Driver's Licence of the convictions namely the conviction of the Respondent on 27 October 2011 by South Devon Magistrates Court for two offences contrary to the Misuse of Drugs Act 1971; and
- ii) that following the above convictions, in two subsequent applications to renew his Driver's Licence dated 7 March 2012 and 13 March 2013, the Respondent provided false information in relation to the existence of those convictions. Namely, in both those forms the Respondent answered 'No' to the question 'Have you been convicted of any driving or criminal offence?' In addition, in both forms the Respondent signed a declaration that the information supplied is true, which the Licensing Sub-Committee found to be false declarations.

In accordance with Council Standing Order A19.5, Councillor Pentney requested her vote against the decision be recorded.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Co-Op, 16 Great Rea Road, Brixham TQ5 9SW**

Wards Affected: **Berry Head with Furzeham**

To: **Licensing Sub- Committee** On: **16th May 2013**

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.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”, “Public Safety” and “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.

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

To increase the hours for the Sale of alcohol by retail off the premises on Sunday from 10.00–22.30 to 08.00–23.00. This is an increase of 2 hours in the morning and 30 minutes in the evening.

- 2.2 The current Premises Licence is shown as Appendix 2.
- 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 9 Representations from Interested Parties in relation to the Licensing Objectives “The Prevention of Crime and Disorder”, “Public Safety” and “The Prevention of Public Nuisance”. These are shown as Appendix 3.

There have been no other Representations received from any 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	Copy of the current Premises Licence.
Appendix 3	Representations from Interested Parties.

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.

Agenda Item 6

Appendix 1

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 Co-operative Group Food 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 73

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 16 Great Rea Road Brixham			
Post town	Devon	Postcode	TQ5 9SW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£6,200

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	1 Angel Square		
Post town	Manchester	Postcode	M60 0AG

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

To vary the hours when licensable activities may take place on Sunday from 10.00-22.30 to 08.00-23.00. In all other respects the licence remains the same.

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 all that apply

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

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

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

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	08.00	23.00						
Tue	08.00	23.00						
Wed	08.00	23.00						
Thur	08.00	23.00						
Fri	08.00	23.00						
Sat	08.00	23.00						
Sun	08.00	23.00						
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>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).</p> <p>None</p>

M

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 and e) (please read guidance note 9)

Having had regard to the four licensing objectives and the locality, the following conditions are appropriate.

b) The prevention of crime and disorder

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 21 days. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
2. There shall be "CCTV in Operation" signs prominently displayed at the premises.
3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo.
5. The premises will be fitted with a burglar alarm system
6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

The premises licence holder will, upon request, provide the telephone number of their Customer Relations Contact Centre.

e) The protection of children from harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

Checklist:

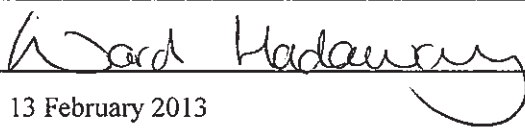
Please tick to indicate agreement

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Date	13 February 2013
Capacity	Solicitors for the Applicant

Agenda Item 6

Appendix 2

Licensing Act 2003

Premises Licence

73

LOCAL AUTHORITY



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

COPY

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Plymouth & South West Co-op Society Limited

16 Great Rea Road, Brixham, Devon, TQ5 9SW.

Telephone 01803 855831

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm
	Sunday	10:00am	10:30pm
	Good Friday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Not Applicable:		

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

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

Part 2

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

Co-operative Group Food Ltd
licensing@co-operative.coop

1 Angel Square, Manchester, M60 0AG.
Telephone 0161 827 5745

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

Co-operative Group Food Ltd

26715R

Licensing Act 2003

Premises Licence

73

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

Susan WHEATLEY

24 Cumberland Green, Brixham, Devon, TQ5 8RL.
Telephone 01803 855831 or 01803 851213

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. PA0619

Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
11 January 2013

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 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.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None

