



Wednesday, 25 October 2017

LICENSING SUB-COMMITTEE

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

Thursday, 2 November 2017

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 Thomas (D)

Councillor Thomas (J)

A prosperous and healthy Torbay

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

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

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 - 7)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee's held on 14 September 2017 and 20 October 2017.
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. **Gio's Bar, 18 Esplanade Road, Paignton** (Pages 8 - 81)
To consider an application for a Premises Licence in respect of Gio's Bar, 18 Esplanade Road, Paignton.



Minutes of the Licensing Sub-Committee

14 September 2017

-: Present :-

Councillors Doggett, Thomas (J) and Stubley

53. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

54. Apologies

It was reported that the membership of the Sub-Committee had been amended by including Councillor Stubley instead of Councillor Stocks due to Councillor Stocks knowing one of the Interested Parties.

55. Minutes

The Minutes of the meeting of the Sub-Committee held on 27 July 2017 were confirmed as a correct record and signed by the Chairman.

56. Preston Conservative Club, 299 Torquay Road, Paignton

Members considered a report on an application for a Variation to a Club Premises Certificate in respect of Preston Conservative Club, 299 Torquay Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Received on 21 August 2017

Oral Representations received from:

Name	Details
Applicants	The Applicants outlined the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.

Decision

That the application for a Variation to a Club Premises Certificate in respect of the Preston Conservative Club, 229 Torquay Road, Paignton be refused.

Reasons for Decision

Having carefully considered all the oral and written representations, Members resolved to refuse the application, as they could not be satisfied that the Applicant had sufficiently demonstrated how they would protect the immediate adjoining and nearby residential properties from noise nuisance, if granted and promote The Prevention of Public Nuisance licensing objective.

In coming to this decision, Members had regard to the apparent lack of any mitigation put forward by the Applicant in their application, despite submitting that they wished to 'add conditions to the scope of the licence in order to ensure that the licensing objectives are fully promoted at all times the garden area is in use'. When asked what these conditions would be as the operating schedule was absent of any such proposals, it was of great concern to Members that the Applicant orally submitted that whatever conditions the Committee decided. This demonstrated a lack of understanding reasonably expected of them when submitting such an application.

When pushed further, the Applicant's main submission to mitigate the impact and control the use of outside area was through the use of CCTV which would be monitored by staff from inside the premises. Members were not satisfied that non audible CCTV alone would be sufficient to ensure the promotion of The Prevention of Public Nuisance licensing objective, given the close proximity of residential properties to the premises.

It was of further concern to Members that the Applicant felt that the bar could be tended, the premises could be run, the number of patrons and noise level in the outside area could be monitored by a minimum of 1 member of staff during quieter times and a maximum of 3 at weekends and when accommodating private functions, with voluntary reliance of assistance from committee members. In resolving that this would not provide sufficient control due to the close proximity of residential properties, Members noted that the premises has 700 members, albeit only 200 regulars and accommodated private functions of approximately 60 persons at any one time.

Members noted the submissions of the Applicant that it was some of their members who had asked them to submit this application and that it was likely to be used only by a few elderly members during the day. However if granted, Members were mindful that all users of the premises would be permitted or may be mistaken to think they were permitted to use the outside area, as there were no specific conditions submitted to the contrary other than erecting a notice stating that drinks shall not be permitted outside when accommodating a private function and without stringent control of this, in the opinion of Members this would lead to The Prevention of Public Nuisance licensing objective being undermined.

Having determined this application on its own merits, Members noted in addition that following the oral submission of the Senior Licensing Officer when confirming facts in the Objectors written Representation, a similar application had been submitted by this premises and refused in 2008. It was of concern for Members to learn that the refusal of that application was due to the Applicant not demonstrating how the licensing objective in respect of The Prevention of Public Nuisance would be satisfied, due to the close proximity of residential neighbouring properties. As such, it appeared to Members that despite this clear reasoning for refusal, the Applicant had yet again submitted an application without considering this licensing objective and the impact their application would have on its adjoining neighbour.

Chairman/woman



Minutes of the Licensing Sub-Committee

20 October 2017

-: Present :-

Councillors Doggett, Pentney and Thomas (J)

57. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

58. Exclusion of the Press and Public

Prior to consideration of the item in Minute 59 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

59. Summary Review of a Premises Licence for The Globe Inn, 131 Winner Street, Paignton.

Members considered a report on an application made under Section 53A for a Summary Review of a Premises Licence for The Globe Inn, 131 Winner Street, Paignton.

Additional Information:

The Hearing was scheduled to commence at 9.30 a.m. The Respondent had not arrived at the stated start time, the Senior Licensing Officer confirmed that a letter had been delivered to the Respondent stating a start time of 9.30 a.m. The Chairman agreed to delay for five minutes, following which the Chairman agreed the hearing should commence in the absence of the Respondent.

At 10 a.m., during the summing up period, the Respondent arrived at the hearing. With the Chairman’s agreement an adjournment was permitted in order for the Respondent to re-familiarise himself with the application and supporting information. The Chairman then agreed to the Respondent providing an oral response to the Summary Review Application.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the background and reasons for submitting an application under Section 53A for a Summary Review and responded to Members questions.
Respondent	The Respondent addressed the application for Summary

	Review and responded to Members questions.
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Decision:

Following the Section 53A Summary Review application by the Police, Members resolved that the Premises Licence, in respect of The Globe Inn, 131 Winner Street, Paignton, be suspended with immediate effect until 16 November 2017, in accordance with the Licensing Act 2003 provision.

Reason for Decision:

Having carefully considered all oral and written representations, Members resolved to suspend the Premises Licence having noted the number of serious incidents that have occurred at this Premise, as identified by the Police in their Application and oral submissions.

In coming to that decision, Members had regard to the evidence before them which clearly demonstrated that the Licensing Objective, 'The Prevention of Crime and Disorder' had been seriously undermined on numerous occasions and the use of weapons. Members noted that the Designated Premises Supervisor (DPS) had not taken sufficient steps to remedy the long standing concerns of the Police, despite previous warnings and support given by them. Members further noted that the responses given by the DPS to the evidence outlined in the Police's application was weak, did not provide any assurances of change in the premises operation, appeared not to acknowledge the seriousness of the situation he found himself in and the actual likelihood of real risk of harm should the Premises remain open.

