



Wednesday, 9 September 2015

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 17 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 Doggett

Councillor Ellery

Councillor Lang

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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:

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

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://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 3 September 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 Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED** (Pages 5 - 48)  
To consider an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED.



## Minutes of the Licensing Sub-Committee

3 September 2015

-: Present :-

Councillors Stublely, Sykes and Doggett

**18. Election of Chairman/woman**

Councillor Doggett was elected as Chairman for the meeting.

**19. Minutes**

The Minutes of the meeting of the Sub-Committee held on 30 July 2015 were confirmed as a correct record and signed by the Chairman.

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

Members considered an application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY.

The Premises does fall within the Cumulative Impact Area.

Written Representation received from:

Name	Details	Date of Representation
Police	Representation received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm.'	5 August 2015

Members noted there have been no additional Representations received from any other Responsible Authority or any Interested Party.

The Environmental Health Manager (Commercial) advised Members that the Police Licensing Officer had corresponded with the Applicant who confirmed that they agreed to adhere to the proposed conditions, as per the submitted report, and therefore the Police Representative would not be attending the hearing.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents, confirmed their acceptance of the proposed conditions put forward by the Police and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY be granted as applied for, subject to the proposed and agreed conditions;

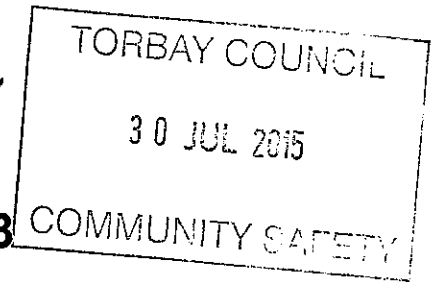
1. The consumption of alcohol within the premises shall be restricted to persons who are seated and having a table meal.
2. All alcohol sold for consumption off the premises shall be supplied in sealed containers.
3. The premises shall operate a Challenge 25 Scheme whereby any individuals who appear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

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved to grant the licence having been satisfied that the conditions proposed by the Police would seek to promote the Licensing Objectives. In addition, Members were assured that the granting of this Application would not add to Crime and Disorder and/or Public Nuisance and therefore saw just reason to depart from its Policy.

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Chairman



**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:**

**Environmental Health Manager (Commercial)  
Torbay Council  
Community Safety  
C/O Torquay Town Hall  
Castle Circus  
Torquay  
TQ1 3DR**

**Contact Details:**

**Tel: 01803 208025**

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

**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 Jam Leisure (Park Lane) Ltd  
*(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 PL0595
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Park Lane 1 Torwood Street			
Post town	Torquay	Postcode	TQ1 1ED
Telephone number at premises (if any)	01803 214446		
Non-domestic rateable value of premises	£18657		

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	As above
Post town	
Postcode	

**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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

- Removal and addition of premises licence conditions
- Change of premises layout
- Increase of timings to licensable activity (Recorded Music – Fri & Sat 10:00-03:30)
- Decrease of timings to licensable activity (Supply of Alcohol – Sat 10:00-03:00)

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)

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

In all cases complete boxes K, L and M



<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	10.00	03.00			
Tue	10.00	03.00			
Wed	10.00	03.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	10.00	03.00			
Fri	10.00	03.30	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6) Christmas Eve 10.00 -- 03.30 New years Eve 10.00 -- 03.30 Bank Holiday Sundays 10.00 -- 03.30 BST – allow for additional hour when the clocks move forward		
Sat	10.00	03.30			
Sun	10.00	03.00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	10.00	03.00			
Tue	10.00	03.00			
Wed	10.00	03.00			
Thur	10.00	03.00			
Fri	10.00	03.00			
Sat	10.00	03.00			
Sun	10.00	03.00	<b>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</b> (please read guidance note 6) Christmas Eve 10.00 -- 03.30 New years Eve 10.00 -- 03.30 Bank Holiday Sundays 10.00 -- 03.30 BST – allow for additional hour when the clocks move forward		
Thur	10.00	03.00			
Fri	10.00	03.00			
Sat	10.00	03.00			
Sun	10.00	03.00			

K

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

None

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 10)**

See attached list of conditions to add

**b) The prevention of crime and disorder**

See attached list of conditions to add

**c) Public safety**

See attached list of conditions to add

**d) The prevention of public nuisance**

See attached list of conditions to add

**e) The protection of children from harm**

See attached list of conditions to add

## Park Lane Variation

Remove ALL CONDITIONS.

The Prevention of Crime and Disorder	Condition to ADD	Comments of original new, updated etc
1.	The Licensees shall carry on working with the local authority and support any seasonal and other advertising campaigns. ✓	Original condition
2.	The number of persons admitted to the premises on any one occasion shall not exceed a safe occupancy. This is in agreement with the responsible authorities notably Devon Fire and Rescue and the Health and Safety team. ✓	Original condition
3.	On every operational day when door supervision is required, then those SIA door supervisors employed in front of house duties must wear YELLOW high visibility jackets for the entirety of their duty. ✓	Original condition
4.	A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 14 days and the police to have access to recordings at any reasonable time. ✓	Original condition
5.	In respect of the roof terrace area, CCTV cameras shall be installed in this area to the satisfaction of the police and there shall be a monitor situated behind the ground floor bar for viewing by staff. ✓	Original condition
6.	Each accredited door steward when on duty must wear distinctive dress. ✓	Updated condition
7.	The premises will maintain membership and actively participate in the Nitenet Radio Scheme, with the radio being in the possession of either the Head Door Steward (when door stewards are employed on the premises) or the Duty Manager. ✓	Original condition
8.	There must be a zero tolerance with drugs and have a drugs policy in force on the premises, with the objective of securing, as far as reasonably practical, the safety of others attending the premises. ✓	Original condition
9.	A secure drug deposit box approved by Devon & Cornwall Police shall be located on the premises for the safe storage of any drugs found or seized. ✓	Original condition
10.	All bar staff will be trained in relation to their responsibilities in relation to the Licensing Act in respect of the sale/supply of alcohol. After 2200 hrs at least one competent manager shall be on the premises whilst open to the public. ✓	Updated condition

11.	Adequate glass and bottle collection shall be undertaken throughout the premises. ✓	Original condition
12.	There must be no entry/re-entry after 2 am. ✓	Updated condition
13.	Most door stewards and member of management must carry effective two way radios with earpieces and used at all times after 23:00 hrs. This equipment is kept in good working order. ✓	Updated condition
14.	At all times after 23.00 when the premises are open for licensable activities, an SIA registered door supervisor shall be employed at the entrance to the premises to ensure there is no unauthorized entrance to the premises. ✓	Updated condition
15.	On any Wednesday, Friday, Saturday and Sunday nights SIA door stewards shall be employed from 11.00 pm until closing time at a ratio of 2 stewards for the first 100 patrons, and thereafter 1 additional steward for each 100 patrons. This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Wednesday, Friday, Saturday or Sunday. On all other occasions the Premises Licence Holder shall assess the need for door stewards and employ these at such numbers and at such times determined by that risk assessment. ✓	Updated condition moved from Public Safety Annexe 2 no.22
16.	Consumption of alcohol on the ground floor terrace shall be by persons seated, no alcohol shall be served in glass bottles within those areas from which it is intended or likely that a person shall drink. This condition shall not apply once the area is enclosed. ✓	Updated condition
17.	In relation to the consumption of food and drink (alcoholic or non-alcoholic) on the ground floor terrace, there shall be no consumption after 2am on Friday and Saturday and after midnight from Sunday to Thursday. This condition shall not apply once the area is enclosed. ✓	Updated condition
18.	Patrons leaving the Premises for all purposes between 00:00 hours on Saturday nights until 02:00 hours on Sunday mornings will not be permitted back into the Premises without paying an entrance fee. ✓	Updated condition
19.	Notices shall be prominently displayed within all bars of the Premises informing patrons who wish to smoke to use the roof terrace area. ✓	Original condition
20.	At all times that the roof terrace area is open, regular checks are to be made by staff and after 23:00 hours, an SIA registered door steward shall be situated in that area. Their duties will include, ensuring that persons using the roof terrace behave in an orderly manner, and that persons shouting, singing or acting in a way that may cause a noise nuisance will be asked to leave the roof terrace area and if necessary, the Premises. ✓	Updated condition

21.	From 2300 hours all drinks must be served in toughened/strengthened glasses or polycarbonate/plastic vessels and no drinks will be served in glass bottles from which it is intended or likely that a person shall drink. All glasses are stamped in accordance with Weights and Measures Legislation.	Updated condition
<b>PUBLIC SAFETY</b>		
1.	The fire safety measures with which the premises are provided shall be maintained in good working order, and their adequacy shall be determined on a regular basis, by the carrying out of a fire risk assessment as required by and in accordance with the Fire Precautions Regulations.	Original condition
2.	The premises shall undertake to maintain a safe occupancy level.	Original condition
3.	Suitable and clearly identifiable areas for dancing must be set aside, and separate from the dance area suitable means of providing cool air/ventilation and adequate seating must be provided.	Original condition
4.	In the event of evacuation caused by failure of general lighting, the public shall not be readmitted until the general lighting is fully restored.	Original condition
5.	Suitable and sufficient sanitary accommodation must be provided, clearly marked and in good order at all times.	Original condition
6.	Where crowd management measures are needed all reasonable steps shall be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps and that portable barriers shall be provided to prevent crushing and keep queues in an orderly fashion.	Original condition
7.	No explosive or highly inflammable material shall be brought into the premises.	Original condition
8.	No pyrotechnics shall be used on the premises.	Original condition
9.	Lasers must not be used on the premises without prior consultation with the Licensing Authority and compliance with HS(G) 95.	Original condition
<b>THE PROTECTION OF CHILDREN FROM HARM</b>		
1.	No persons under the age of 18 shall be employed in connection with the sale of alcohol after 23.00hrs	Original condition, slight re-wording
2.	All bar staff shall be suitably trained to prevent the sale of alcohol to under 18's.	Original condition
3.	Persons under the age of 18 shall be required to vacate the premises by 22:00 hrs unless they are eating, in which case they shall be required to vacate the premises by 22:30 hrs, or unless they are attending an under 18 event.	Updated condition.
4.	Persons under the age of 18 shall not be allowed into the Nightclub on the first floor at anytime unless attending an under 18 event.	Original condition
5.	Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.	Original condition