ANNEXE 3

None

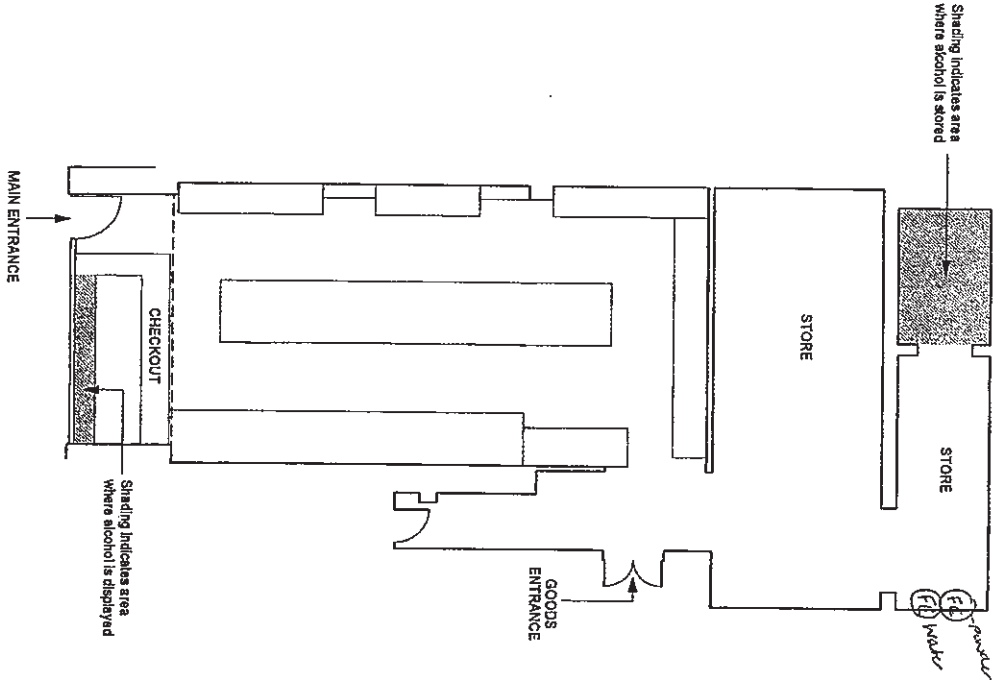
ANNEXE 4

PLANS

Copy attached to Licence.

ANNEXE 4

GROUND FLOOR PLAN (1:100)



Ⓢ fire equipment (extinguishers)

M T A

architects

MTA Architects Ltd.
52 Fore Street, Brixham, Devon TQ8 8DZ
e-mail enquiries@mtaarchitects.co.uk
tel 01803 851010
tel 01803 854807
fax 01803 855632

CO-OP FOODSTORE
GREAT RAE ROAD, BRIXHAM

JULY
2005

LICENSE DRAWINGS

1:100
A3

GREAT RAE ROAD
EXISTING FLOOR PLANS

MID

2377/03

Plot No. 014 Local House 1 Agency Coopers & Lybrand Group Maritime PO13 2UP
Tel 023 9250499 Fax 023 9250322 e-mail mpa@mtaarchitects.com

RE, CO-OP 16, GREAT REA RD BRIXHAM
INCREASE TO ~~SUNDAY~~ SUNDAY OPENING HOURS.
11 MAR 2019

DEAR SIRS,

~~I~~ I OBJECT TO ANY EXTENSION
OF THE OPENING HOURS FOR THE ABOVE
STORES, I FEEL THAT THE ALREADY
EXTENDED HOURS THAT EXISTS, GIVEN
THAT THE STORES IS IN A RESIDENTIAL
AREA TO BE SUFFICIENT AND ANY
EXTENSION WOULD CREATE A
PUBLIC NUISANCE. THERE IS STORES
THAT ARE OPEN LATE IN THE
NEARBY TOWN CENTRE WITH CAR
PARKS NEARBY, THE SALE OF
BEERS, WINES ETC TIL LATE COULD
CAUSE CRIME AND DISORDER IN
THIS RESIDENTIAL AREA.

