



Tuesday, 25 August 2015

LICENSING SUB-COMMITTEE

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

Thursday, 3 September 2015

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 Stubleby

Councillor Sykes

Councillor Doggett

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

www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 3 - 4)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 30 July 2015.
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 Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY** (Pages 5 - 21)
To consider an application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY.



Minutes of the Licensing Sub-Committee

30 July 2015

-: Present :-

Councillors Barnby, Doggett and Tolchard

15. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

16. Minutes

This item was deferred until a future meeting.

17. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of O Pescador, 12 Victoria Parade, Torquay TQ1 2BB

Members considered an application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of O Pescador, 12 Victoria Parade, Torquay TQ1 2BB.

The Premises does fall within the Cumulative Impact Area.

Written Representation received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the grounds of the Licensing Objective – The Prevention of Crime and Disorder.	1 July 2015

Oral Representation received from:

Name	Details
The Applicant	The Applicant outlined his application, as set out in the submitted documents and responded to Members questions.
The Police	The Police highlighted their concerns in respect of the application.

Additional Information:

Members were advised by the Senior Licensing Officer that the Applicant had not returned their notice, in accordance with section 8(1)(a) and (2) of The Licensing Act 2003 (Hearings) Regulations 2005 but she had spoken with the Applicant on 29 July 2015 and the Applicant was present at the Hearing. The Licensing Sub-Committee agreed to the Applicant addressing the Committee, despite the Notice not being returned.

Decision:

That the application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of O Pescador, 12 Victoria Parade, Torquay TQ1 2BB be refused.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members noted that the premises is a restaurant situated in the Council's Cumulative Impact Area and that the Applicant has a relevant conviction which is not spent until 17 July 2017. In coming to their decision, Members could not be satisfied that the Applicant demonstrated a responsible attitude to alcohol which would reasonably be expected by them of a person who holds the position of Designated Premises Supervisor and that the relevant conviction supported this view.

In concluding, Members noted that the Applicant submitted no mitigating factors which they could reasonably consider appropriate to grant him the licence.

Chairman



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **3rd September 2015**

Contact Officer: **Mandy Guy**
Telephone: **01803 208293**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

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

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

determination of the matter.

2. Introduction

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

A brief description of the application, as follows:

The Supply of Alcohol, on and off the premises, from 11:00 until 22.30 seven days a week.

To be open to the public from 11:00 until 23:00 seven days a week.

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. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the licensing objectives "The Prevention of Crime and Disorder" and "The Protection of Children from Harm". The Police have corresponded with the Applicant who has confirmed that he will adhere to the conditions proposed by the Police. A copy of this email is attached at the end of the Police Representation. This is shown as Appendix 3.

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

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

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

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

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

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Representation from the Police with agreement to Police proposed conditions

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Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.

Agenda Item 6

Appendix 1



FORM B

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 PENG WANG
(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			
GOLDEN BOWL 191 UNION STREET			
Post town	TORQUAY	Postcode	TQ1 4BY
Telephone number at premises (if any)	01803 390593		
Non-domestic rateable value of premises	£ 530		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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)

CHINESE RESTAURANT

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

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

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

Provision of regulated entertainment

Please 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)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

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 type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	11:00	22:30						
Tue	11:00	22:30						
Wed	11:00	22:30						
Thur	11:00	22:30				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)		
Fri	11:00	22:30						
Sat	11:00	22:30						
Sun	11:00	22:30						

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

Name	PENG WANG
Address	191 UNION STREET TORQUAY
Postcode	TQ1 4BY
Personal licence number (if known)	PA 2094
Issuing licensing authority (if known)	TORBAY COUNCIL

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	23.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	11.00	23.00	
Wed	11.00	23.00	
Thur	11.00	23.00	
Fri	11.00	23.00	
Sat	11.00	23.00	
Sun	11.00	23.00	

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)

b) The prevention of crime and disorder

- The premises will have CCTV and working to the satisfaction of the Police. Images will be kept for a minimum of 14 days and made available to the Police and Licensing Authority when requested.

c) Public safety

keep flat door open all time.
check fire system, every week.

d) The prevention of public nuisance

Flawing food diary check food and lebbles every day
staff training leave 2 food hygien.
pest control.
cleaning kitchen every night when finish work.

Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
Regular maintenance shall be carried out on all plant machinery to ensure that noise disturbance from such sources is kept to a minimum

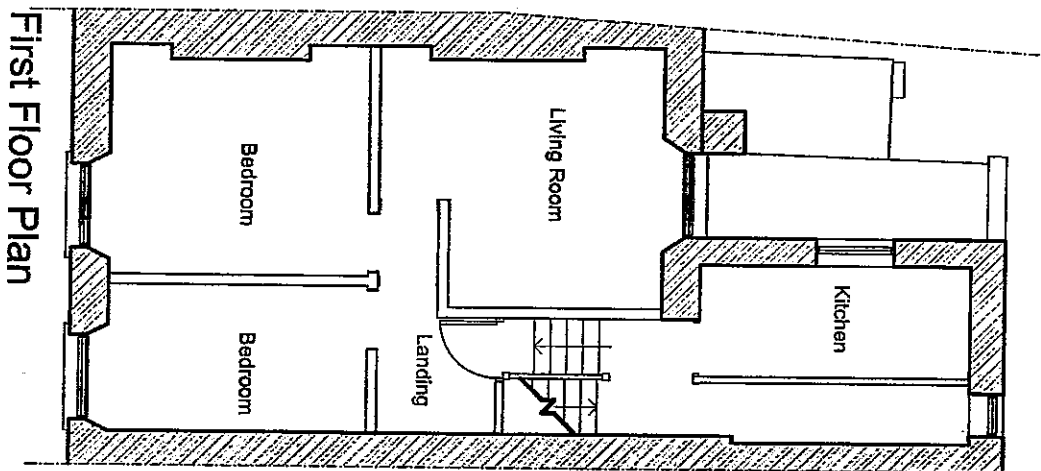
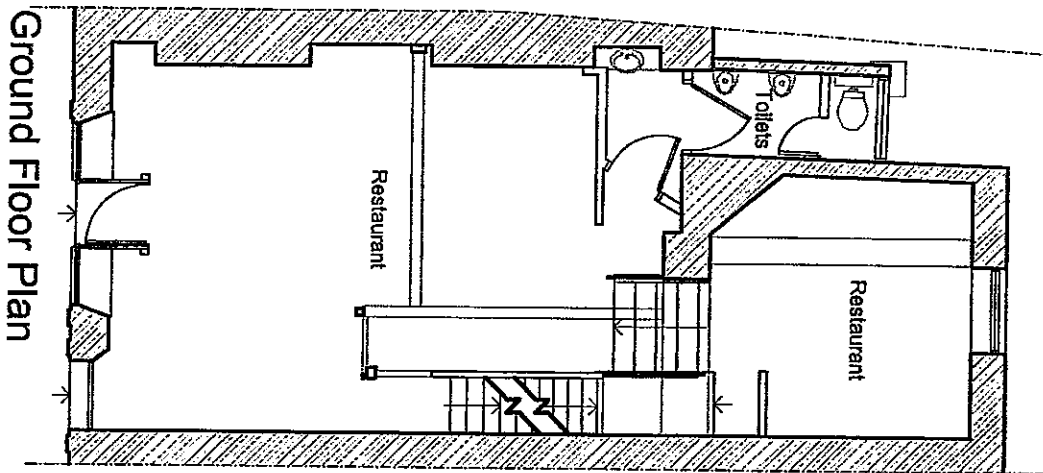
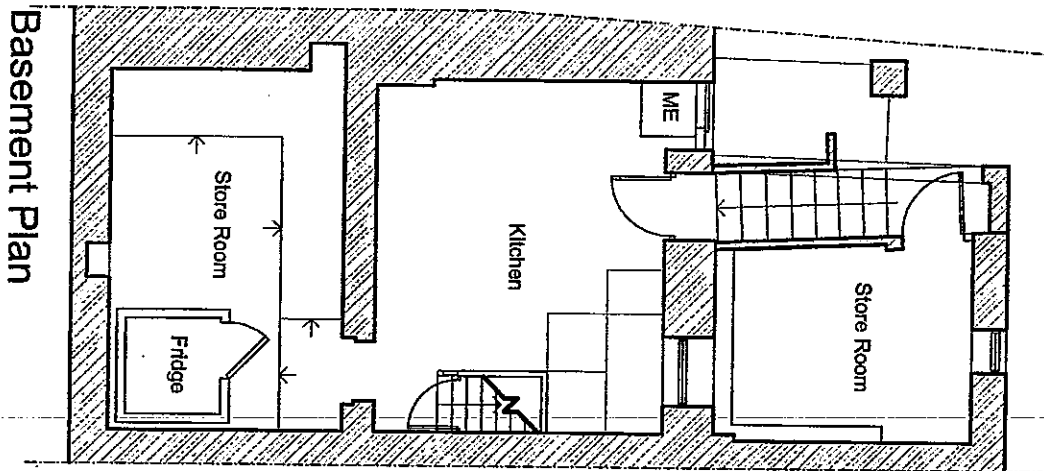
e) The protection of children from harm