Members considered what if any other interim steps may have been appropriate and proportionate in the circumstances but resolved that on the evidence before them, an immediate suspension was the only appropriate course of action to ensure public safety and that this suspension shall remain in force until a Full Licensing Review hearing can be determined.

In concluding, Members noted that the Premise is leased to the DPS and there is an apparent absence of any involvement by the Premises Licence Holders, despite being contacted by one of the Responsible Authority's. Members expect in the interim period that the Premises Licence Holders come forward and engage fully with the Responsible Authorities to provide clear assurances in the future operation of these Premises that will promote the Licensing Objectives should the Premises be permitted to keep its Licence, as to be determined by Members at the Full Licensing Review hearing.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Gio's Bar, 18 Esplanade Road, Paignton, TQ4 6BD**

Wards Affected: **Roundham-with-Hyde**

To: **Licensing Sub Committee**

2nd November 2017

Contact Officer: **Gary O'Shea**

☎ Telephone: **01803 207631**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

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

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Parties 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 **Exhibition of Films, Indoor Sporting Events, Performances of Dance** and the **provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance**, indoors, from **10:00 hours until 03:00 hours Daily**.

The provision of **Live Music, Recorded Music** and the **Sale of Alcohol** both indoors and outdoors from **10:00 hours until 03:00 hours Daily**.

A condition to be imposed that **Live Music on the outside Terrace will cease by 22:00 hours daily**.

Late Night Refreshment from 23.00 hours until 03.00 hours, both indoors and outdoors, daily.

To be **open to the public from 07.00 hours until 03.30 hours** daily.

- 2.2 The premises has previously benefitted from a Premises Licence under the name of Murphy's Roadhouse. This application is intended to replace that licence on a like for like basis following the lapse of that licence under provision of section 27 (1) (c) Licensing Act 2003. The full list of conditions pertaining to the original licence have been reproduced under **Appendix 2**, they form part of the application and will therefore be attached to any licence as may be granted by members of the Sub-Committee.

- 2.3 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 Representations have been received. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

Representations have been received from two (2) Responsible Authorities, namely from the Police and the Council's Public Protection Officer in relation to the licensing objectives of "The Prevention of Crime and Disorder" and "Prevention of Public Nuisance". These are attached as **Appendix 3**.

There have also been a total of Eleven (11) representations received from other interested parties, which refer in the main to noise issues, however, also report incidents of potential crime or disorder. These are attached as **Appendix 4**.

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

- 2.4 The Authority is required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 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.
- 2.8 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Conditions proposed by the applicant

Appendix 2 Representations from the Responsible Authorities.

Appendix 3 Representations from Other Persons

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016.



LICENSING ACT 2003
APPLICATION
FOR THE GRANT OF 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

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

Email: licensing@torbay.gov.uk



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 MRH PAIGNTON LIMITED
 (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			
GIO'S BAR 18 ESPLANADE ROAD PAIGNTON			
Post town	PAIGNTON	Postcode	TQ4-6BD
Telephone number at premises (if any)	01803 522456		
Non-domestic rateable value of premises	£ 64,000		

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)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of Birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of Birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	MRH PAIGNTON LIMITED
Address	LC 201 DARTINGTON HALL TOTNES DEVON TQ9-6EN
Registered number (where applicable)	10564007
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	MRHPAIGNTON LTD@SMALL.COM

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
10 10 2012

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)

Public House AND CARVERY.

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 read guidance note 2)

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	03:00	Please give further details here (please read guidance note 4) TO BE SHOWN ON TU'S OR PROJECTOR SCREENS THROUGH AMPLIFIED SOUND.	Both	<input type="checkbox"/>
Tue	10:00	03:00			
Wed	0:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	10:00	03:00			
Fri	10:00	03:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10:00	03:00			
Sun	10:00	03:00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	03.00	TO SHOW TELEVISED EVENTS TO HOST DARTS & POOL TOURNAMENTS
Tue	10.00	03.00	
Wed	10.00	03.00	State any seasonal variations for indoor sporting events (please read guidance note 5)
Thur	10.00	03.00	
Fri	10.00	03.00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat	10.00	03.00	
Sun	10.00	03.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10.00	03.00	TO HAVE AMPLIFIED LOW MUSIC IN THE RESTAURANT ROOM TO HAVE LIVE MUSIC OUTSIDE ON THE TERRACE TO CEASE BY 10 PM		
Tue	10.00	03.00			
Wed	10.00	03.00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	10.00	03.00			
Fri	10.00	03.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10.00	03.00			
Sun	10.00	03.00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	10.00	03.00	RECORDED BACKGROUND MUSIC & DISCO'S		
Tue	10.00	03.00			
Wed	10.00	03.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	10.00	03.00			
Fri	10.00	3.00	<u>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</u> (please read guidance note 6)		
Sat	10.00	03.00			
Sun	10.00	03.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10.00	03.00	DANCING TO TAKE PLACE ON DANCE FLOOR AND LIVE DANCE DISPLAYS.		
Tue	10.00	03.00			
Wed	10.00	03.00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	10.00	03.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10.00	03.00			
Sat	10.00	03.00			
Sun	10.00	03.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing KARAOKE'S & QUIZ		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	03.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	03.00	Please give further details here (please read guidance note 4) SUNDAY NIGHT QUIZ & KARAOKE'S		
Wed	10.00	03.00			
Thur	10.00	03.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	10.00	03.00			
Sat	10.00	03.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	10.00	03.00			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) To Provide Hot Drinks & Food.		
Mon	23:00	03:00			
Tue	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	23:00	03:00			
Thur	23:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	23:00	03:00			
Sat	23:00	03:00			
Sun	23:00	03:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	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 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			
			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 6)		

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

Name	
Date of	
Address	
Postcod	
Persona	
Issuing I	

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). 	UK (and is relating to a entitlement)
Signature		
Date		
Capacity		

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
GIOS BAR 18 ESPLANADE ROAD			
Post town	PALSTON	Postcode	TQ4-6BD
Telephone number (if any)	07976 234110		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
MRW PALSTON LTD @ SMALL.COM			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