YOURS SINCERLY

~~LICENSING SECTION~~
TO WHOM IT MAY CONCERN,

IT HAS RECENTLY CAME TO MY ATTENTION THAT THE COOP STORE AT 16 GREAT REARD HAS APPLIED FOR AN EXTENSION OF OPENING HOURS FROM 20.00 HRS TO 23.00 HRS. THIS STORE IS SITUATED IN A RESIDENTIAL STREET WITH NO OTHER BUSINESSES IN THE VICINITY. THERE IS ENOUGH PROBLEMS AS THINGS STAND WITHOUT EXTENDING IT.

SINCE WE MOVED IN FEB 12 THERE HAS BEEN CONSTANT PROBLEMS CAUSED BY PEOPLE USING THE SHOP. MY ACCESS TO MY HOUSE IS CONSTANTLY BLOCKED BY PEOPLE USING THE COOP AND IF YOU POINT

②

THIS OUT THE CHANCES ARE YOU ARE MET WITH THREATS OF VIOLENCE & VERBAL ABUSE.

MY THREE YOUNG GRANDCHILDREN VISIT WEEKLY TO STAY OVERNIGHT AND WE CANT PUT THEM TO BED TILL THE STORE CLOSSES BECAUSE OF REVING ENGINES, SHOUTING AND BAD LANGUAGE.

IN MY OPINION THERE IS ALREADY ENOUGH PUBLIC NUISANCE (RUBBISH & BOTTLES IN THE FRONT GARDEN) WITHOUT EXTENDING THE HOURS FURTHER THE ONLY POSSIBLE REASON FOR THE EXTENSION APPLICATION IS THE SALE OF ALCOHOL RATHER THAN GROCERIES.

Dear Sirs

With reference to the application to vary the licence on The Coop at 16 Great Rea Road, Brixham.

We are writing in very strong protest against the proposed extended trading hours of the Coop at 16 Great Rea Rd. This shop already trades from 8 till 8 7 days a week - but staff arrive at 7am when movement starts.

We have accepted this even though we have moved from the front of our house to the back to escape the disturbance. Lorry deliveries and constant movement of trolleys now entering the back of their property

has caused us more problems, noise, mess broken fence etc. We feel we have had to come to terms with the noise and disturbance from 7-8 everyday and now they are proposing this to go on until 11pm which possibly will be 11-30pm before we get any rest. This is becoming a public nuisance. When is our rest from this. Yes the Coop has been here for a number of years but when we purchased our property it was 8-4 and 6 days a week. We feel the neighbourhood does n't get taken into consideration after all this is a residential area. Does this come down to Coop profit making? The traffic is also a major safety issue with residents having to enter a busy road sometimes blocked with big lorries. There are two other Coop stores in the main town one of which is already open until

3/

late. Do we need all these stores open so late in a small town.

We feel the government are trying to stop youngsters buying alcohol but the coop will be encouraging it by extending hours. This will in our opinion encourage the younger generation to gather outside our home in this residential area until late at night and cause unnecessary disturbance and mess and possibly more work for the local police force.

We strongly say No Thank You

LICENSING BOARD
EXTENSION OF LIQUOR LICENSE HOURS - Co-op STORE

(GREAT REAR ROAD)

Dear Sir,

I wish to register my objection to the above application.

This store already opens 12 hours a day (8am - 8pm) which I consider is quite enough for a residential area. Later opening will prolong vehicular noise as 95% of customers don't live in the area.

The front bedrooms of houses are used by both young and old and most residents are asked by 2300hrs.

Later hours will encourage unruly youths to congregate at the shop. (as in the town) which will be a public nuisance.

We all know that the Co-op is only motivated by profit so has no interest in the feelings of residents!!

I urge you not to be intimidated by big businesses, and think of people resident in the area when voting on the above application.