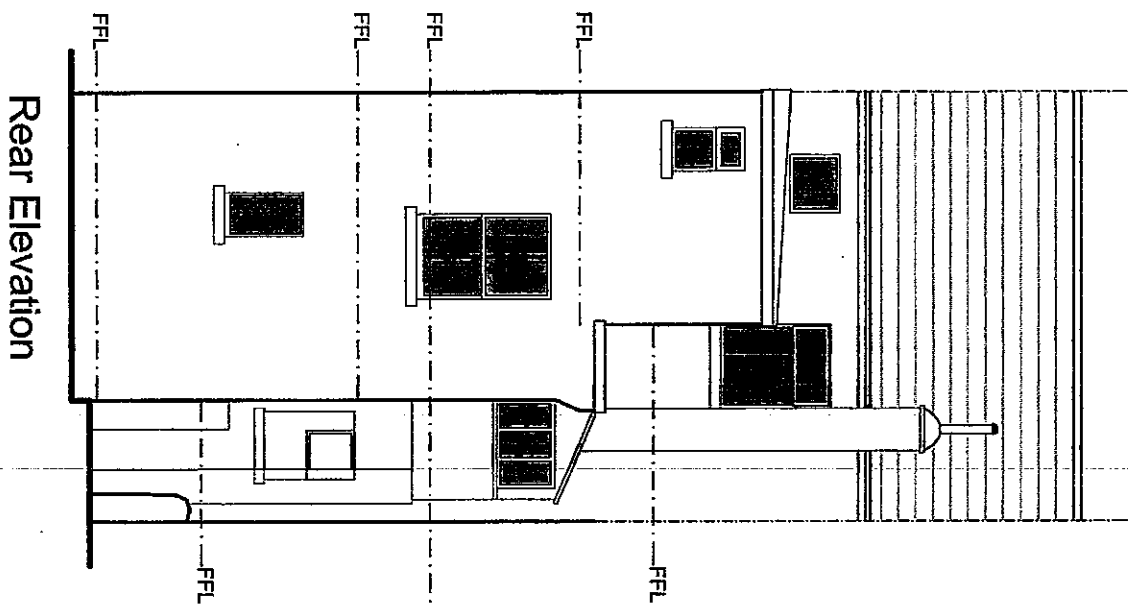
Adults are not allowed to buy alcohol on behalf of under 18's in a licensed premises. the only exception is for 16 or 17 year olds who are allowed to drink beer, wine or cider with a meal if with adult.
check ID if looks like under 25.
last order alcohol at 10.30 pm must be finish 11pm

Checklist:

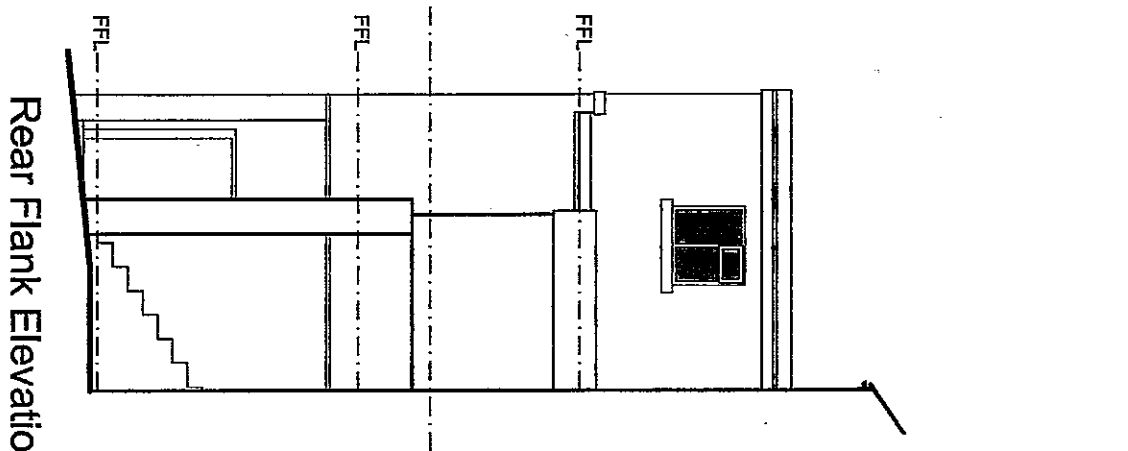
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Appendix 2