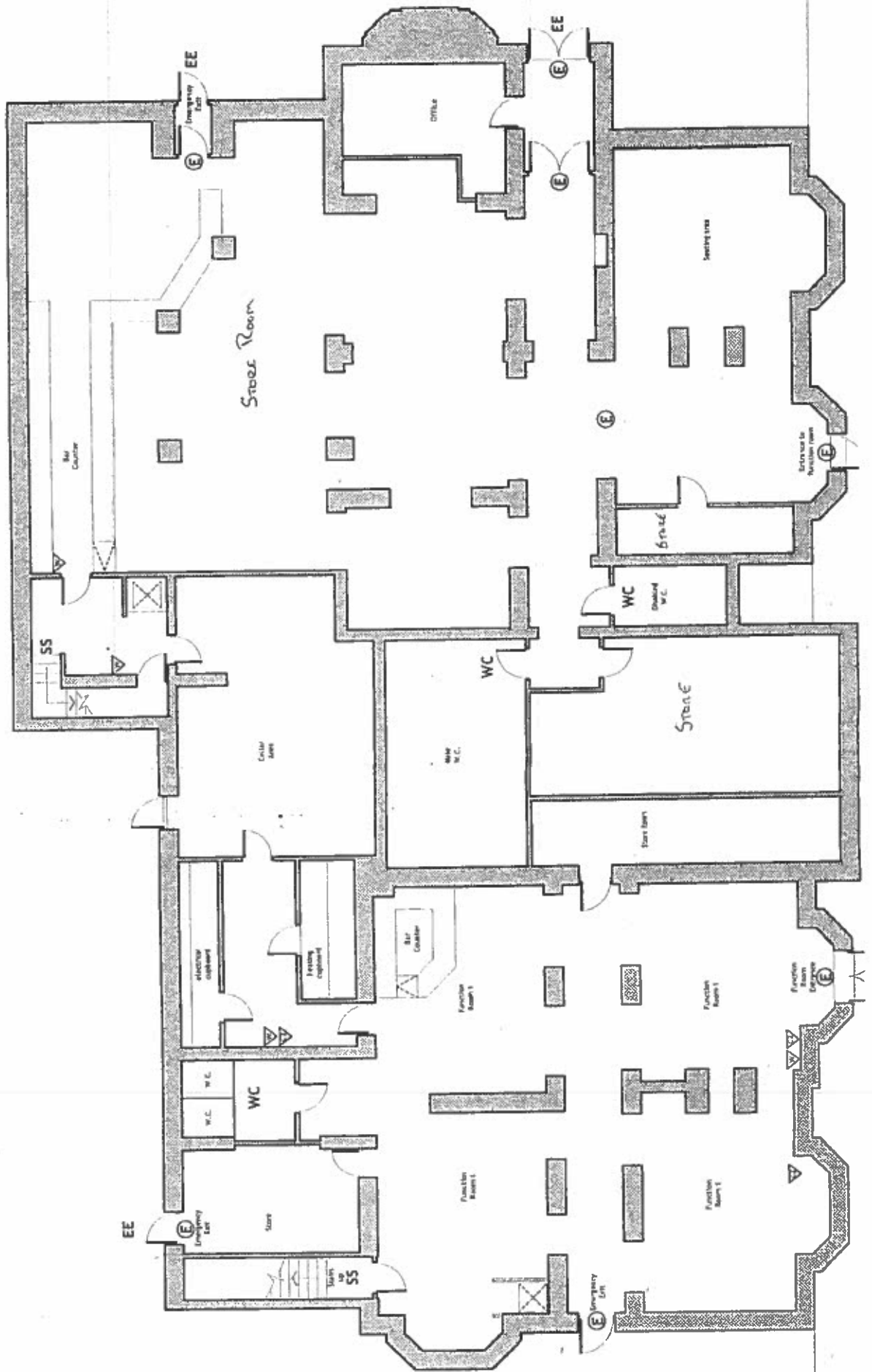
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

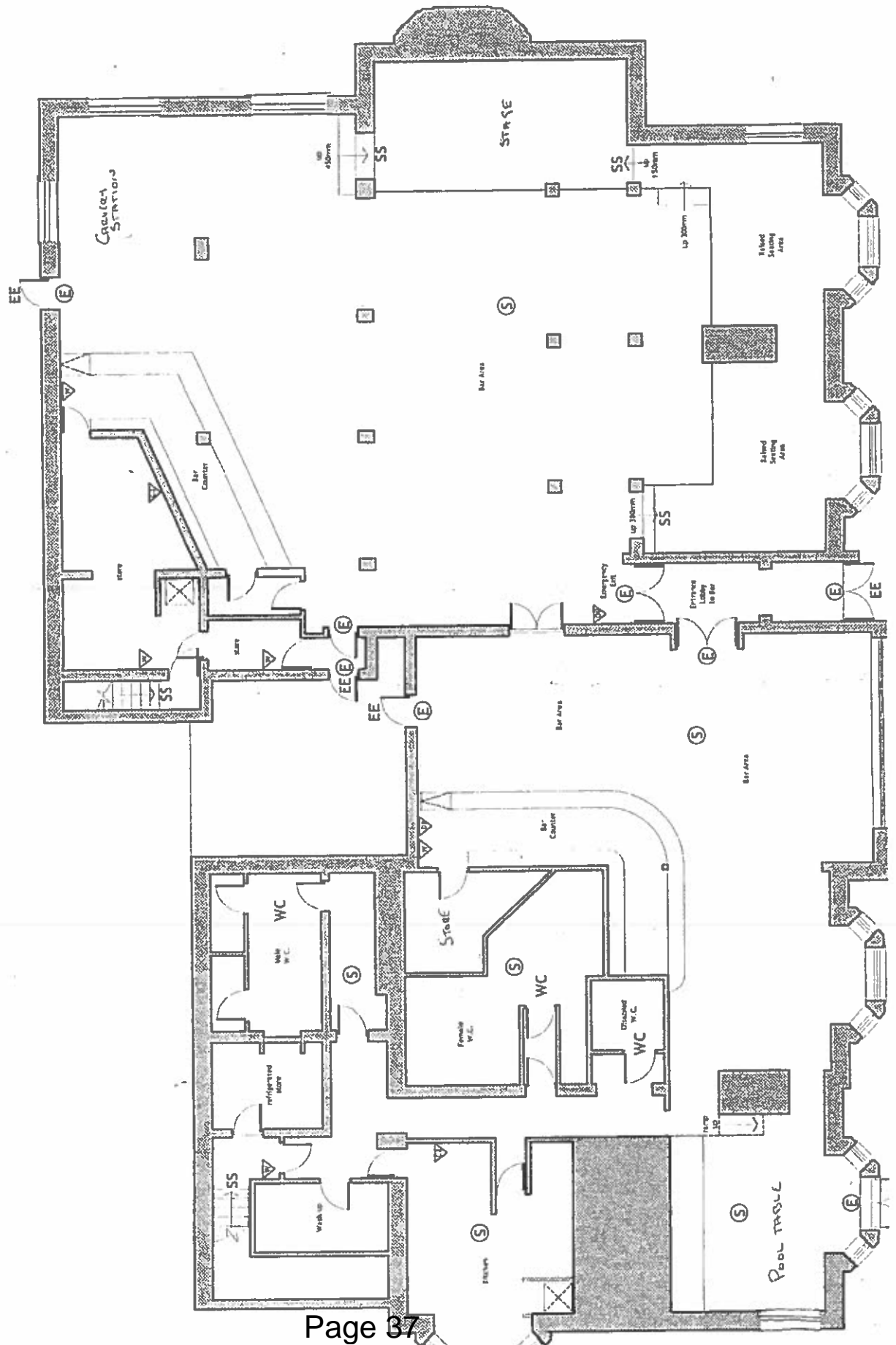
If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