ENV. HEALTH
CO-OP PREMISES AT GREAT REA ROAD, BRIXHAM
LICENSING ACT 2003

Dear sirs,

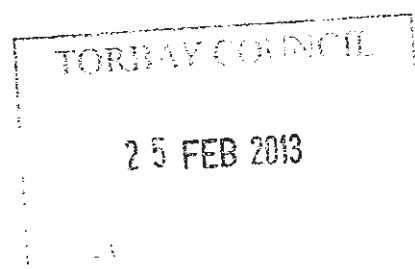
I refer to the application to VARY the premise licence for the above business.

Great Rea Road is situated in a **residential area**. The last planning application by the Co-op was a farce, with so many residents against the expansion of the shop and many of those objections totally ignored by the council. Since the last expansion, noise levels have increased with Heavy lorries (not vans as listed in the last planning application) delivering goods at all times of the day. Lorries leave their slave engines running whilst unloading, which increases the noise levels even further and noise from goods handling trollies-making life even more uncomfortable for residents in their own homes. Vehicles visiting the premises has increased dramatically. Co-op lorries park on pavements causing damage to properties and underground services etc, often causing congestion and or Co-op lorries blocking the road or blocking people's driveways. It is becoming dangerous.

The above constitutes a **public nuisance** and to permit even further development of the Co-op would create unreasonable nuisance through noise, an increase in youths gathering to buy cheap drink and collecting outside our homes and no doubt throwing more discarded cans and broken bottles into our gardens and driveways, which can be a hazard to our young grandchildren. Any further development of this site is unnecessary and would be for profit only. We already know that the police have had to deal with problems of inconsiderate Co-op lorry drivers blocking people's drives.

The Co-op has only one objective, and that is to increase its profits. As I see it, the council has a number of considerations and the **safety of the public** must be high on their list of responsibilities.

There is no consideration by the Coop toward residents and they constantly breach the planning conditions. Shopping in the town should be encouraged and is much easier for the police to monitor and control against the problem of drunken yobs.



There are already a number of licensed shops dotted around Brixham that open late and these are situated in more suitable areas.

I would respectfully ask Torbay Council to give consideration to the plight of the residents who are the victims of this company's behaviour, to show compassion and to refuse this application for extended hours.

Licensing Section
Torbay Council
Commerce House
Abbey Road
TORQUAY
TQ2 5PJ



REFERENCE: CO-OPERATIVE STORE
16 GREAT REA ROAD, BRIXHAM TQ5 9SW

5TH MARCH 2013

To whom it may concern

We are writing to register our grave concerns regarding the proposal to extend the opening hours and licensing at the above Co-op.

By allowing this store to open and sell alcohol until 11.00p.m at night in a quiet residential area is outrageous. The store is positioned in the middle of a residential street, between two houses and where many of the residents are elderly. By having a store open until 11p.m. that sells alcohol, is encouraging noise and potentially rowdy behaviour - this it totally unacceptable.

Unlike many other residents, we did not register our concerns when the opening hours changed to be open until 8.00p.m. as we felt that was reasonable for a small convenience store, but we do not feel the same about the store being open until 11.00p.m.

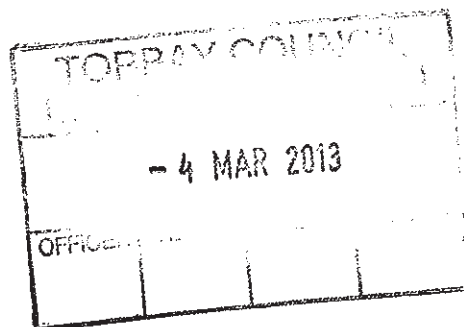
Torbay Council make many bad decisions each year - and this just seems to be another of them.

We ask you not to allow this licence to be granted in order to

- prevent crime and disorder
- secure public safety
- prevent public nuisance

From extremely concerned residents

Licensing Section
Torbay Council
Commerce House
Abbey Road
Torquay
Devon TQ2 5PJ



17th February 2013

Dear Sir/Madam

**OBJECTION TO THE PROPOSED EXTENSION OF OPENING HOURS
FOR THE CO-OP STORE IN GREAT REA ROAD, BRIXHAM**

We are writing to object to the plan of the Co-operative store in Great Rea Road in Brixham to extend its opening hours until 11pm.