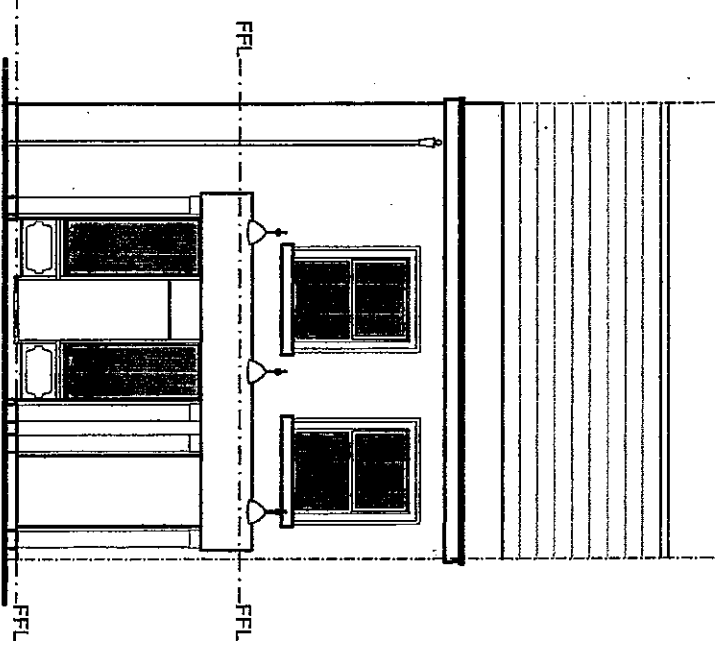




Rear Elevation



Rear Flank Elevation



Front Elevation

revision	date	comments

d u n n m a r i n o
 c h a r t e r e d a r c h i t e c t s
 The Drying Shed, Balls Farm Road, Exeter, EX2 8RA
 01392 432211 mail@dunn.co.uk

scale: 1:100 @ A3 191 Union Street, Torquay
 date: 01/08/14 detail: Existing Plans & Elevations
 author/checked: WMN / DMA drawing no.: L_02_01 rev: .
 connections must be checked, all dimensions on site, only floor dimensions are to be worked from, discrepancies must be reported to the architect before proceeding. © this drawing is copyright.

Agenda Item 6

Appendix 3



Devon & Cornwall Police

Building safer communities together

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

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

Telephone: 01803 218900

5 August 2015

Dear Sir/Madam

Golden Bowl, 191 Union Street, Torquay, TQ1 4BY

I refer to the above premises and an application for the Grant of a Premises Licence, submitted by the applicant, Mr Peng Wang.

This premises are situated in Union Street, Torquay which is covered by Torbay Council Designated Public Place Order. The premises are also situated within the Torbay Council Cumulative Impact Area, which has been identified as an area subject to high levels of alcohol related crime, disorder, anti-social behaviour and public nuisance.

I would take this opportunity to remind you that your Special Saturation Policy states that where relevant representations have been made, an application for a new Premises Licence, or the variation of an existing Premises Licence, would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area, unless the Applicant can demonstrate within their Operating Schedule, that there will be no negative cumulative impact on one or more of the Licensing Objectives.

I would also remind you that your Licensing Statement of Principles 2011 strongly recommends that applicants consult with Responsible Authorities to consider the matters set out in your policy and incorporate them in the Operating Schedule to reduce the risk of representations.

On Monday 13 July 2015 Mr Wang telephoned the police concerning his proposed application and, having been given general advice, was advised by Mr Peter Cosby

julie.smart@devonandcornwall.pnn.police.uk

(Police Licensing Officer with responsibility for Paignton/Brixham) to discuss the matter with Mrs Julie Smart (Police Licensing Officer with responsibility for Torquay) prior to submitting his application. A copy of an email from Mr Cosby to Mrs Smart is attached for your information. On 15 July 2015 Mrs Smart contacted Mr Wang to discuss his proposed application but he informed her that he had already submitted this.