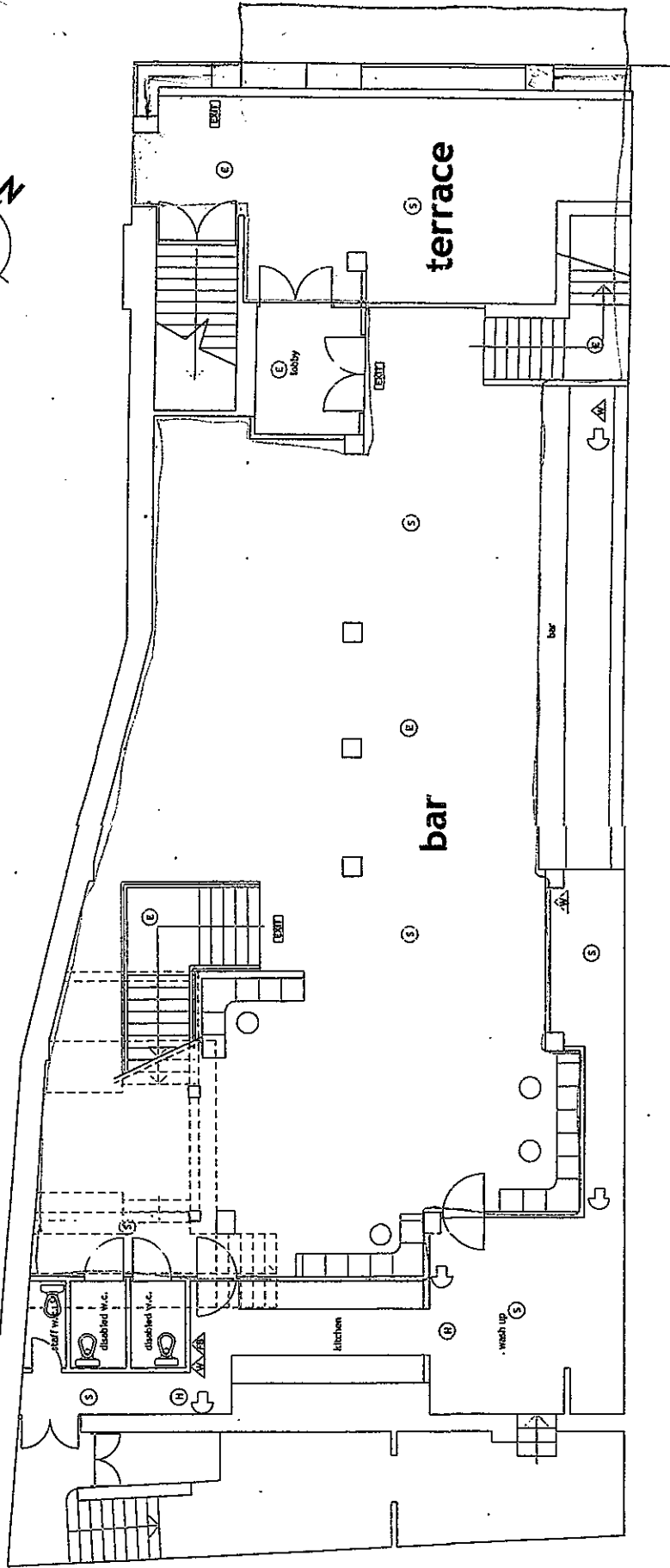
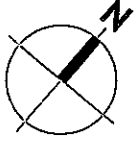
6.	The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 shall be requested to provide an approved form of identification bearing a photograph. ✓	Original condition
7.	<b>Under 18 events may take place to which the following conditions shall apply:</b> ✓	Original condition
7.1	These events shall finish no later than 23.00 hours, after which there will be 30 minute period before reopening to over 18's. ✓	Original condition
7.2	The police shall be notified in writing or email at least 14 days prior to the event. ✓	Original condition
7.3	SIA door stewards must be employed throughout the event, which shall include at least one female steward. All stewards shall have undergone a Disclosure & Barring Service check. ✓	Original condition, slight re-wording
7.4	All alcohol shall be locked and or obscured from view. ✓	Original condition
7.5	All gaming machines with prizes and cigarette machines shall be unplugged and locked. ✓	Original condition
7.6	All promotional material relating to alcohol shall be removed. ✓	Original condition
7.7	Any person refusing to be searched shall be refused entry. ✓	Original condition
7.8	The event shall be promoted to ages 14 years and above. ✓	Original condition
7.9	Foreign student events shall be restricted to foreign students only. ✓	Original condition
7.10	Throughout under 18 events, The DPS or personal licence holder must be present. ✓	Original condition
<b>TO THE PREVENTION OF PUBLIC NUISANCE</b>		
1.	Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:- (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise. (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise. (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property. ✓	Original condition
2.	Doors and windows must be kept shut during entertainment to reduce noise breakout. A management scheme will be in place to ensure this situation remains. ✓	Original condition
3	Entrances must be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment, with the exception of the ground floor terrace main door. ✓	Updated condition

4.	Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.	Original condition
5.	Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.	Original condition
6.	Where any structural changes are made to the premises, agreement must be reached with the Environmental Health Department that these works will not increase noise break out.	New condition
7.	No significant changes to the Public Address system shall be made without prior consultation with the local Environmental Health Department; this includes moving of speakers, addition or removal of any equipment and the use of guest acts/DJ's own equipment.	Updated condition
8.	Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.	Original condition
9.	Door staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.	Original condition
10.	Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.	Original condition
11.	A management scheme shall be put in place to prevent excessive queuing into the street and particularly into Park Lane.	Original condition
12.	From 23.00 on door staff shall monitor the external areas and ensure that patrons behaving in a noisy manner are either asked to leave or asked to return inside the building.	Original condition
13.	All regulated music should be played through a noise limiter which is set at a level as agreed with the local responsible authority for public nuisance; The noise limiter shall be made tamper proof and any adjustments to sound levels shall only be made in consultation with the responsible authority for public nuisance.	Updated condition
14.	There shall be no use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.	Original condition
15.	The placing of refuse such as bottles into skips outside the premises shall take place at times that will prevent disturbance to nearby properties and the movement of bins and rubbish outside the premises shall be kept to a minimum after 11pm.	Original condition
16.	Door staff must be positioned at exits at closing times to ensure noise from patrons leaving is minimized.	Original condition
17.	The licensee shall ensure that staff leaving the premises after a late night shift will conduct themselves in a manner as not to disturb nearby residents.	Original condition
18.	Deliveries of kegs, bottles, food and other materials shall be carried out between the hours of 09.30am - 05.30pm weekdays.	Original condition



19.	The areas shown by red hatching on the plan shall before being used by the public, have the same treatments applied as the other similar areas in the premises, and be inspected by the Environmental Health Department.	✓	New condition
20.	The level of amplified music shall be reduced automatically by 1/3 at 03.00 hrs until closing	✓	New condition
21.	Patrons shall not be permitted to take drinks onto the roof terrace area after 00:00 hours	✓	Updated condition
22.	After 00:00 hours, the number of patrons permitted to use the roof terrace area shall be limited to a maximum of 80 patrons at any one time.	✓	Updated condition
23.	All patrons consuming drinks on the roof terrace area must cease doing so at 00:00 hours and arrangements must be in place by the premises licence holder for all glasses to be cleared from that area at 00.00 hours. Those patrons wishing to continue drinking must be advised to do so inside the Premises.	✓	Updated condition
24.	Patrons who behave in a noisy or disorderly manner on the roof terrace area shall be removed from that area and where appropriate asked to leave the Premises. Details of this noisy or disorderly conduct shall be recorded in a log book and where appropriate, details of the patron(s) causing the noise or disorderly conduct shall be recorded in that log book too.	✓	Original condition
25.	Signage must be displayed reminding patrons to keep noise to a minimum and warning customers who are excessively noisy or disorderly will be removed from that area and potentially the Premises.	✓	Original condition
26.	If Torbay Council receives a complaint of noise nuisance emanating from the Premises and an Environmental Health Officer of Torbay Council deems noise nuisance to exist and the upholds the complaint, the Premises Licence Holder shall on receiving written confirmation of that complaint from Torbay Council:  a) Co-operate with Torbay Council's Environmental Health Officers and implement remedial measures to the satisfaction of the Environmental Health Officers immediately or as reasonably practicable to do so, as determined by the Environmental Health Officer; and b) Where remedial action cannot be identified and remediated to the satisfaction of the Environmental Health Officer, the roof terrace area shall be closed to all patrons at 20:00 hours until such time that the noise nuisance can be identified and the necessary remedial work can be carried out.	✓	Original condition
27.	No structural changes shall be made to the roof terrace, that may in anyway effect noise breakout, non sound reflective surfaces shall be maintained on the walls and floor where practically possible.	✓	New condition

28.	The volume of background music must be set and maintained at a level that is agreed by a Torbay Council Environmental Health Officer before the roof terrace is open to the public.	Original condition
29.	Background music on the roof terrace must cease at 02:00 hours and shall switch off automatically.	Updated condition.
30.	<p>The roof terrace will close at:</p> <p>Sundays – midnight, except on Sundays of Bank Holiday Weekends when the terrace will close at 3.00 am on the Monday morning.</p> <p>Mondays and Tuesdays – midnight</p> <p>Wednesdays – the terrace will close at 2.00 am on the following day (ie Thursday)</p> <p>Thursdays – midnight</p> <p>Fridays and Saturdays – the terrace will close at 3.00 am on the following days (ie Saturday and Sunday mornings).</p>	Original condition
31.	The DPS or a member of the management team shall attend at least two Torquay Forum Meetings per calendar year, and any other meetings organised by the police in relation to high risk events.	
32.	From 2300 hrs until the premises close, members of staff and SIA door stewards shall direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the premises.	



**Ground Floor Plan**

- NOTES:**
1. This drawing is subject to copyright.
  2. Do not scale the drawing.
  3. All dimensions should be checked on site.
  4. If in doubt, please ask.

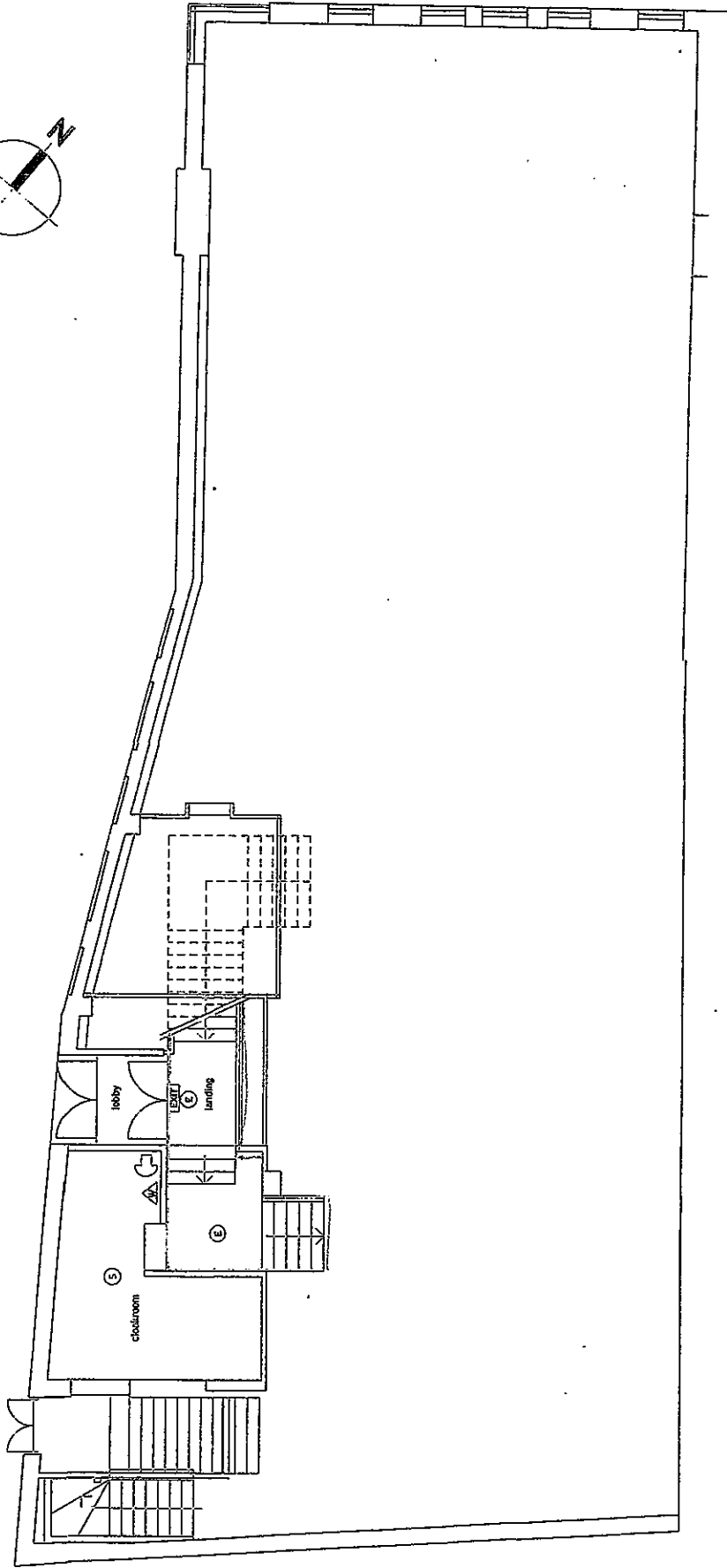
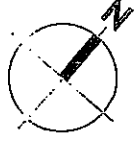
- KEY**
- EXIT
  - illuminated emergency e sign
  - break glass alarm point
  - smoke detector
  - heat detector
  - emergency light
  - water fire extinguisher
  - dry powder fire extinguisher
  - fire blanket
  - L105000000 1000000

Scale: 1:50 @ A1  
 Date: Feb 2013  
 Drawn by: GJR  
 Checked by:

Job:  
 "Park Lane"  
 Torwood Street  
 Torquay Devon

Drawing:  
 Ground Floor Plan  
 Renewing

Drawing number:  
**6410.400**



NOTES:

1. This drawing is subject to any changes.
2. All dimensions are in millimetres unless otherwise stated.
3. All dimensions are to be checked on site.
4. If in doubt, please ask.