We object because this area and the surrounding area is resolutely a residential area and not a business area and for the sake of residents should be kept that way. The Co-operative store itself even has a flat above it.

The plan to extend opening hours will be a public nuisance for all in its locality bringing with the extended hours binge drinkers, loiterers and not mention the added noise pollution from people and cars. Such anti social behaviour should not have to be tolerated in a residential area.

We already have almost daily 'delivery' of rubbish and half drunken bottles of beer deposited on our walls and in our driveways not to mention customers blocking our driveways as well as delivery lorries. Surely we cannot be expected to live with this for a further 3 hours a day?

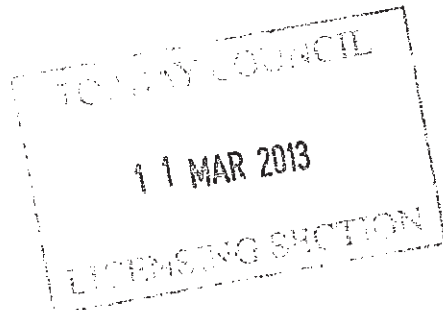
We realise that a store has been in existence for a good few many years but the residential area has been there a significantly longer period of time. As residents we have lived with the needs of the Co-op to date but believe that these proposed opening hours which only leaves the residents with 9 hours of respite a day is just a step too far.

We trust you will see sense that this is not a business area and thus cannot accommodate a business entity forcing itself on the residents into the late hours of the night.

Thank you for your time and we look forward to hearing from you.

Yours sincerely

Licensing Section
Torbay Council
Commerce House
Abbey Road
Torquay
Devon TQ2 5PJ



6th March 2013

**OBJECTION TO THE PROPOSED EXTENSION OF OPENING HOURS
FOR THE CO-OP STORE IN GREAT REA ROAD, BRIXHAM**

We are writing to object to the plan of the Co-operative store in Great Rea Road in Brixham to extend its opening hours until 11pm.

We object because this area and the surrounding area is a residential area and not a business area. The Co-operative store itself was previously a house and still has an occupied flat above it.

The plan to extend opening hours will be a public nuisance for all in its locality bringing with the extended hours binge drinkers, loiterers and not mention the added noise pollution from people and cars. The possibility of such anti social behaviour should not be inflicted on a residential area.

We trust you will see sense that this is not a business area and thus cannot accommodate a business entity forcing itself on the residents into the late hours of the night.

Thank you for your time.

Yours sincerely

Dear Sir/Madam,

re. Co-operative Shop,
16 Great Rea Rd, Brixham.

We refer to the above Application under the Licensing Act 2003 & wish to convey our concerns about the same.

We are very worried that if this application is granted by your Council & the shop hours are extended, Great Rea Road will become increasingly busier & noisier late into the night & consequently cause a public nuisance to all who live in the road.

We have lived here for 35 years & wish to state that the traffic

12

parking has become worse. Added to that we are always having to pick up from our garden, empty beer bottles, cans & other rubbish. We fear that if the Application is granted, all the above that we have mentioned will worsen to all the residents.

We hope you will consider the residents of Great Red Road in connection with this Application.

Agenda Item 7



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of White Rock Convenience Store, 91 Goodrington Road, Paignton TQ4 7HZ**

Wards Affected: **Churston with Galmpton**

To: **Licensing Sub Committee** **16th May 2013**

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

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

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

A brief description of the application, as follows:

The Sale of Alcohol off the Premises from 0700 until 2100 Monday to Saturday and from 0800 until 2000 on Sunday.

To be open from 0600 until 2100 Monday to Saturday and from 0800 until 2000 on Sunday.

A copy of the plan of the Premises is shown as Appendix 2.

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

We have received one Representation from a Member of the Public in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. The Representation has 2 signatures on it. This is shown as Appendix 3.