ANNEXE 4



1 night

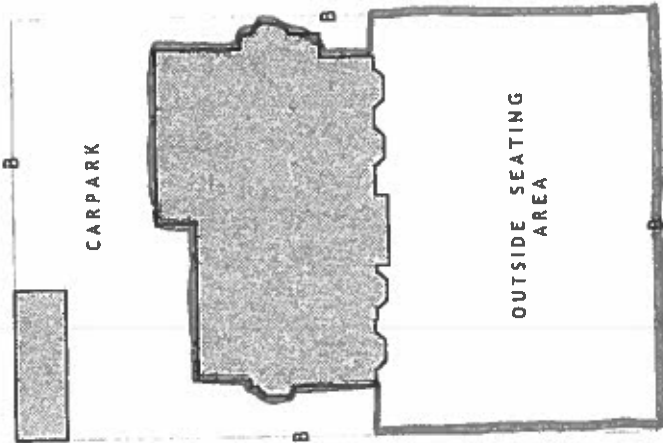


Lower Ground floor Plan @ 1:100

OUTSIDE SEATING
AREA

2left

GROUND FLOOR PLAN
@ 1:100



*Whole Area licensed for all
Licenseable activities*

SITE PLAN
@ 1:500

rev	date	description

Scale :- 1:100
Date :- May 21st 2007

Drawn by -
JLP

Job
Georges Bar and Carvery
18 Esplanade Road
Paignton
Devon TQ4 6BD

Drawing
Floor Plans for
Licensing Purposes

Drawing number.
6504 : 01A

FOR LICENSING PURPOSES ONLY

COLIN RITCHIE ARCHITECTS LTD.

22a VICTORIA PARADE TORQUAY TQ1 2BB
Tel. 01803 298431 Fax. 01803 200956
Email. coln@colinritchiearchitects.fsnet.co.uk

Comments to be printing schedule.
Please include annex 3 conditions in annex 2.

Licensing Act 2003
Premises Licence

876

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 must 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:-
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

ANNEXES continued ...

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

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

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: EXHIBITION OF FILMS

1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.

2) Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

ANNEXES continued ...

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

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

The Prevention of Crime and Disorder

1. The premises shall liaise and co-operate with the responsible authorities.
2. A zero tolerance towards illegal drugs shall operate at all times.
3. Customers shall be encouraged to leave the premises in a quiet and orderly manner.
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.
5. On each occasion that the premises sells alcohol after midnight, door staff shall be employed at a ratio of 1:100 customers from 22.00hrs until closing.
6. 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.
7. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
8. The external areas of the premises shall continue to be well lit.
9. Glasses will be regularly collected throughout the premises whilst trading.
10. Between the hours of 00:00 and 02:00 there shall be a maximum of 40 people allowed in the designated outside area.
11. Persons in the designated outside area after midnight must be seated at tables.

ANNEXES continued ...**Public Safety**

1. The necessary fire safety precautions shall be installed and maintained.

The Prevention of Public Nuisance

1. Arrangements shall be made for the storage and disposal of refuse which do not cause a nuisance.
2. Any noise from the licensable activities provided shall be monitored in order to prevent nuisance.
3. The placing of refuse, such as bottles, in receptacles outside the premises must take place at times that will prevent disturbance to nearby properties.
4. The current noise limitation device installed within the premises must be used for all amplified live music and entertainment including karaoke. This device shall be regularly maintained to ensure the noise produced with the premises shall not be audible within any residential premises in the vicinity.
5. There shall be a written noise management plan regarding use of the beer garden after midnight and this shall be kept under review.

The Protection of Children From Harm

1. Non-alcoholic drinks shall be available.
2. The premises shall operate a Challenge 25 scheme. Any person who appears to be under the age of 25 shall be asked to produce photographic identification in the form of a passport or driving licence. There shall be no persons under the age of 18 on the premises after 21:30hrs except when attending a private party in a function room when accompanied by a responsible adult.

ANNEXE 3**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****General**

1. There shall be no entry or re-entry to the premises after 2am except for those customers who have left to use the designated smoking area.
2. The use of the smoking area and the re-entry of customers who have used it shall be supervised at all relevant times by a door steward who shall be positioned immediately outside the main entrance door.

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. 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. The volume of the 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. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
4. All doors and windows at the premises shall be kept closed during regulated entertainment to prevent noise breakout, except for access, egress and in cases of emergency.

ANNEXES continued ...

5. Entrances with lobbies shall be fitted with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.
6. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
7. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
8. When the outside smoking area is used after midnight a SIA door steward shall be located in that area to ensure that patrons using the area do not behave in a manner which causes a nuisance to nearby residences.
9. A member of staff shall be designated to monitor the outside smoking area after midnight to ensure that any empty drinking vessels are cleared away promptly.

ANNEXE 4

PLANS

Copy attached to Licence.



Devon & Cornwall Police

Licensing Team
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 218964

6 October 2017

Dear Sir/Madam

Gio's, 18 Esplanade Road, Paignton TQ4 6BD

I refer to an application for the Grant of a Premises Licence in respect of the above named premises submitted by MRH Paignton Limited.