KEY

- EXIT
- 5
- E
- Water fire extinguisher
- dry powder fire extinguisher
- fire blanket

- illuminated emergency exit sign
- break glass alarm point
- smoke detector
- emergency light
- water fire extinguisher
- dry powder fire extinguisher
- fire blanket

Revisions

Scale: 1:500 A1  
 Date: Feb. 2013  
 Drawn by: CR  
 Checked by:

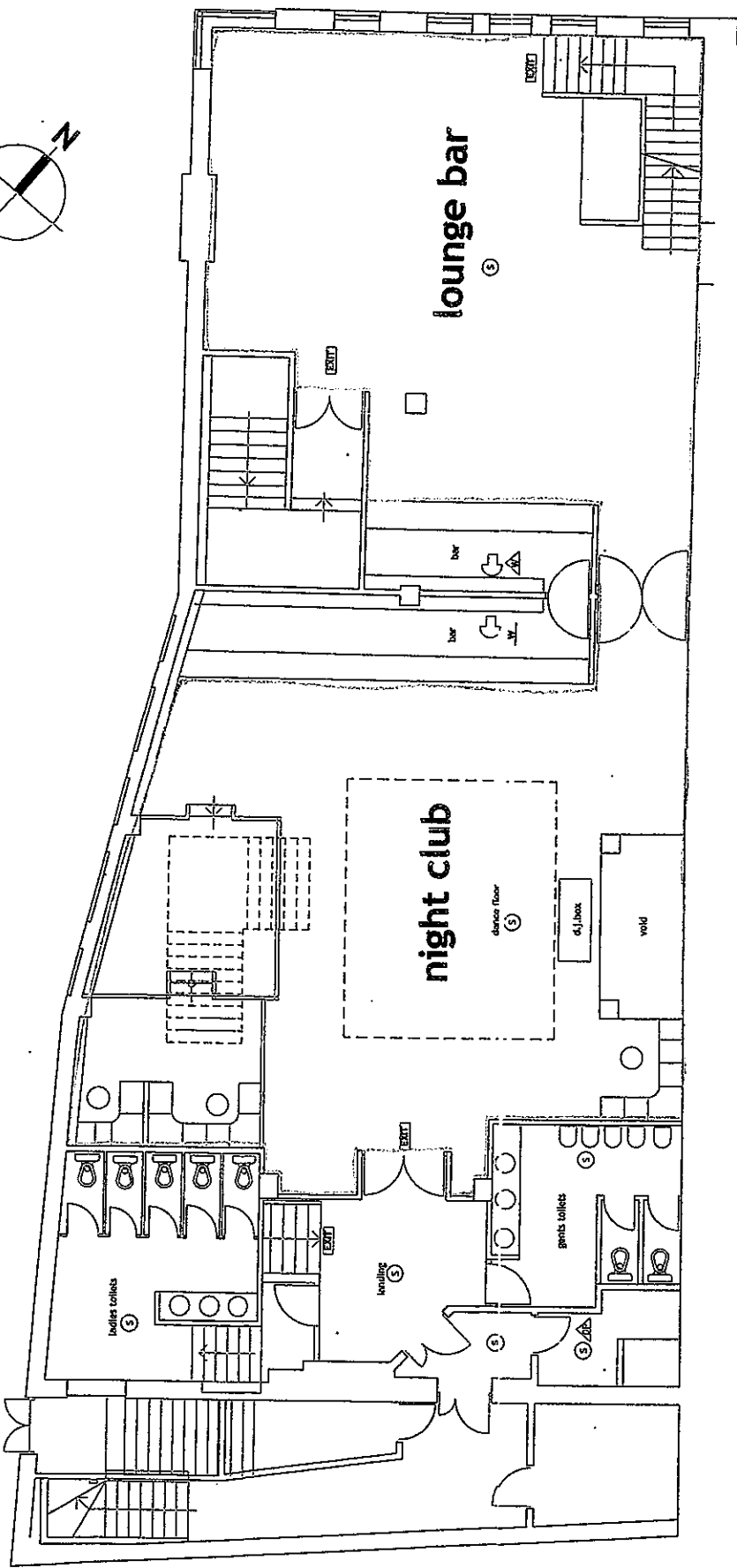
Job:  
 "Park Lane"  
 Torwood Street  
 Torquay Devon

Drawing:  
 Mezzanine Floor Plan  
 Licensing

Drawing number:  
**6410. 402**

Mezzanine Floor Plan

- NOTES:**
1. This drawing is subject to copyright.
  2. No part of this drawing is to be reproduced without the written consent of the architect.
  3. All dimensions to be checked on site.
  4. If in doubt, please ask.



**First Floor Plan**

- KEY**
- illuminated emergency sign
  - break glass alarm pull station
  - smoke detector
  - emergency light
  - water fire extinguisher
  - dry powder fire extinguisher
  - fire blanket

Rev.	Date	Description

Revisions

Scale: 1:50 @ A1  
Date: Feb. 2013

Drawn by: CF

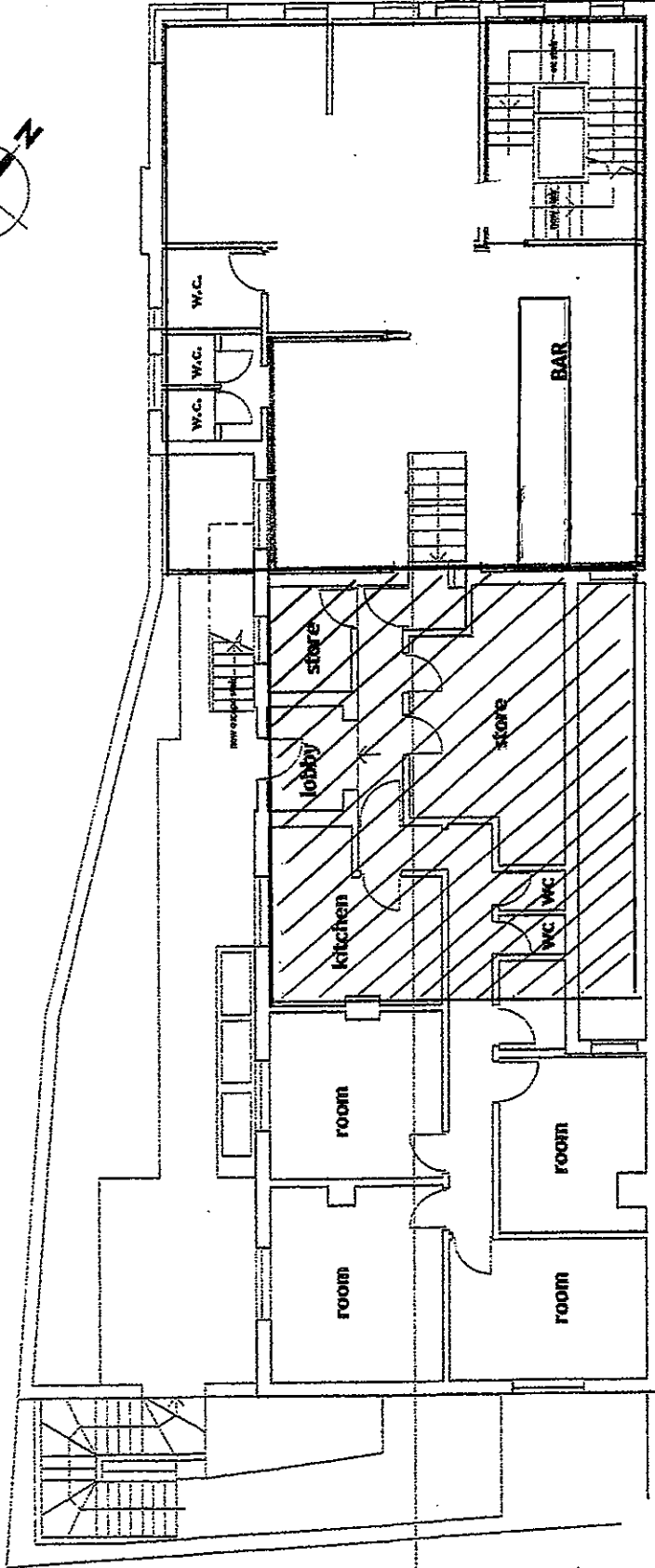
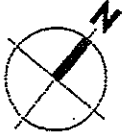
Checked by:

Job:  
"Park Lane"  
Tottenham Court Road  
Tottenham Court Road

Drawing:  
First Floor Plan  
Renovating

Drawing number:  
**6410. 401**

# ANNEXE 4



**Second Floor Plan**

- NOTES**
1. The owner's architect
  2. The owner's architect
  3. The owner's architect
  4. The owner's architect