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

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

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

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Representation from Interested Party.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.

[Insert name and address of relevant licensing authority and its reference number (optional).]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Anthony Kirby and Christine Kirby

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
White Rock Convenience Store 91 Goodrington Road			
Post town	Paignton	Postcode	TQ4 7HZ
Telephone number at premises (if any)		01803 843248	
Non-domestic rateable value of premises		£3,200.00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2013

Or as soon as possible thereafter

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 Ground floor shop and Main Post Office premises situated at 91 Goodrington Road, Paignton..
 The Application is for the sale of alcohol for consumption off the premises.

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

N/A

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

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

Provision of regulated entertainment

Please tick any that apply

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Mon	0700	2100			
Tue	0700	2100			
Wed	0700	2100			
Thur	0700	2100			
Fri	0700	2100			
Sat	0700	2100			
Sun	0800	2000			

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

Name Anthony Kirby	
Address 91 Goodrington Road Paignton	
Postcode	TQ4 7HZ
Personal licence number (if known) PA2620	
Issuing licensing authority (if known) Torbay Council	

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

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

The premises are a convenience store operating under the Bookers “Premier Express” brand and will therefore operate to the standards required by that franchise in respect of quality, safety and security.

Furthermore the business will also be a Main Post Office and will, as such, have the safety and security equipment installed at least to the standard required by the Post Office.

b) The prevention of crime and disorder

There will be permanent CCTV equipment monitoring the entrance/exit and the interior of the premises.

All spirits will be displayed behind the counter, where only staff will have access for sale to the public.

All other alcohol will be displayed within view of the counter, which will be manned at all times the store is open by members of staff who will be trained in the requirements of the legislation regarding the sale of alcohol.

Signs will be displayed regarding under-age sales and the business will adopt the “Challenge 25” identification checking scheme.

c) Public safety

Please see above. The safety of the public will be prioritised by the location of the displays of the alcohol for sale and the training of the staff in respect of the sale of alcohol to members of the public.

d) The prevention of public nuisance

The premises will be an off licence and all staff will be fully trained in the requirements of the licensing legislation.

All staff will be trained to be aware of potential problems relating to possible noise or litter problems arising from the sale of alcohol.

It is not envisaged, in view of the nature of the business, that this will prove to be an issue.

e) The protection of children from harm

Please see above. All staff will be trained regarding the sale to under age customers and the business will be part of the “Challenge 25” scheme.