The premises is situated on Paignton Esplanade and is located within an area which comprises of both commercial and residential properties.

For your information, the premises previously had the benefit of Premises Licence Number PL0876 issued by Torbay Council. However in September 2017 it was established that the Premises Licence Holders, Mr and Mrs Butchers, had become subject of Insolvency Voluntary Arrangements on 7 January 2016 and therefore the licence lapsed on that date. However the premises continued to trade up until this matter was brought to their attention in September of this year.

With respect to the current application, my Police Licensing Officer, Mrs Julie Smart, has studied the application and has identified that the applicants have not ticked the box on page 2 indicating that they are carrying on or proposing to carry on a business which involves the use of the premises for licensable activities. Mrs Smart advises me that during a meeting at the premises on Tuesday 3 October 2017, Mr and Mrs Butchers (on behalf of the applicants) indicated to herself, Sergeant Michael Norsworthy (Licensing Sergeant for Devon) and Mr Karl Martin (Torbay Council Public Protection Officer) that they would not be re-opening the business and they are intending to sell the lease or hand it back to the freeholders, Mr David Carter and/or

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC_Police



The Community Standard
Stock code 5FG15

Mr Tony Carter. I would therefore ask the Licensing Authority to consider whether this application is a valid application under the Licensing Act 2003.

Putting the above matter aside, the police have considered the application and the past history of the premises and we object to all licensable activities ceasing at 0300 hours daily, with the premises closing at 0330 hours daily, on the grounds that this is likely to have a negative impact on the licensing objectives The Prevention of Crime and Disorder and the Prevention of Public Nuisance.

For your information, this premises has had the benefit of a Premises Licence since the introduction of the Licensing Act 2003. Mrs Smart has conducted research which shows that on 22 October 2007 an application to extend all licensable activities until 0300 hours, with the premises closing at 0330 hours, was received and granted in respect of this premises. Mrs Smart has produced a document showing all crimes at this premises and in Kernou Road since that date, up to the date of this letter, which is attached for your information. On this document all the crimes highlighted in yellow occurred between midnight and 0130 hours, and the crimes highlighted in red occurred after 0130 hours.

In respect of Mr and Mrs Butchers, I can advise you that they took over the premises on 21 May 2013 and it is fair to say that they have run the premises in a satisfactory manner with little impact on the crime prevention objective. However, as this is an application for a new licence and Mr and Mrs Butcher have indicated that they do not intend to run the business, I must consider the impact of this application for the life time of the licence, should it be granted, and this is of great concern to the police. Without any knowledge of who may run the premises in the future it is difficult to gauge potential crime levels but as the licensing objective is the PREVENTION of crime and disorder, I would advise you that I consider it highly likely that any premises authorising licensable activities until 0300 hours on a daily basis will have a negative impact on crime and disorder in the area.

With regard to the PREVENTION of Public Nuisance, whilst I recognise that the Torbay Council Public Protection Officer is the responsible authority for noise issues within Torbay, my officers are frequently contacted by residents in relation to noise issues, our call centre often receives noise complaints when local authority staff are not on duty, and we strive to assist both the local authority and residents wherever possible.

At 0210 hrs on the morning of Sunday 7 August 2016 my Police Licensing Officer, Mrs Julie Smart, was on duty and in the company of Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council). At that time they were in an unmarked police vehicle which was parked in Kernou Road, outside the doors to the Spinning Wheel Public House, monitoring noise levels from licensed premises in order to consider the impact of this upon residents in the area. At the time of this visit the Spinning Wheel Public House

was closed, there was no background noise in the area and the weather was windy and drizzly.

Mrs Smart states that she witnessed drunkenness and noise issues from Murphy's which she believes was likely to impact on residents. Please find attached notes that Mrs Smart made following this visit.

For your information, Murphy's Roadhouse has been a licensed premises for many years and historically there have frequently been noise complaints in relation to this premises. A few years ago, at a time when Mr and Mrs Butchers were not responsible for this premises, the police considered applying for a Review of the licence due to the level of complaints received in relation to anti-social behaviour and noise from this premises. However, this was problematic due to the nature of the premises, as follows. In April/May with warmer evenings and the beginning of the holiday season, the number of persons attending this premises increased and complaints were forthcoming. Numerous meetings were held to address the issues and the premises were monitored throughout the following months. At the end of the summer the police considered that they were almost at the point of requesting a Review, however the weather deteriorated, customer attendance at the premises dropped significantly, the number and frequency of complaints decreased and therefore the police did not feel it appropriate to pursue a Review at that time.

The police therefore requests that the Licensing Committee considers the cyclical nature of this premises when making your decision.

In addition, I would refer you to the below paragraph which is contained within page 40 of the Licensing Statement of Principles:

'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'

Attached for your information is a document outlining crimes that have occurred in Kernou Road since 22 October 2007. Please note that the police are not able to state how much, if any, of this crime is contributed to this particular licensed premises, but it is purely intended to provide the Licensing Authority with an overview of reported crimes at that location.

In respect of other licensed premises in the vicinity, the Spinning Wheel at 19 The Esplanade, Paignton is licensed to sell alcohol until 0100 hrs daily, closing at 0130 hrs. The Inn on the Green is licensed to sell alcohol until 0100 hrs on Wednesdays to

Saturdays January to April inclusive, but only until 0000 from Mondays to Saturdays throughout May to December inclusive. The Flagship, Esplanade Road, Paignton is licensed to sell alcohol on Thursdays to Saturdays until 0100 hrs, and Sundays to Wednesdays until midnight. The police therefore consider that 0100 hours would be a suitable terminal hour for the sale of alcohol at this premises, with it closing at 0130 hrs.