Scale: 1:50 @ A1  
 Date: 14/02/2015

Drawn by: GR  
 Checked by: ER

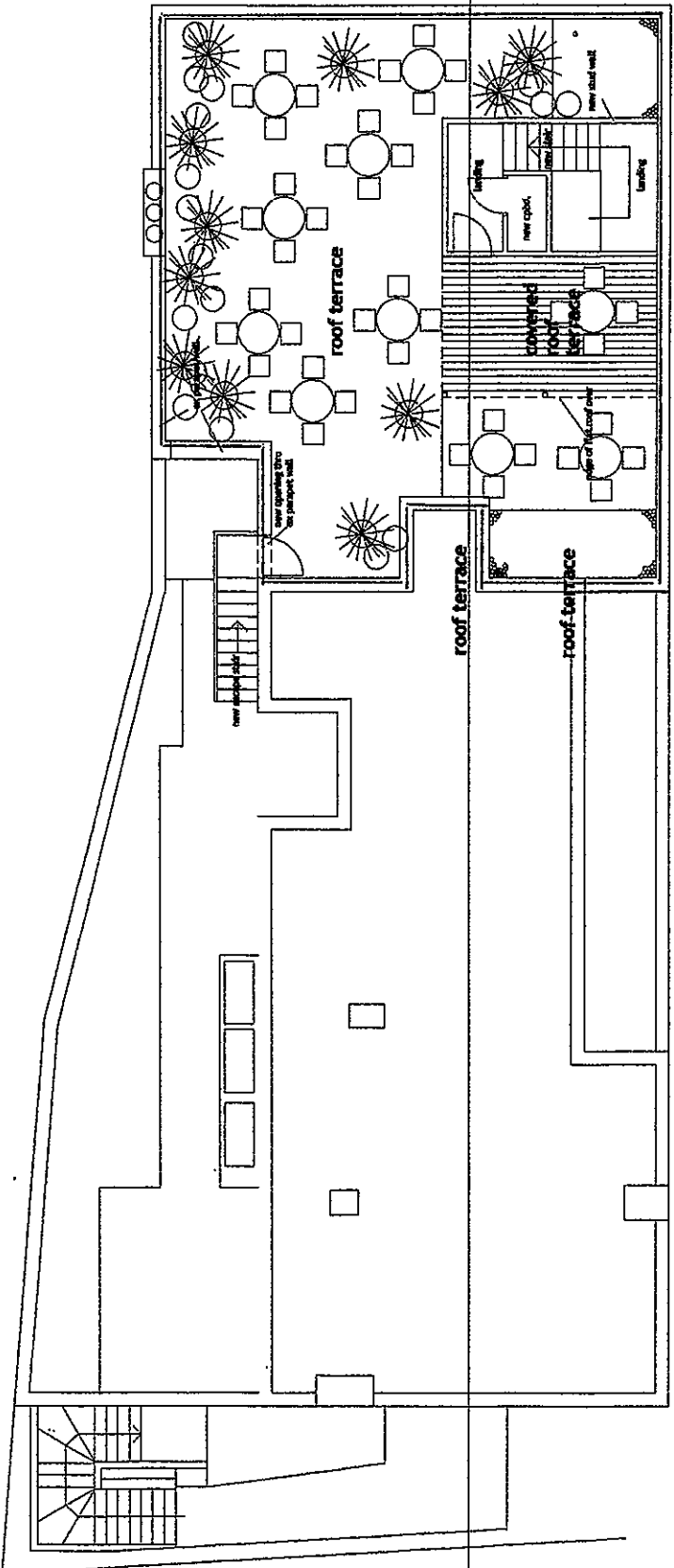
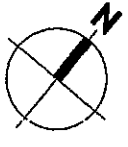
Arch: JAB  
 Project Name: The Victoria Parade  
 Project Number: 6410.503

Drawing: Second Floor Plan  
 As Proposed

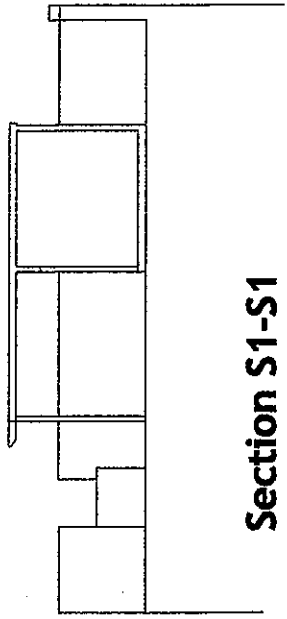
Drawing Number:  
**6410.503**  
**PRELIMINARY 2**

**COLIN RITCHIE ARCHITECTS LTD.**  
 22a VICTORIA PARADE, TORQUAY, TQ2 2BN  
 Tel: 01803 294331 Fax: 01803 262266  
 Email: [colin@colinritchie.com](mailto:colin@colinritchie.com)

- NOTES:**
1. This drawing is subject to any amendments made to the contract documents.
  2. All dimensions are in millimetres unless otherwise stated.
  3. All work is to be in accordance with the latest edition of the relevant building code.
  4. If the building is to be used for any other purpose than that shown on this drawing, the architect shall be notified in writing.



**Roof Level Plan**



**Section S1-S1**

Revision	Date	By	Check

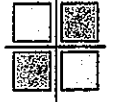
Scale: 1:50  
 Date: 08/01/2013

Drawn by: [Name]  
 Checked by: [Name]  
 OK

Architect:  
 Colin Ritchie Architects Ltd.  
 Torquay Street  
 Torquay Devon

Drawing:  
 Roof Level Plan  
 As Proposed

Drawing number:  
**6410.504**  
**PRELIMINARY 2**



**COLIN RITCHIE ARCHITECTS LTD.**  
 22A VICTORIA PARADE TORQUAY TQ1 2BB  
 TEL: 01803 238481 FAX: 01803 260966  
 EMAIL: [colin@colinritchie.co.uk](mailto:colin@colinritchie.co.uk)

# Agenda Item 6

## Appendix 1

Licensing Act 2003

# Premises Licence

# 595

**LOCAL AUTHORITY**



**Torbay Council**  
 Licensing & Public Protection  
 c/o Town Hall  
 Castle Circus  
 Torquay  
 TQ1 3DR

Part 1 - Premises Details

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

**Park Lane**

1 Torwood Street, Torquay, Devon, TQ1 1ED

Telephone 01803 214446

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

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

Activity (and Area if applicable)	Description	Time From	Time To	
E. Performance of live music (Indoors)	Monday	10:00am	3:00am	
	Tuesday	10:00am	3:00am	
	Wednesday	10:00am	3:00am	
	Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Saturday	10:00am	3:00am	
	Sunday	10:00am	3:00am	See below
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:00am	
	F. Playing of recorded music (Indoors)	Monday	10:00am	3:00am
Tuesday		10:00am	3:00am	
Wednesday		10:00am	3:00am	
Thursday		10:00am	3:00am	
Friday		10:00am	3:00am	
Saturday		10:00am	3:00am	
Sunday		10:00am	3:00am	See below





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

Activity (and Area if applicable)	Description	Time From	Time To	
F. Playing of recorded music (Indoors) continued ...	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
	Bank Holiday Sunday - 02.00 am finish			
	British Summer Time - allow for additional hour when clocks move forward.			
G. Performance of dance (Indoors)	Sunday to Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:00am	
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	New Year's Eve	11:00am	3:30am	
	Christmas Eve	11:00am	3:30am	
I. Provision of facilities for making music (Indoors)	Monday	10:00am	3:00am	
	Tuesday	10:00am	3:00am	
	Wednesday	10:00am	3:00am	
	Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Saturday	10:00am	3:00am	
	Sunday	10:00am	3:00am	See below
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
	J. Provision of facilities for dancing (Indoors)	Monday	10:00am	3:00am
Tuesday		10:00am	3:00am	
Wednesday		10:00am	3:00am	
Thursday		10:00am	3:00am	
Friday		10:00am	3:00am	
Saturday		10:00am	3:00am	
Sunday		10:00am	3:00am	See below
Christmas Eve		11:00am	3:30am	
New Year's Eve		11:00am	3:30am	
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)		Sunday to Thursday	10:00am	3:00am
	Friday	10:00am	3:00am	
	Sunday	10:00am	3:00am	
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
L. Late night refreshment (Indoors)	Monday	11:00pm	2:00am	
	Tuesday	11:00pm	2:00am	
	Wednesday	11:00pm	2:00am	
	Thursday	11:00pm	2:00am	
	Friday	11:00pm	2:00am	
	Saturday	11:00pm	2:00am	
	Sunday	11:00pm	2:00am	
	Christmas Eve	11:00pm	Midnight	
	New Year's Eve	11:00pm	Midnight	

**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	10:00am	3:00am
	Tuesday	10:00am	3:00am
	Wednesday	10:00am	3:00am
	Thursday	10:00am	3:00am
	Friday	10:00am	3:00am
	Saturday	10:00am	3:30am
	Sunday	10:00am	3:00am
	Christmas Eve	11:00am	3:30am
	New Year's Eve	11:00am	3:30am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday	10:00am	3:30am
Tuesday	10:00am	3:30am
Wednesday	10:00am	3:30am
Thursday	10:00am	3:30am
Friday	10:00am	3:30am
Saturday	10:00am	4:00am
Sunday	10:00am	3:30am
Christmas Eve	11:00am	3:30am
New Year's Eve	11:00am	3:30am
Bank Holiday Sunday - 03.30am finish.		

British Summer Time - allow for additional hour when clocks move forward.

**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**

Jam Leisure (Park Lane) Ltd

Park Lane, 1 Torwood Street, Torquay, Devon, TQ1 1ED

**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**

Adrian Michael HOBBS

Terranova, Ridge Road, Maidencombe, Torquay, Devon, TQ1 4TD  
Telephone 01803 292079 or 01803 315663

**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. PA0232

Issued by Torbay

*Steve Cox*

Steve Cox  
Environmental Health Manager  
24 July 2014

**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.
  
- 7) The responsible person shall ensure that -

**ANNEXES continued ...**

(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.

- 8) A relevant person shall ensure that no alcohol is sold or supplied for the consumption on or off the premises for a price which is less than the permitted price.

**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**

**Prevention of Crime and Disorder**

1. Warning notices shall also be placed at the entrance door indicating conditions of entry including regular identification checks, random searches and the use of metal detectors.
2. The Licensees shall carry on working with the local authority and support any seasonal and other advertising campaigns.
3. The number of persons admitted to the premises on any one occasion shall not exceed a safe occupancy. This is in agreement with the responsible authorities notably Devon Fire and Rescue and the Health and Safety team.
4. Persons leaving the premises shall be reminded to conduct themselves in an orderly manner and not cause annoyance to other members of the public or nearby residents.
5. A CCTV System must cover both inside and outside the premises in positions agreed with the Council and Police. All cameras are recorded to a high standard and kept for a minimum of 14 days and shall be made available to the police on demand.

**ANNEXES continued ...**

6. All the door staff must be Security Industry Authority licensed.
7. Each accredited door steward when on duty must wear distinctive dress, are all over the age of 18 and are trained to vet customers and keep public order.
8. A Night Net Radio must also be held at the Head Door Steward at the entrance and all instances of crime and disorder shall be reported to the police.
9. There must be a zero tolerance with drugs and have a drugs policy in force on the premises, with the objective of securing, as far as reasonably practical, the safety of others attending the premises.
10. A secure drug deposit bag approved by Devon & Cornwall Police shall be located on the premises for the safe storage of any drugs found or seized.
11. There must be provision of toughened safety glasses and plastic bottles. All glasses are stamped in accordance with Weights and Measures Legislation. No drinks, whether in glasses or bottles must be removed from the premises.
12. All the staff must be fully trained and at least one competent manager shall be on the premises whilst open to the public. All bar staff will be suitably trained to prevent the sale of alcohol to under 18's.
13. Adequate glass and bottle collection shall be undertaken throughout the premises.
14. Premises must join and maintain membership of the Torquay Night Time Economy Forum attending at least 2 meetings in each calendar year.
15. There must be no entry or re-entry after 2am.
16. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 14 days and the police to have access to recordings at any reasonable time.
17. Every door steward and member of management must carry effective two way radios with earpieces. This equipment is kept in good working order and is used at all times when the premises are open to the public.
18. At all times after 23.00 when the premises are open for licensable activities, an SIA registered door supervisor shall be employed at the entrance to the area to ensure compliance with the preceding restriction and to ensure that no unauthorized entrance to the premises takes place via the area.
19. Consumption of alcohol on the ground floor terrace shall be by persons seated, no alcohol shall be served in glass bottles within those areas from which it is intended or likely that a person shall drink.

**The Promotion of Public Safety**

1. The fire safety measures with which the premises are provided shall be maintained in good working order, and their adequacy shall be determined on a regular basis, by the carrying out of a fire risk assessment as required by and in accordance with the Fire Precautions Regulations.
2. The premises shall undertake to maintain a safe occupancy level.
3. A log book shall be kept upon the premises in which shall be entered particulars of inspections made: those required to be made by Statute, and information compiled to comply with any public safety condition attached to the premises licence that required the recording of such information. The log book shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
4. Adequate access must be provided for emergency vehicles.
5. Where crowd management measures are needed all reasonable steps shall be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps and that portable barriers shall be provided to prevent crushing and keep queues in an orderly fashion.
6. Suitable and clearly identifiable areas for dancing must be set aside, and separate from the dance area suitable means of providing cool air/ventilation and adequate seating must be provided.