K

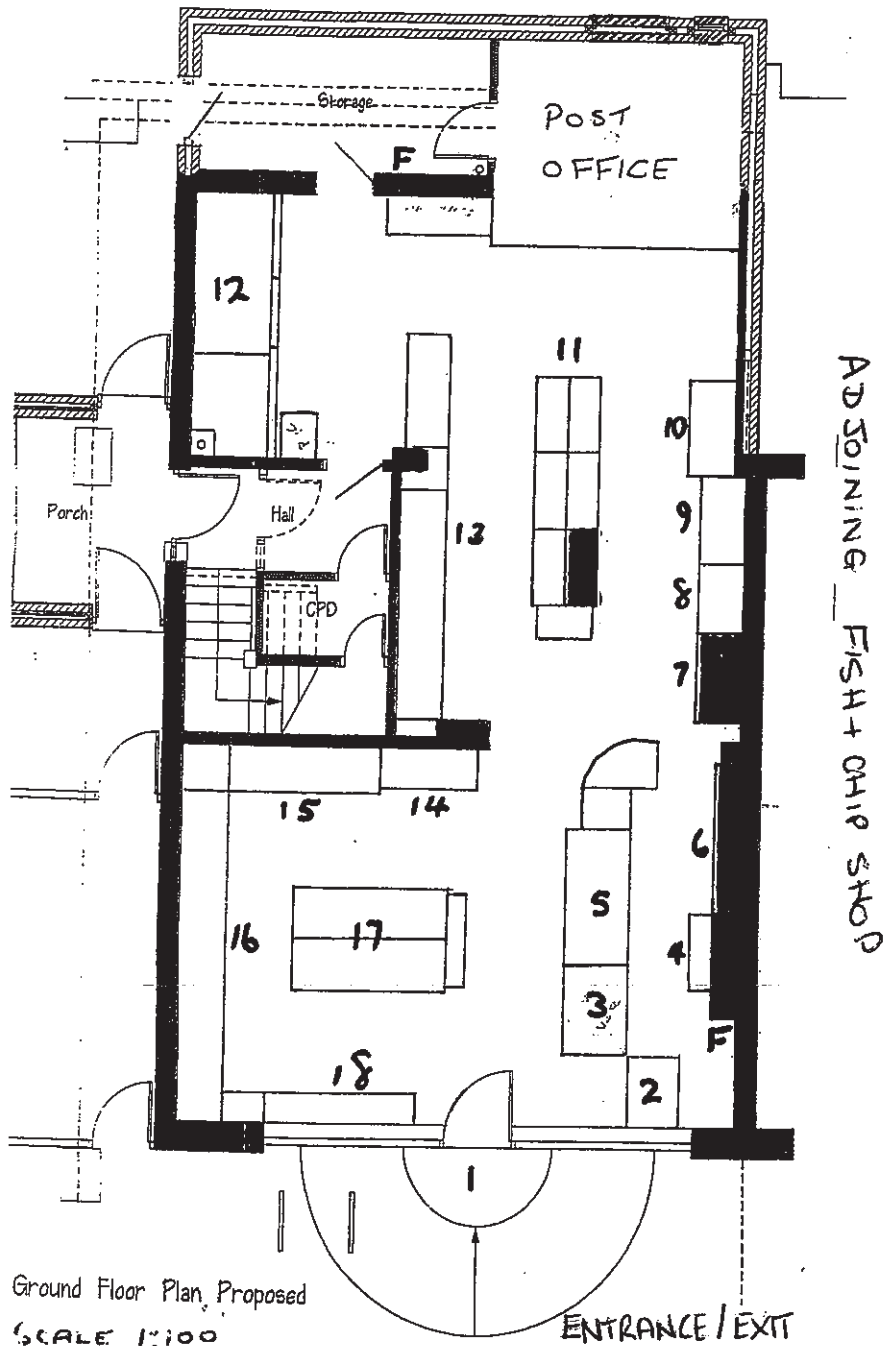
Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	0600	2100	<p><u>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</u> (please read guidance note 5)</p>
Tue	0600	2100	
Wed	0600	2100	
Thur	0600	2100	
Fri	0600	2100	
Sat	0600	2100	
Sun	0800	2000	

WHITE ROCK CONVENIENCE STORE



White Rock Convenience Store

1. Public access from Goodrington Road
2. Cash Machine
3. Post Office 'local counter'
4. Cigarette gantry
5. Till area including National Lottery terminal
6. Spirits display
7. Chilled alcohol display
8. Chilled foods
9. Chilled foods
10. Frozen foods
11. Food/alcohol
12. Staff area
13. Soft drinks
14. Soft drinks chiller
15. Magazines
16. Bread/cake biscuits
17. Confectionary
18. Greetings cards

F*2 Dry powder extinguishers

Area coloured red = alcohol display

4-2013
TORBAY COUNCIL

- 8 APR 2013

ENV HEALTH
FOOD SAFETY

To Whom it my Concern,

I'm writing to you to say
I OBJECT to the
Whiterock Post Office having
a Licence to extend
there hours.

I live at [REDACTED]
to which my Bungalow
[REDACTED] of the
two shops, we have lot's
of proplem's, i.e) Drunken people
Shouting, People parking there
cars for day's at a time, and
in the past we have had

have the Police, as we have teenage boy's throwing at our window's. So I hope you understand our concern's. I'm sending you a photo of drink's bottle's left by people, and this is before the Post Office want's to open longer.

Hoping you will look at this and consider use

Yours

Can you please sent me a letter to let me now, the answer's.