Should you be mindful to grant a Premises Licence in respect of this premises, the police request that the below conditions are deleted from the application:

1. Conditions 4, 5 and 6 under the heading the Prevention of Crime and Disorder as shown on page 7 of Premises Licence 876
2. Condition 2 under the heading the Protection of Children from Harm as shown on page 8 of Premises Licence 876

The police also request that the below conditions are imposed on the licence:

1. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with monitors behind all bars and a recording system. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided with downloaded images within 7 days of any request.
2. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified.
3. On any Friday and Saturday nights that the premises remain open for the sale of alcohol after midnight and then close after 0030 hrs, SIA door supervisors shall be employed on the premises from 2200 hrs until 30 minutes after the premises close, at a ratio of 2 stewards for the first 100 persons and one additional steward for each 100 persons thereafter. The Premises Licence Holder shall also carry out a risk assessment taking the layout of the premises and the proposed activity to be carried out into consideration to determine whether any additional stewards are required. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Friday or Saturday). On all other occasions the Premises Licence Holder shall risk assess the requirement for door supervisors and employ such numbers, if at all, in such numbers and at such times determined by that risk assessment.
4. On every operational day that SIA door supervisors are required, then those stewards who are employed for front of house duties must wear yellow high visibility jackets for the entirety of their duty.
5. Written records of all SIA door stewards, including full name and full SIA badge number, shall be kept on the premises for at least 12 months and be available

- for inspection on demand by a police officer, a police licensing officer or officers of the local authority.
6. The DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis. This record shall include the full names of all persons involved, if possible or practical to do so. The Incident Book shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand, and such records shall be kept at the premises for a minimum of 12 months.
 7. Any persons employed at the premises in the sale and supply of alcohol shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing, or other equivalent qualification deemed appropriate by the Police Licensing Officer, within 2 months of commencing employment.
 8. The DPS must hold or completed the BIIAB National Certificate for Designated Premises Supervisors within 2 months of commencing employment at the premises.
 9. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept at the premises for a minimum period of 12 months and be available to the police or local authority licensing officers on demand.
 10. A Personal Licence Holder shall be on duty at all times the premises sell or supply alcohol after midnight.
 11. The Premises Licence Holder will ensure that the DPS or other nominated person shall attend at least two meetings of the Torbay Licensing Forum per calendar year, together with any other meetings arranged by the police in respect of high risk events.
 12. All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after midnight from which it is intended or likely that a person shall drink.
 13. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand.
 14. The premises shall operate a Challenge 25 Policy and any person who appears under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
 15. No persons under the age of 18 years shall be on the premises after 2100 hours except when attending a private party in a function room at the premises, when that part of the premises is not open to the general public.
 16. The police shall be entitled to discuss any concerns regarding the management of the premises with the freeholders.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Lawler', written in a cursive style.

Superintendent M Lawler
Head of Alliance Prevention Department

18 ESPLANADE ROAAD, PAIGNTON

CRIMES AT THE PREMISES SINCE 22/10/07 TO 06/10/17 - IE FROM WHEN LICENSABLE ACTIVITIES EXTENDED TO 0300 HRS

CR/081937/07	20/10/2007 21:30	20/10/2007 22:15	THREATS TO KILL
CR/082491/07	23/12/2007 00:00	23/12/2007 01:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076210/08	03/02/2008 00:01	03/02/2008 02:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076228/08	03/02/2008 00:01	03/02/2008 02:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/073825/08	01/03/2008 23:55	01/03/2008 23:59	DISPLAY VISIBLE REPRESENTATION W/ TO CAUSE FEAR PROVOKE VIOLENCE
CR/077049/08	01/03/2008 23:55	01/03/2008 23:59	POSSESS AN OFFENSIVE WEAPON IN A PUBLIC PLACE
CR/077197/08	14/03/2008 11:55	15/03/2008 01:01	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/077206/08	15/03/2008 01:00	15/03/2008 01:10	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/077320/08	28/03/2008 23:30	28/03/2008 23:55	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/073963/08	18/04/2008 23:20	18/04/2008 23:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074508/08	31/05/2008 01:00	31/05/2008 01:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074523/08	31/05/2008 01:00	31/05/2008 01:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074850/08	28/06/2008 00:30	28/06/2008 00:32	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/069757/09	11/07/2008 23:59	12/07/2008 11:30	RAPE A WOMAN 16 YEARS OF AGE OR OVER - SOA 2003
CR/075175/08	25/07/2008 16:15	26/07/2008 17:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/075481/08	23/08/2008 00:01	23/08/2008 00:20	DRUNK AND DISORDERLY IN A PUBLIC PLACE

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/076137/08	23/08/2008 00:01	23/08/2008 00:20	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/075482/08	23/08/2008 01:20	23/08/2008 01:29	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/075720/08	12/09/2008 23:50	12/09/2008 23:55	POSSESS CANNABIS A CLASS C CONTROLLED DRUG
CR/075809/08	20/09/2008 00:10	20/09/2008 00:35	POSSESS A CONTROLLED DRUG OF CLASS B - AMPHETAMINE
CR/076108/08	19/10/2008 01:05	19/10/2008 01:12	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/076617/08	07/11/2008 00:30	07/11/2008 00:31	POSSESS CANNABIS A CLASS C CONTROLLED
CR/076327/08	08/11/2008 23:30	08/11/2008 23:31	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/076328/08	09/11/2008 00:55	09/11/2008 00:56	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/076399/08	15/11/2008 23:00	16/11/2008 01:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076818/08	19/12/2008 23:00	20/12/2008 01:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/067976/09	17/01/2009 00:50	17/01/2009 00:55	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/068775/09	24/01/2009 23:00	25/01/2009 01:00	THEFT FROM THE PERSON OF ANOTHER
CR/070031/09	26/02/2009 23:00	26/02/2009 23:45	BURGLARY OTHER THAN DWELLING WITH INTENT TO STEAL
CR/067249/09	05/04/2009 01:10	05/04/2009 01:17	WOUND / INFLICT GRIEVOUS BODILY HARM WITHOUT INTENT
CR/067307/09	11/04/2009 00:15	11/04/2009 00:40	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/067465/09	12/04/2009 00:01	26/04/2009 19:35	BURGLARY DWELLING - WITH INTENT TO STEAL
CR/067694/09	17/05/2009 00:30	17/05/2009 01:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/068033/09	14/06/2009 01:00	14/06/2009 01:30	COMMON ASSAULT
CR/068046/09	14/06/2009 01:04	14/06/2009 01:05	USE THREATENING/ABUSIVE/INSULTING WORDS/BEHAVIOUR
CR/068188/09	29/06/2009 18:59	29/06/2009 19:20	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN
CR/068368/09	17/07/2009 23:20	17/07/2009 23:21	POSSESS A CONTROLLED DRUG OF CLASS A - MDMA



Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/068661/09	04/08/2009	17:00	05/08/2009	08:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/068606/09	09/08/2009	01:15	09/08/2009	01:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/068696/09	16/08/2009	02:00	16/08/2009	02:20	SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT
CR/061186/10	17/05/2010	17:00	18/05/2010	08:15	BURGLARY OTHER THAN DWELLING WITH INTENT TO STEAL
CR/061572/10	27/06/2010	23:19	27/06/2010	23:20	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/061790/10	19/07/2010	19:25	19/07/2010	19:40	TAKE A CHILD SO AS TO REMOVE FROM A PERSON HAVING LAWFUL CONTROL
CR/062929/10	05/11/2010	19:35	05/11/2010	19:43	CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER
CR/062190/11	22/01/2011	21:30	22/01/2011	23:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/063111/11	04/12/2011	13:25	04/12/2011	17:10	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/060576/12	08/06/2012	19:30	10/06/2012	17:00	BURGLARY DWELLING - WITH INTENT TO STEAL
CR/060955/12	16/07/2012	17:30	16/07/2012	17:40	COMPLAINT RE DOGS MINOR AND NON INJURY 1871 ACT
CR/115654/12	11/11/2012	13:00	11/11/2012	13:10	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/060688/13	01/09/2013	13:00	01/09/2013	13:05	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/061030/13	28/09/2013	18:15	28/09/2013	18:30	CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER
CR/070927/14	09/02/2014	01:17	09/02/2014	01:20	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/070928/14	09/02/2014	01:25	09/02/2014	01:35	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/051985/14	15/04/2014	20:00	15/04/2014	20:21	BURGLARY OTHER THAN DWELLING WITH INTENT TO STEAL
CR/052002/14	17/04/2014	23:10	17/04/2014	23:20	COMMON ASSAULT
CR/064048/14	25/04/2014	23:55	26/04/2014	00:05	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/052074/14	26/04/2014	00:00	26/04/2014	00:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/075919/14	25/05/2014	01:10	25/05/2014	01:15	COMMON ASSAULT
CR/081863/14	15/06/2014	01:00	15/06/2014	01:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/089001/14	11/07/2014	22:30	11/07/2014	22:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/120876/14	08/11/2014	22:40	08/11/2014	22:45	COMMON ASSAULT
CR/123034/14	08/11/2014	22:45	08/11/2014	22:50	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/049356/15	14/07/2015	20:30	14/07/2015	21:00	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR
CR/060198/15	26/08/2015	18:50	26/08/2015	19:00	COMMON ASSAULT
CR/080883/15	21/11/2015	01:15	21/11/2015	01:30	COMMON ASSAULT
CR/016801/16	14/03/2016	18:00	14/03/2016	18:55	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/016803/16	14/03/2016	18:00	14/03/2016	18:55	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/051028/16	23/07/2016	22:15	23/07/2016	22:35	WOUND / INFLICT GRIEVOUS BODILY HARM WITHOUT INTENT
CR/076603/16	29/10/2016	14:45	29/10/2016	15:13	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/086466/16	05/12/2016	11:00	05/12/2016	11:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/072395/17	25/08/2017	15:30	25/08/2017	15:30	POSSESS WITH INTENT TO SUPPLY A CONTROLLED DRUG OF CLASS A
CR/072397/17	25/08/2017	15:30	25/08/2017	15:44	POSSESS WITH INTENT TO SUPPLY A CONTROLLED DRUG OF CLASS B
CR/072400/17	25/08/2017	15:30	25/08/2017	15:44	POSSESS AN OFFENSIVE WEAPON IN A PUBLIC PLACE

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

SharePoint Newsfeed OneDrive Sites SMART Julie 50403 ▾  

Force Licensing Team > Licensing Items - Active > Murphys Paignton

Item Type Visit - Multiagency
 Prem Name Murphys Paignton
 Date Rec'd 10/08/2016
 Date Due
 Event Start Date 07/08/2016 02:10
 Event End Date
 Submitting Officer SMART Julie 50403
 Applicant Surname
 Applicant First Name
 Proposed DPS Surname
 Proposed DPS First Name
 Prem Street
 Prem District
 Prem Town Paignton
 Prem County Devon
 Prem Postcode
 Premises risk rating
 Hub Location EAST - Exeter
 Logic outcome Pass
 Licensing Office Torbay
 Allocated To Pete COSBY
 Item Report Summary Multi-agency visit with Mandy Guy and Gary O'Shea

Comments COSBY Peter 55186 (03/10/2016 10:15):
 To remain open until decision over application submitted
 pass objection.
 COSBY Peter 55186 (19/09/2016 09:59):
 Joint visit with Local Authorities Thurs 22/9 now Steve and
 Lesley returned from holiday to discuss outside drinking to
 0200.
 COSBY Peter 55186 (12/09/2016 09:53):
 9/9 Steve and Lesley butcher away on holiday until 15/9.
 Spoke to bar manager Jack and although nothing officially
 could be resolved regarding the use of the garden area for
 consumption, he acknowledged the situation and agreed to
 draw back the times for the forthcoming weekend and LO
 to discuss further with DPS on return from holiday.

Any change to the outside area for consumption must be done officially by licence variation.

Other matters were discussed like person possibly still leaving by the side exit as opposed to front esplanade area and during conversation he mentioned that CCTV is due to be increase and cameras will cover blackspot areas. Recent glass incident discussed which stem from spinning wheel late August.

I also discussed report from Licensing Officers late night visit Sat 6 Aug 2016 at 0250 which highlighted the above comments along with excessive drunkenness that was seen by persons leaving premises during this time.

This matter to be discussed with DPS on return from holiday.

COSBY Peter 55186 (09/09/2016 09:16):

Joint authority meeting arranged for 9/9 with Karl Martin Environmental and contents of report to be discussed in detail and rumours that they are using outside garden area and allowing consumption of alcohol until 2am in garden area.