**ANNEXES continued ...**

7. All fire exits, gangways, escapes, extinguishers, fire points etc shall remain free of obstruction and will be tested and assessed on a regular basis. All exits are fitted with fixed automatic catches. Weekly fire alarm tests and fire certification as required by Fire Authority shall be carried out.
8. A Fire Risk Assessment shall be carried out monthly and Risk Assessments shall be carried out regularly.
9. Regular testing and certification of appliances and systems shall be carried out, including PAT and Electrical Testing.
10. All parts of the premises must be adequately illuminated from two independent sources and in the event of general lighting failure emergency lighting shall be immediately fully illuminated and the public shall be required to leave the premises forthwith.
11. In the event of evacuation caused by failure of general lighting, the public shall not be readmitted until the general lighting is fully restored.
12. Suitable and sufficient sanitary accommodation must be provided, clearly marked and in good order at all times.
13. The implementation of correct disposal of waste must be carried out on the premises at all times.
14. There must be provision of sufficient number of people on site to secure the safety of the premises at all times.
15. There must be use of toughened glasses and plastic bottles which reduces the risk of harm to the public.
16. Air management system within the premises shall be used during entertainment.
17. No explosive or highly inflammable material shall be brought into the premises.
18. No pyrotechnics shall be used on the premises.
19. Smoke machines shall be in a fixed position, protected against interference and manned by a competent operator at all times when in use. Non-toxic, non-flammable smoke shall be used and will be limited to areas where the public are admitted and not obscure exit signs.
20. Lasers must not be used on the premises without prior consultation with the Licensing Authority and compliance with HS(G) 95.
21. Staff shall be trained in first aid
22. The ratio of stewards to customers on the premises shall be no less than 1:100.

**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 all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
3. Two noise limitation devices shall be installed to control both areas which have amplification equipment fitted. These devices shall be regularly maintained.
4. There shall be no use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.
5. The placing of refuse such as bottles into skips outside the premises shall take place at times that will prevent disturbance to nearby properties and the movement of bins and rubbish outside the premises shall be kept to a minimum after 11pm.
6. Quieter/Mellower music shall be played towards the end of the evening to encourage calmness and an announcement shall be made prior to closing requesting patrons to leave the premises as quietly and quickly as possible.
7. Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.

**ANNEXES continued ...**

8. Door staff must be positioned at exits at closing times to ensure noise from patrons leaving is minimized.
9. Taxi operators shall be nominated for staff and customer use. The companies telephone numbers shall be advertised to customers.
10. The licensee shall ensure that staff leaving the premises after a late night shift will conduct themselves in a manner as not to disturb nearby residents.
11. Deliveries of kegs, bottles, food and other materials shall be carried out between the hours of 09.30am - 05.30pm weekdays.

**The Protection of Children from Harm**

1. No persons under the age of 18 shall be employed in connection with the sale of and supply of alcohol.
2. All bar staff shall be suitably trained to prevent the sale of alcohol to under 18's.
3. Persons under the age of 18 shall be required to vacate the bar by 21.00 hrs unless they are eating in which case they shall be required to vacate the bar by 21.30hrs, or unless they are attending an under 18 event.
4. Persons under the age of 18 shall not be allowed into the Nightclub on the first floor at anytime unless attending an under 18 event.
5. Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.

**Under 18 events may take place to which the following conditions shall apply:**

1. These events shall finish no later than 23.00 hours, after which there will be 30 minute period before reopening to over 18's.
2. The police shall be notified in writing or email at least 14 days prior to the event.
3. SIA door stewards must be employed throughout the event, which shall include at least one female steward. All stewards shall have undergone a criminal records bureau check.
4. All alcohol shall be locked and or obscured from view.
5. All gaming machines with prizes and cigarette machines shall be unplugged and locked.
6. All promotional material relating to alcohol shall be removed.
7. Any person refusing to be searched shall be refused entry.
8. Metal detectors shall be used random on entry .
9. The event shall be promoted to ages 14 years and above.
10. Foreign student events shall be restricted to foreign students only.
11. Throughout under 18 events, The DPS or personal licence holder must be present.

**ANNEXE 3**

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

**The Prevention of Crime and Disorder**

1. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.



## ANNEXES continued ...

2. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
3. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
4. On every operational day when door supervision is required, then those SIA door supervisors employed in front of house duties must wear YELLOW high visibility jackets for the entirety of their duty.
5. In relation to the consumption of food and drink (alcoholic or non-alcoholic) on the ground floor terrace, there shall be no consumption after 2am on Friday and Saturday and after midnight from Sunday to Thursday.

**The Prevention of Public Nuisance**

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:-
  - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Doors and windows must be kept shut during entertainment to reduce noise breakout. A management scheme will be in place to ensure this situation remains.
3. Entrances must be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.
4. 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.
5. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
6. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
7. The variation to the existing premises license shall not be permitted until such time that the levels of noise limiters are set and agreed between the premises license holder or a nominated person by them and the Environmental Health Department so as not to unreasonably disturb nearby residents.
8. These levels shall be set and agreed by within 1 month of the application being granted.
9. Before any further refurbishment is commenced an evaluation of any noise breakout must be undertaken and a report submitted to the Environmental Health Department. Agreement must be reached with the Environmental Health Department on the works to be undertaken to attenuate noise break out and those works must be implemented to their satisfaction.
10. The volume of any regulated entertainment will be under the control of the management at all times. Should monitoring indicate that the volume should be reduced, management shall take steps to ensure that levels are reduced to those agreed in condition 1.
11. No changes to the Public Address system shall be made without prior consultation with the local Environmental Health Department; this includes moving of speakers, addition or removal of any equipment and the use of guest acts/DJ's own equipment.
12. Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.
13. Door staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.
14. Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet

**ANNEXES continued ...**

respectful manner.

15. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.
16. A management scheme shall be put in place to prevent excessive queuing into the street and particularly into Park Lane.
17. From 23.00 on door staff shall monitor the external areas and ensure that patrons behaving in a noisy manner are either asked to leave or asked to return inside the building.
18. All regulated music should be played through a noise limiter which is to be set at a reasonable level as agreed with the local responsible authority for public nuisance; this is to be independently calibrated and copies of reports forwarded to the responsible authority for public nuisance within 21 days of any recalibration. It shall be sealed in a tamper proof box and adjustments shall only be made with the written permission of the responsible authority for public nuisance.
19. No changes shall be made to the public address system without prior written permission of the responsible authority for public nuisance.

**The Protection of Children from Harm**

1. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 shall be requested to provide an approved form of identification bearing a photograph.

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY FOR THE VARIATION TO ADD A ROOF TERRACE**

**The Prevention of Crime and Disorder**

1. No entry or re-entry into the Premises after 02:00 hours.
2. Patrons leaving the Premises for all purposes between 22:00 hours on Saturday nights until 02:00 hours on Sunday mornings will not be permitted back into the Premises without paying an entrance fee.
3. From the time the Premises open until 21:00, members of staff and SIA door stewards should direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the Premises.
4. From 21:00 until the Premises close, members of staff and SIA door stewards shall direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the Premises.
5. Notices shall be prominently displayed within all bars of the Premises informing patrons who wish to smoke to use the roof terrace area.
6. In respect of the roof terrace area, CCTV cameras shall be installed in this area to the satisfaction of the police and there shall be a monitor situated behind the ground floor bar for viewing by staff.
7. At all times that the roof terrace area is open after 21:00 hours, an SIA registered door steward shall be situated in that area. Their duties will include, ensuring that persons using the roof terrace behave in an orderly manner, and that persons shouting, singing or acting in a way that may cause a noise nuisance will be asked to leave the roof terrace area and if necessary, the Premises.

**The Prevention of Public Nuisance**

1. No amplified or live music on the roof terrace at any time.
2. The volume of background music must be set and maintained at a level that is agreed by a Torbay Council Environmental Health Officer before the roof terrace is open to the public.
3. Background music on the roof terrace must cease at 02:00 hours, and be in accordance with that detailed in Annex 3, conditions 7 and 8 of the Premises existing Premises Licence.

**ANNEXES continued ...**

4. Before the roof terrace area is open to the public, the door leading onto the roof terrace area shall be inspected by an Environmental Health Officer of Torbay Council and where it is deemed necessary by that Officer, an acoustic lobby shall be constructed to the satisfaction of Torbay Council to ensure that potential noise outbreak from the Premises does not occur. Any such lobby shall be constructed before the roof terrace area is open to the public to use.
5. Where it has been necessary to construct a lobby as mentioned in point 5 above, that lobby shall be constructed and operated in such a way to ensure that if regulated entertainment is being played inside the premises, only one door shall be opened at any one time to prevent noise breakout. These doors shall be fitted with automatic closers.
6. After 23:00 hours numbers of patrons permitted to use the roof terrace area shall be limited to a maximum of 60 patrons at any one time.
7. Patrons shall not be permitted to take drinks onto the roof terrace area after 23:00 hours
8. All patrons consuming drinks on the roof terrace area must cease doing so at 23:00 hours and arrangements must be in place by the premises licence holder for all glasses to be cleared from that area at 23.00 hours. Those patrons wishing to continue drinking must be advised to do so inside the Premises.
9. Patrons who behave in a noisy or disorderly manner on the roof terrace area shall be removed from that area and where appropriate asked to leave the Premises. Details of this noisy or disorderly conduct shall be recorded in a log book and where appropriate, details of the patron(s) causing the noise or disorderly conduct shall be recorded in that log book too.
10. Signage must be displayed reminding patrons to keep noise to a minimum and warning customers who are excessively noisy or disorderly will be removed from that area and potentially the Premises.
11. The SIA door steward placed on the roof terrace area must as part of their duties ensure and manage customers' behaviour and take appropriate actions, as required by condition 11.
12. If Torbay Council receives a complaint of noise nuisance emanating from the Premises and an Environmental Health Officer of Torbay Council deems noise nuisance to exist and the upholds the complaint, the Premises Licence Holder shall on receiving written confirmation of that complaint from Torbay Council:
  - a) Co-operate with Torbay Council's Environmental Health Officers and implement remedial measures to the satisfaction of the Environmental Health Officers immediately or as reasonably practicable to do so, as determined by the Environmental Health Officer; and
  - b) Where remedial action cannot be identified and remediated to the satisfaction of the Environmental Health Officer, the roof terrace area shall be closed to all patrons at 20:00 hours until such time that the noise nuisance can be identified and the necessary remedial work can be carried out.
13. The roof terrace is to have a solid perimeter wall of at least eight feet, with the exception of the Torwood Street elevation where it shall be six feet. The wall is to have a density of at least 10 kilograms per square meter with no gaps.
14. Non sound reflective surfaces shall be used on the walls and floor where practically possible.
15. The roof terrace will close at:  
24:00 hours on Sunday, but 03:00 hours Bank Holiday Sundays;  
24:00 hours on Monday and Tuesday;  
02:00 hours on Wednesday  
24:00 hours on Thursday  
03:00 hours Friday and Saturday .
16. The playing of back ground music shall switch off automatically at 02:00 hours.