Following receipt of the application, Mrs Smart met with Mr Peng Wang on Tuesday 4 August 2015 and advised him that the police would be requesting that additional conditions be imposed on the licence to ensure that the premises operates as a restaurant in line with Mr Wang's description of the premises as detailed on page 4 of the application. Advice was also given in relation to ensuring that staff request an approved form of photographic identification in line with the applicants proposed age verification policy (as detailed on page 16 of the application) and in line with the Torbay Council Licensing Statement of Principles 2011 (top of page 22). Further advice was given with regards to all alcohol sold for consumption off the premises being supplied in sealed containers.

The police are not objecting to the grant of this application but request that the below conditions are imposed on the licence:


1. The consumption of alcohol within the premises shall be restricted to persons who are seated and having a table meal.
2. All alcohol sold for consumption off the premises shall be supplied in sealed containers.
3. The premises shall operate a Challenge 25 Scheme whereby any individuals who appear to be under the age of 25 shall be requested to produce an approved form of photographic identification.

Should condition 1 above not be imposed on the Premises Licence, the premises could operate as a pub/bar and these types of premises generally carry a higher risk of crime/disorder, anti-social behaviour and public nuisance issues, compared to restaurant premises where the likelihood of such issues is very low. The police therefore consider that the above conditions are appropriate and will ensure that the premises does not have an adverse impact on any of the Licensing Objectives.

Furthermore, Mrs Smart has corresponded with the applicant, Mr Wang, who has confirmed that he will agree to adhere to the above conditions, copies of the emails are attached for your information. Therefore, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) the police do not consider that a hearing is necessary in relation to this application, unless contested representations are received from other responsible authorities.

Should you require any further information, please do not hesitate to contact my Licensing Officer, Mrs Julie Smart, on 01803 218900.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line.

Superintendent G Mayhew
LPA Commander

SMART Julie 50403

From: COSBY Peter 55186
Sent: 13 July 2015 11:00
To: SMART Julie 50403
Subject: New Licence

Hi Julie,

Leo Wang called at about 10.45 re new licence for restaurant at 191 Union Street, Torquay – contact 07876518888. He already has CCTV and I have mentioned a few other conditions ie persons to be seated and clearing glasses/ bottles when finished or emptied. You may want a couple more to be added.

He said that he may try to contact you about 1.30 this afternoon. I told him to speak to you prior to submitting licence.

Pete

55186 Pete COSBY
Alcohol Related Crime Reduction Officer
Devon and Cornwall Constabulary
Ext.41464 (External01803218946)
email: peter.Cosby@devonandcornwall.pnn.police.uk

Licensing Department (East), Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon EX2 7HQ
Tel: 01392 452225
Fax: 01392 452447
Email: licensingeast@devonandcornwall.pnn.police.uk

SMART Julie 50403

From: SMART Julie 50403
Sent: 04 August 2015 14:34
To: ~~XXXXXXXXXXXXXXXXXXXX~~
Subject: GOLDEN BOWL, 191 UNION STREET, TORQUAY

Peng

Thank you for meeting with me this afternoon to discuss your application for a licence in respect of the above premises.

The police request that the below conditions are added to your licence:

1. The consumption of alcohol within the premises shall be restricted to persons who are seated and having a table meal.
2. All alcohol sold for consumption off the premises shall be supplied in sealed containers.
3. The premises shall operate a Challenge 25 Scheme whereby any individuals who appear to be under the age of 25 shall be requested to produce an approved form of photograph identification.

If you are in agreement with the above, please can you email me back to confirm this. I will then forward this email to Torbay Council advising them that we have reached agreement. If you do not agree with the above, please let me know and we can discuss further.

Regards

Julie Smart
Police Licensing Officer
01803 218900
07894 176952

Please note that I do not work on Fridays.

SMART Julie 50403

From: ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: 04 August 2015 14:44
To: SMART Julie 50403
Subject: Re: GOLDEN BOWL, 191 UNION STREET, TORQUAY

hi
im in agreement with the above, confirm this.
leo

> On Aug 4, 2015, at 14:33, Julie.SMART@devonandcornwall.pnn.police.uk wrote:
>
> ~~in agreement with the above, please can you email me back to confirm this~~