**Public Safety**

1. All patrons using the roof terrace area shall be seated at all times.

**ANNEXE 4**

Licensing Act 2003

# Premises Licence

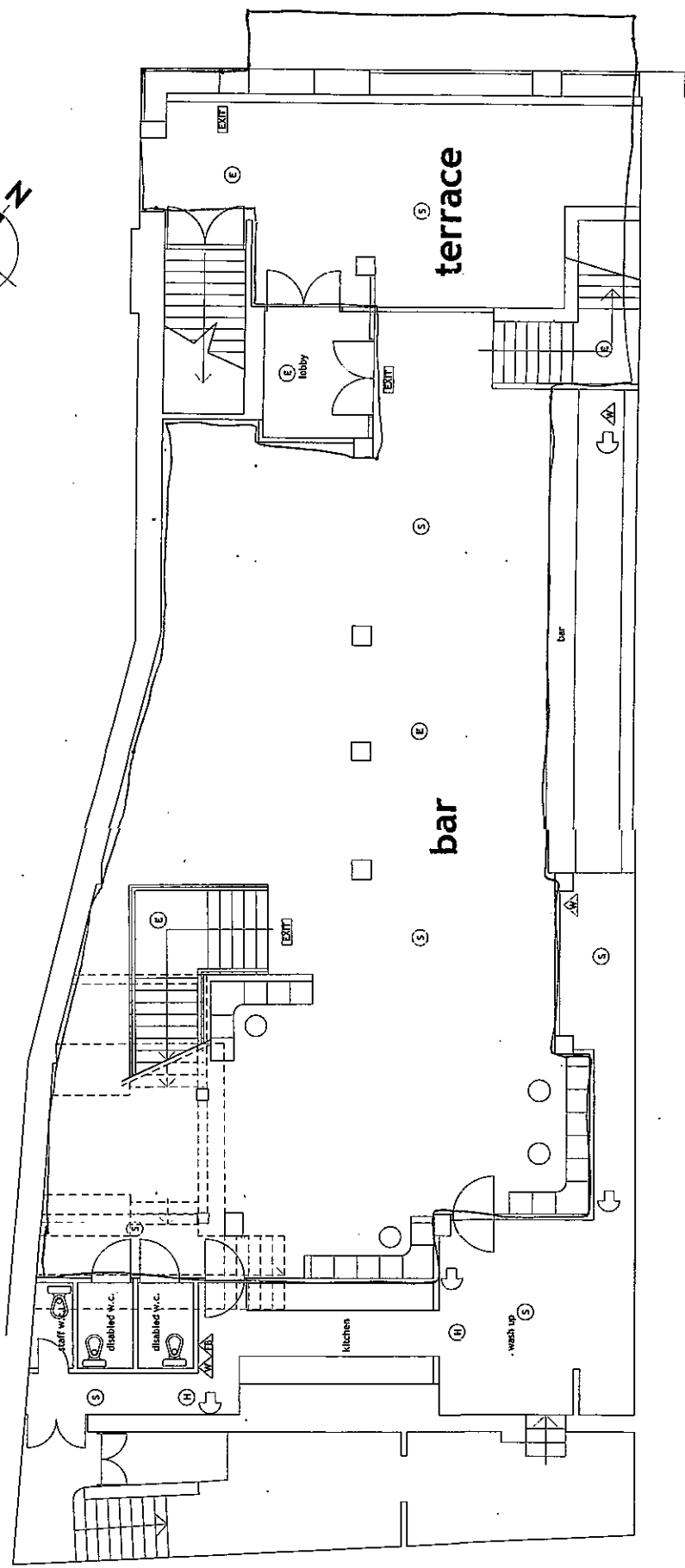
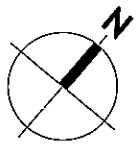
# 595

**ANNEXES** continued ...

**PLANS**

Copy attached to Licence.

- NOTES:**
1. This drawing is subject to copyright.
  2. Do not scale this drawing.
  3. Dimensions should be checked on site.
  4. If in doubt, please ask.



- KEY**
- EXIT
  - illuminated emergency sign
  - break glass alarm point
  - smoke detector
  - heat detector
  - emergency light
  - water fire extinguisher
  - dry powder fire extinguisher
  - fire blanket
  - 1405-56-6D 1405-54

Revisions


Scale: 1:50 @ A1  
 Date: Feb 2013

Drawn by  
 CR

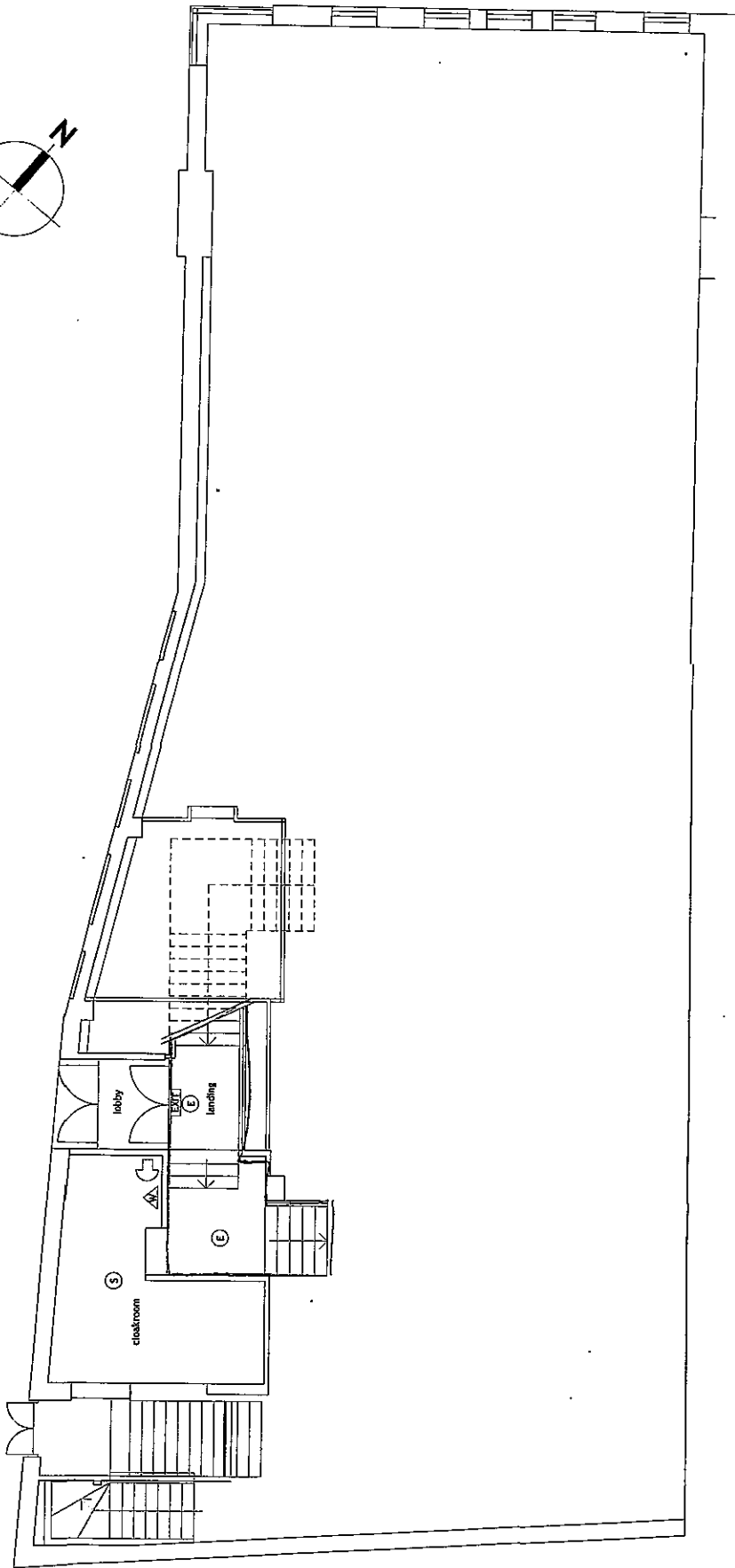
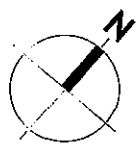
Checked by

Job  
 "Park Lane"  
 Torwood Street  
 Torquay Devon

Drawing  
 Ground Floor Plan  
 Licensing

Drawing number:  
**6410. 400**

**Ground Floor Plan**



**Mezzanine Floor Plan**

**NOTES:**

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2. Do not scale this drawing.
3. All dimensions to be taken from this drawing.
4. If in doubt, please ask.

**KEY**

- (EXIT)
- (S)
- (E)
- (A)
- (B)
- (C)
- (D)

Illuminated emergency exit sign  
 break glass alarm point  
 smoke detector  
 emergency light  
 water fire extinguisher  
 dry powder fire extinguisher  
 fire blanket

NO.	DESCRIPTION	DATE

Scale: 1:50 (A1)  
 Date: Feb, 2013  
 Drawn by: CR  
 Checked by:

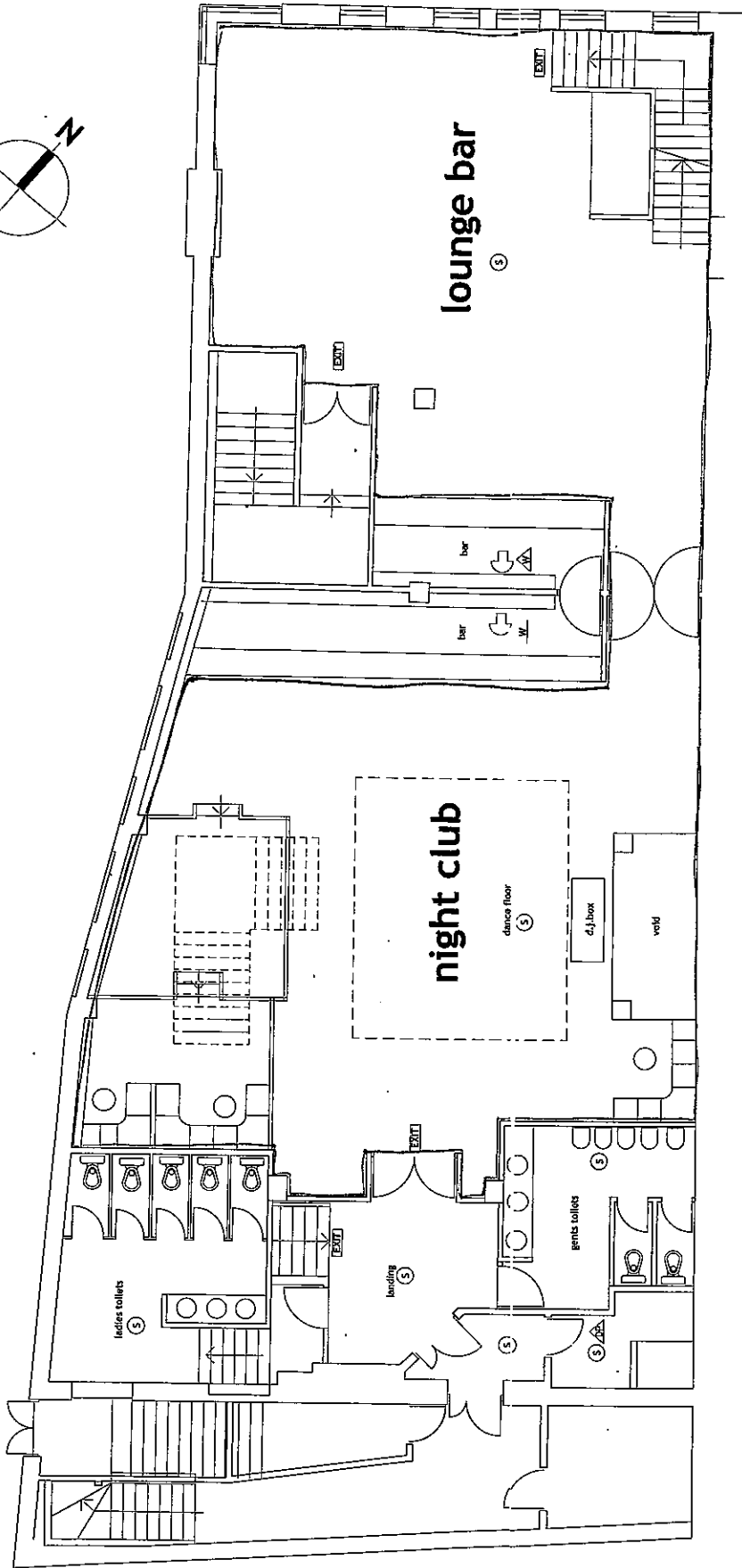
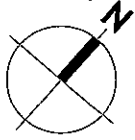
Job:  
 "Park Lane"  
 Torquay Street  
 Torquay Devon

Drawing:  
 Mezzanine Floor Plan  
 Licensing

Drawing number:  
**6410. 402**

NOTES:

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- KEY
- illuminated emergency sign
  - break glass alarm point
  - smoke detector
  - emergency light
  - water fire extinguisher
  - dry powder fire extinguisher
  - fire blanket

NO.	DATE	REVISIONS

Scale: 1:50 @ A1  
 Date: Feb. 2013  
 Drawn by: CR  
 Checked by:

Job: Park Lane  
 Torquay  
 Torquay Devon

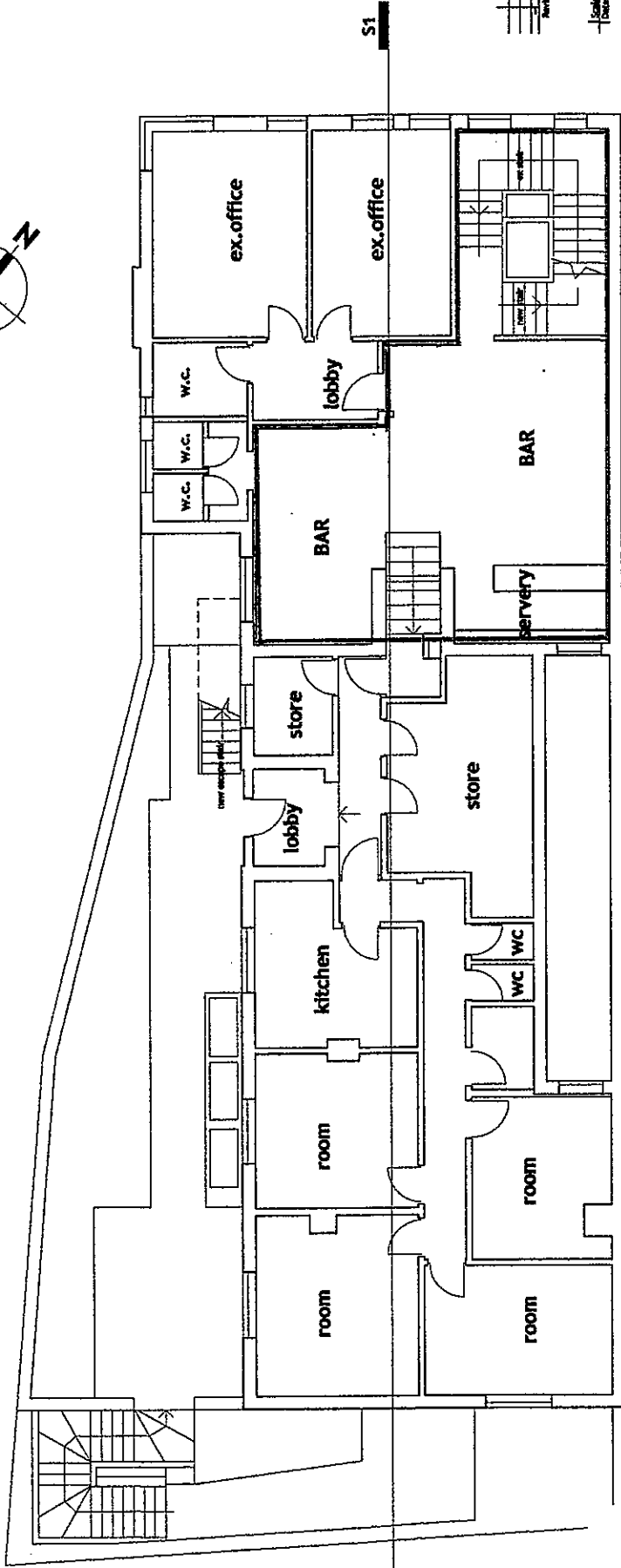
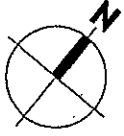
Drawing: First Floor Plan  
 licencing

Drawing number: 6410. 401

First Floor Plan

# ANNEXE 4

- NOTES:**
1. The drawing is subject to the approval of the Council.
  2. The drawing is subject to the approval of the Council.
  3. The drawing is subject to the approval of the Council.
  4. The drawing is subject to the approval of the Council.



NEW LICENCED AGENY

**Second Floor Plan**

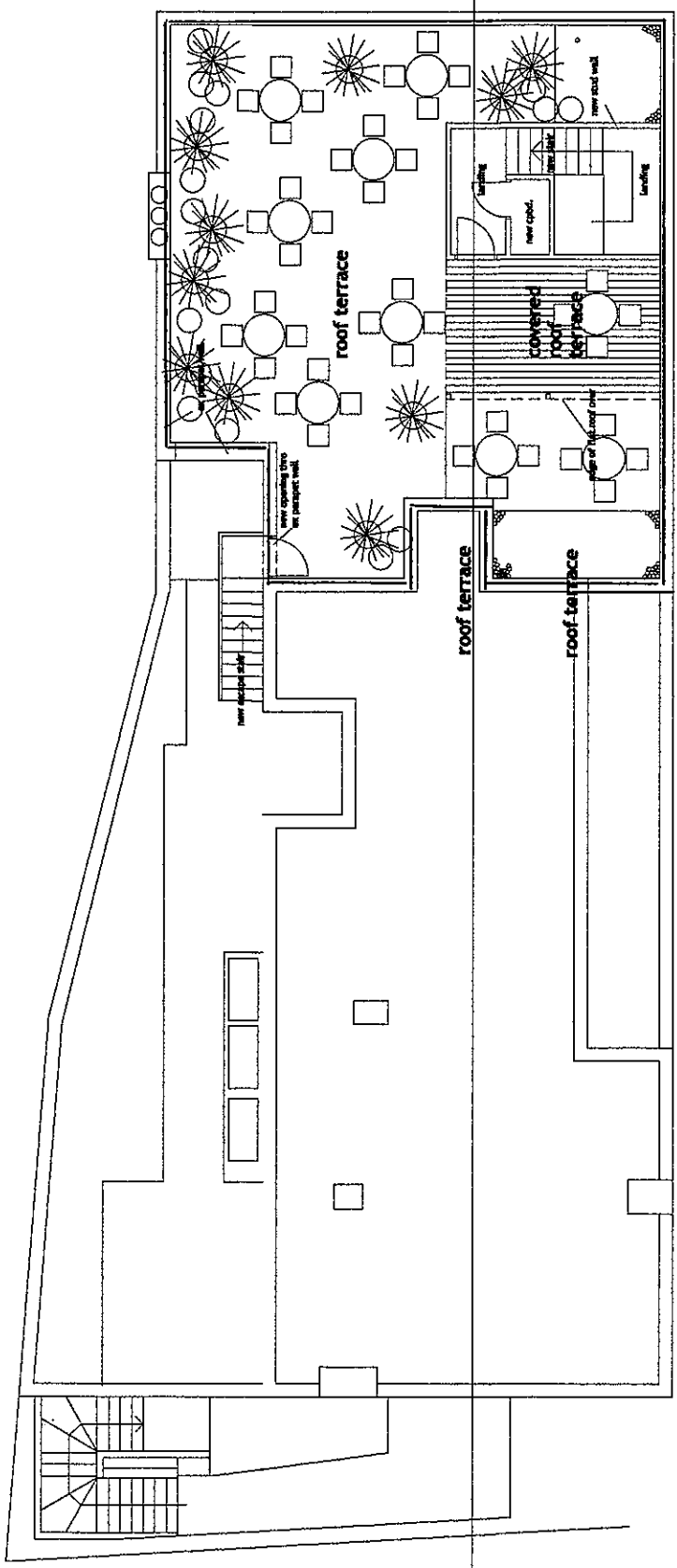
Revisions	
Drawn by	GA
Checked by	DC
Job	
Project Name	Thompson Street Thompson Street Thompson Street
Drawing	Second Floor Plan As Proposed

6440, 503  
PRELIMINARY 2

COLIN RITCHIE ARCHITECTS LTD.  
224 VICTORIA PARADE TORQUAY TQ1 2BB  
Tel: 01323 264311 Fax: 01323 262094  
Email: colin@colinritchie.com



- NOTES:**
1. This drawing is subject to copyright.
  2. All work shall be done in accordance with the Building Code of Ontario.
  3. All work shall be done in accordance with the Ontario Building Code.
  4. If in doubt, please ask.

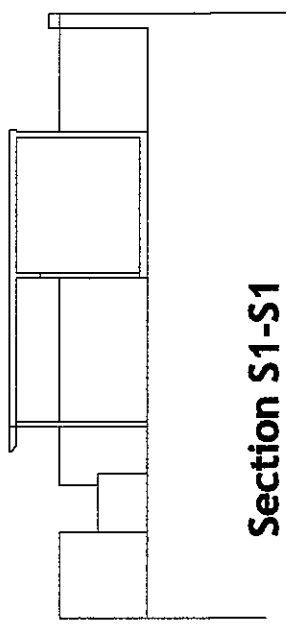


Revisions


Scale: 1:1250 A1
Date: Dec. 2013
Drawn by: GJA
Checked by: CR
Job: "Park Lane" Terminal Street Temporary Annex
Drawing: Roof Level Plan As Proposed

Drawing number:  
**64-10. 504**  
**PRELIMINARY 2**

Roof Level Plan



Section S1-S1



COLIN RITCHIE ARCHITECTS LTD.  
 22a VICTORIA PARADE TORQUAY TQ1 2BB  
 Tel: 01803 286211 Fax: 01803 209956  
 Email: enquiries@colinritchie.com

# Memorandum

---

<b>To:</b> Mandy Guy	<b>From</b> :	Mr Karl Martin
<b>c.c</b>	<b>Contact</b> :	
<b>c.c.</b>	<b>Ext</b> :	01803 208025
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 220705
<b>For the attention of: Licensing Sub- committee members</b>	<b>Your Ref</b> :	
	<b>Date</b> :	27 <sup>th</sup> August 2015

---

**Subject: Park Lane, 1 Torwood Street, Torquay, TQ1 1ED**

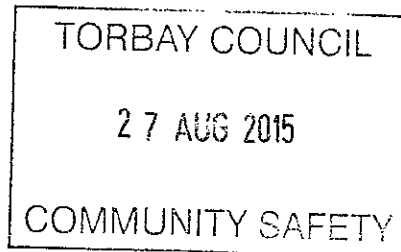
I wish members of the licensing committee to be drawn to the following observations regarding the full variation application to licence number 595 as applied:-

1. The applicant has engaged in significant consultation with myself prior to the submission of the application in accordance with Torbay Council Licensing Statement of Principles 2013.
2. The applicant is not applying for any further spatial increases to the external licensed area.
3. An acoustic report commissioned by the applicant in 2014 concluded the roof terrace would produce sound pressure levels at 10db(A) below existing background levels; based on the assumption customers wishing to smoke would be removed from the street and use the roof terrace instead.
4. Although no noise measurements have been undertaken by the Authority or the applicant since the opening of the roof terrace no complaints have been received by the Authority from residents or partner agencies in relation to noise from the roof terrace.
5. This is further reflected by Officer observations in the past 12 months.
6. With this in mind the applicant has applied for an increase in numbers of patrons allowed on the roof from 60 to 80.
7. This increase although significant in terms of general management of the area would not increase perceivable noise levels, if observed from the nearest residential property.
8. Though sound pressure levels will not increase it does not take into account the increase in the potential for sporadic noise that often forms part of a nuisance, for example sudden and short lived shouting, screaming, laughter or singing.
9. However, this behaviour can be managed. Conditions relating to door stewarding remain the same and the applicant seeks to remove a condition for customers to be seated.

10. This will enable doors stewards to concentrate on dealing with undesirable behaviour rather than spending a disproportionate amount of time asking customers to be seated. The area is a smoking area and customers should be encouraged to spend minimal time in the area, requiring customers to be seated is counterproductive and could contribute to nuisance.
11. In 2014 a seating condition was suggested and accepted based on concerns of safety. The applicant has made a number of safety improvements to the smoking terrace, including netting the area thereby addressing original concerns.
12. The proposed internal extensions to floor 3 are to make available more seating and to facilitate a separate area for private functions.
13. This area has been constructed to the same acoustic standard as the existing licensed areas. Further reassurance is given by the applicant as the new area is not a 'traditional' dance area instead the applicant is promoting the area as a location where customers are able to converse with each other with ease.
14. Consequently music in the area is at a considerable reduced volume compared to the main dance floor area. Part of the 3<sup>rd</sup> floor is already operating in this style and no noise complaints have been received and no music has been observed breaking out by Officers.
15. Currently the premises is authorised to serve alcohol until 3:30 am but live or recorded music stops at 3:00am and the club closes at 4:00 am. The arrangement according to the applicant is not desirable for a club wind down period. The applicant has applied for a more traditional wind down period by reducing alcohol sales to 3:00am but increase recorded music until 3:30am. The applicant has agreed to conditions requiring the music volume is to be reduced by 1/3 at 3:00am.
16. Currently the building contains noise since the renovation work carried out in 2013/14. I do not anticipate the extension of recorded and live music will undermine the licensing objections, but instead will promote the licensing objectives.
17. In conclusion the application as applied for seeks to promote the licensing objective the 'Prevention of Public Nuisance'

Karl Martin  
Public Protection officer

Torbay Council  
Licensing and Trading Standards Service  
Town Hall  
Castle Circus  
Torquay TQ1 3DR  
FAO Carrie Carter, Licensing Officer



4th Floor  
64 North Row  
London W1K 7DA

Tel: +44 (0)20 7563 1000  
Fax: +44 (0)20 7518 8420  
DX: 42701 Oxford Circus North

www.brecher.co.uk

DATE: 26 August 2015

YOUR REF:

OUR REF: AG/M30-29

By post and email  
carrie.carter@torbay.gov.uk

Dear Carrie

**Representation/Objection in Respect of Variation Licence  
Park Lane 1 Torwood Street Torquay TQ1 1ED**

Please find attached an objection/representation in respect of the above Variation Licence application made by Jam Leisure (Park Lane) Limited to their existing premises licence in respect of Park Lane, 1 Torwood Street, Torquay, Devon. The objection enclosed is submitted on behalf of the parties and persons named in section 1 of the document.

Please can you keep me informed in respect of a committee date for hearing this Variation Licence application and send me a copy of the committee report in advance of the committee date.

Please do not hesitate to contact me if any further information is required.

Kind regards.

Yours sincerely



**Anjana Ghosh**

**Solicitor**

DDI: 0207 563 1044

Email: aghosh@brecher.co.uk

PARTNERS Andrew Brecher, Valerie Brecher, Jeremy Abram, Nicky Richmond, Michelle Brown, Redmond Byrne, James Empson, Wesley Fongenie, Caroline Howard, Peter Hughes, Lisa Mantle, Michael Nee, Jonathan Pawlowski, Bryn Robertson, George Saade, Natasha Sheridan, Belinda Solomon, Victoria Symons, Dominic Whelan.  
REAL ESTATE DIRECTOR Dennis Le Quesne, Anita Michaelides, Michele Salter. LITIGATION DIRECTOR Chris Wright.

Brecher is a firm of Solicitors authorised and regulated by the Solicitors Regulation Authority, number 75022.

This firm does not accept the service of proceedings by email.

**OBJECTION TO VARIATION LICENCE  
THE PARK LANE 1 TORWOOD STREET TORQUAY TQ1 1ED**

**1. Objectors:**

**2. Variation Licence Application**

The Variation Licence Application (reference 041287) is submitted by Jam Leisure (Park Lane) Limited to their existing Premises Licence (reference 034746) in respect of The Park Lane 1 Torwood Street Torquay Devon TQ1 1ED for an application to vary the existing licence by reference to a plan for the removal and addition of licence conditions, a change of the premises layout and increase in the hours of playing recorded music on Friday and Saturday to 10:00-03.30 and decrease in the hours of the supply of alcohol on Saturdays from 10:00 to 03:00.

**3. Grounds of Objection**

We object to this application on the grounds of the detrimental impacts of noise and disturbance, potential smell for cigarettes and light intrusion as a result of the altered layout of the premises, the proposed conditions and the extension of the hours of playing recorded music from 10:00 to 03:30am on Fridays and Saturdays in close proximity to:

- (i) the residential flats at Queens Quay;
- (ii) the rear section, Phase 2 of the proposed development of QHB comprising 8 flats, immediately opposite The Park Lane pub and club. Planning permission has been granted and implemented. Bedrooms of all flats will overlook Park Lane; and
- (iii) the rear section, Phase 3 of the proposed development of QHB comprising 6 flats which is a very short way up Park Lane but still very close to The Park Lane pub and club. The same planning permission is in place and implemented and the bedrooms of the flats will overlook Park Lane.

Both Queens Quay and The Park Lane are located within a mixed land use area. Most properties along Victoria Parade have commercial premises on the ground floor and residential or other uses at the upper floor levels of the buildings. Most of the premises fronting Park Lane are now residential and the proposed new Phase 2 and Phase 3 premises will all be residential.

Queens Quay consists of commercial premises on the ground floor with residential flats above. Some of these residential flats are occupied full time by residents and others

**OBJECTION TO VARIATION LICENCE**  
**THE PARK LANE 1 TORWOOD STREET TORQUAY TQ1 1ED**

**1. Objectors:**

- (a) M Abram Limited as owners of the freehold interest in the whole of the old Queens Hotel Building ("QHB") including the rear sections fronting onto Park Lane and landlord of the 9 flats presently constructed, in the front section known as Queens Quay 3 Victoria Parade TQ1 2AB
- (b) David Abram and Vicky Abram owners of flat 2 Queens Quay.
- (c) Antony Abram, Patricia Abram and Richard and Joanne Carlton owners of flat 4 Queens Quay.
- (d) Jeremy Abram owner of flat 5 Queens Quay.

**2. Variation Licence Application**

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- (i) the residential flats at Queens Quay;
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- (iii) the rear section, Phase 3 of the proposed development of QHB comprising 6 flats which is a very short way up Park Lane but still very close to The Park Lane pub and club. The same planning permission is in place and implemented and the bedrooms of the flats will overlook Park Lane.

Both Queens Quay and The Park Lane are located within a mixed land use area. Most properties along Victoria Parade have commercial premises on the ground floor and residential or other uses at the upper floor levels of the buildings. Most of the premises fronting Park Lane are now residential and the proposed new Phase 2 and Phase 3 premises will all be residential.

Queens Quay consists of commercial premises on the ground floor with residential flats above. Some of these residential flats are occupied full time by residents and others

are used as holiday lets. Park Lane is a dark cul de sac and the return side of the pub and club runs up Park Lane. This lane attracts those seeking anti-social behaviour including lewd behaviour in public. Phases 2 and 3 of the development referred to above are yet to be built out. Once completed, there will be bedrooms facing out to the pub and club. The positioning of the buildings and the residential flats are in extremely close proximity to The Park Lane premises and residential amenity should be safeguarded. Residents expect a reasonable level of quiet and enjoyment in their homes particularly at the hours of the evening/ early morning when residents should be able to sleep without interruption from external noise sources and anti-social behaviour on their doorsteps.

The Park Lane is predominately an evening/early hours of the following morning club/venue. The Park Lane premises falls within the Cumulative Impact Area (CIA) as set out in Appendix 1 of Torbay Councils Licensing Statement of Principles 2011. The special saturation policy for the CIA area states "*that a 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*".

The extension of The Park Lane's activities to the elevated open area has already led to a substantial increase in noise levels and light intrusion affecting neighbouring premises. The now proposed increase in the number of patrons from 60 to 80 permitted to use the roof terrace area in the evenings and the change in the premises layout on the second floor to include a new licensable area would not promote the licensing objectives in respect of the prevention of public nuisance, public safety and the prevention of crime and disorder and would exacerbate problems of public nuisance due to an increase in capacity. Further notwithstanding that there is a new condition requiring the level of amplified music to be reduced by one third at 3am until closing, the additional condition increasing the hours of playing recorded music on Fridays and Saturdays from 10.00 to 03.30 will increase noise disturbance in the early hours of the morning.

The grant of the licence variation would be contrary to paragraph 3.3 the Prevention of Public Nuisance a) (i) of the Licensing Principles in that the proposal would not prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. The measures in place under the current licence for sound proofing, sound limitation devices etc. do not adequately control noise in an outside area. Even if music played on the terrace itself is low volume, noise from the nightclub is not contained if the door to the area is constantly being opened. We fail to see how noise including any amplified music (even if reduced at 3am) and human voices could be contained adequately in an open elevated area to not cause a nuisance to residents and occupiers of Queens Quay and the 14 proposed new flats in the Phase 2 and Phase 3 developments at QHB.. The application needs to consider the potential for nuisance on both residential and holiday let accommodation at Queen Quays and on the proposed 14 new residential flats referred to above.

The very loud and intrusive noise levels experienced by the Queens Quay residents and holiday let guests since the 2014 variation in The Park Lane's licence and the bringing into use of the open roof terrace have underlined the inadequacy of the report from Acoustic Consultants Ltd. That report was submitted in support of the 2014 Licence Variation application (ref.034746) and in our objection dated 23 June 2014 on behalf of the same objectors as now, we stressed that the tests used did not constitute a realistic basis for predicting noise levels over longer time periods.

The harbour side within the Cumulative Impact Assessment area is well documented for being an area where there are problems and the potential for problems associated with drinking of alcohol. The area is also an area where there can be issues associated with the activities from late night venue premises including the Park Lane in respect of public safety. The variation application is also not in accordance with the licensing objectives in respect of the prevention of crime and disorder and the promotion of public safety.

The company that manages the holiday lets in Queens Quay on our behalf have continuing reports from guests who have stayed in the apartments that there have been detrimental effects on their stay due to noise and disturbance in the area particularly in the late evening early hours of the morning. This has had a seriously detrimental effect on achieving holiday lets and attracting holiday makers to Queens Quay.

A predominately late night venue such as The Park Lane should have to adhere to its strict licence requirements that accord with the licensing objectives in the Licensing Act 2003 and restrict activities comprising the performance of live music, recorded music, dance, other entertainment of a similar description, facilities for making music and for dancing and entertainment late night refreshment to within the internal areas of the building where there should be appropriate measures to allow the activities within the building to be properly controlled in accordance with the Licensing objectives.

#### **4. Conclusion**

The application to vary the licence should be refused. The application is contrary to the guiding principles as set out in Torbay Council's Licensing Statement of Principles. In particular the increased number of patrons permitted to use the terrace area into the evenings, increased licensable floor space, increased hours of playing recorded music and the updated conditions has a cumulative impact on residential amenity and would not promote the licensing objectives in respect of the prevention of public nuisance, public safety and the prevention of crime and disorder.

**Brecher Solicitors**

**26 August 2015**