COSBY Peter 55186 (11/08/2016 09:41):

LO in liaison with Karl Martin environmental in relation to conducting a joint visit. Suggested following noise review therefore meeting sometime after Tuesday 16/8

SMART Julie 50403 (10/08/2016 12:17):

Parked up outside doors to Spinning Wheel, so about halfway between entrance of Murphy's and Berry Hotel. Murphy's was the only premises open on the sea front. Spinning Wheel was in darkness. Weather had changed from a warm dry evening and it was quite windy and drizzling. Mandy and Gary had the car windows down about an inch. My window was closed. Could not hear any music. A male came out of Murphys garden and vomited over the railings and onto a white van that was parked in Murphys. Another male was encouraging him to be sick and said "Let it all out" in a very loud voice. They went back into the garden area and then left again a bit later being loud, one of them climbed over the wall in Murphy's car park. Saw a couple of taxi's picking people up. When one taxi arrived a group were quite loud trying to decide who was going in the taxi. 0250 and 0251 saw two lots of 5 people walk past us. They were both quite noisy talking and the second group were singing. One group went down the lane at the back of the Berry Hotel and the other group went along the lane behind Murphy's. There was no sign of any door stewards directing people or asking people to leave the area quietly. We left the area at about 0300 as the lights at the rear of the premises had been turned off and it was quiet

with no further people leaving. We drove around to the front of the premises and could see 7 people still in the front garden area but could not see any door stewards. Saw one person inside but the doors were closed and could not tell if this was a steward.

Whilst monitoring Murphys people could clearly be heard stood chatting and laughing in the front garden area of the premises and we discussed the fact that this would easily have been heard from any residential accommodation in the road at the rear of the premises. In respect of the Berry Hotel, I noted that there were several lights on and at least 3 windows were open.

Visit tasked NO
LA Time Taken
LO Time Taken 155
Item Briefed
Representation/Objection No
Hearing No
Status In Progress

Version 6.0
Created at 10/08/2016 12:17 by SMART Julie 50103
Last modified at 03/10/2016 10:15 by COSBY Peter 55186

Close

CRIMES IN KERNOU ROAD, PAIGNTON BETWEEN 22/10/07 AND 06/10/17

CR/082295/07	07/12/2007	19:00	08/12/2007	09:10	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
CR/074992/08	11/07/2008	21:00	12/07/2008	07:45	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
CR/075367/08	04/08/2008	09:30	05/08/2008	01:15	SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT
CR/075346/08	08/08/2008	23:45	08/08/2008	23:50	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/068584/09	23/01/2009	23:15	23/01/2009	23:20	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/068589/09	23/01/2009	23:45	23/01/2009	23:50	ASSAULT A CONSTABLE IN THE EXECUTION OF HIS / HER DUTY
CR/069830/09	07/02/2009	14:30	08/02/2009	08:15	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
CR/067370/09	17/04/2009	21:55	17/04/2009	22:00	DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT
CR/068885/09	28/08/2009	09:30	29/08/2009	09:00	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
CR/069552/09	12/11/2009	23:20	12/11/2009	23:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/063661/10	12/11/2009	23:20	12/11/2009	23:30	DRIVER OF A VEHICLE FAIL TO STOP AFTER A ROAD ACCIDENT
CR/069636/09	21/11/2009	00:30	21/11/2009	00:35	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/062533/11	01/02/2011	00:20	01/02/2011	00:22	DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT
CR/063442/11	18/02/2011	23:20	19/02/2011	00:00	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/063506/11	28/02/2011	18:00	01/03/2011	08:00	THEFT FROM A MOTOR VEHICLE
CR/061924/11	06/08/2011	23:40	06/08/2011	23:46	FAIL COMPLY WITH DIRECTION OF A CONSTABLE VIOLENT CRIME REDUCTION ACT 2006
CR/063290/11	22/12/2011	23:45	23/12/2011	00:05	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/062552/12	19/02/2012	18:00	20/02/2012	06:00	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/060536/12	07/06/2012	18:20	07/06/2012	18:43	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/060599/12	13/06/2012	14:00	13/06/2012	16:00	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
CR/061126/13	02/02/2013	21:40	02/02/2013	21:45	AFFRAY
CR/059246/13	22/04/2013	16:40	22/04/2013	16:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/060596/13	23/08/2013	14:00	23/08/2013	14:20	COMMON ASSAULT
CR/060704/13	28/08/2013	17:00	28/08/2013	18:00	RACIALLY / RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT / ALARM /DISTRESS - WORDS / WRITING
CR/125532/13	07/09/2013	22:05	07/09/2013	22:12	USE THREATENING WORDS / BEHAVIOUR
CR/125533/13	08/09/2013	00:25	08/09/2013	00:30	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/033418/14	16/02/2014	23:00	16/02/2014	23:15	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/110999/14	28/09/2014	01:00	28/09/2014	01:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/007668/15	02/02/2015	19:33	02/02/2015	20:05	DRUNK ON A HIGHWAY / IN A PUBLIC PLACE / ON LICENSED PREMISES
CR/021456/15	29/03/2015	11:00	29/03/2015	12:00	ROBBERY
CR/027450/15	23/04/2015	01:00	23/04/2015	01:15	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/030079/15	29/04/2015	20:30	29/04/2015	21:00	AFFRAY
CR/008426/16	06/02/2016	23:50	06/02/2016	23:57	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/008767/16	08/02/2016	23:50	06/02/2016	23:57	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/008768/16	06/02/2016	23:50	06/02/2016	23:57	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/033568/16	23/05/2016	12:22	23/05/2016	12:22	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR
CR/055936/16	13/08/2016	00:30	13/08/2016	00:44	SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT
CR/068351/16	24/09/2016	00:00	24/09/2016	01:09	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/044164/17	05/06/2017	01:25	05/06/2017	01:37	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/052282/17	29/06/2017	09:10	29/06/2017	09:10	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

Memorandum

To:	TORBAY COUNCIL	From :	Community Safety
c.c	1 1 OCT 2017	Contact :	Mr Karl Martin
c.c.		Ext :	01803 208025
c.c	COMMUNITY SAFETY	My Ref :	1ZV SRU No: 240574/KJM
For the attention of: Licensing Steve Cox		Your Ref :	
		Date :	11th October 2017

Premises Name & Address: Gio's Bar, 18 Esplanade Road, Paignton, TQ12 6BD

Subject: New Premises application – Licensing Act 2003

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

Introduction

1. I wish to object to the above named application as I do not believe the application promotes the licensing objective 'Prevention of Public Nuisance'.
2. Gio's is situated at the junction of Esplanade Road and Kernou Road Paignton.
3. The area surrounding the premises is best described as mixed use. Comprising of residential accommodation, hotels, B&B's and licensed premises. Situated directly above the premises on the 1st floor is a number of residential flats. Some of these flats overlooks the beer garden at the premises. See appendix 1 fig 2.

Chronology of noise complaints

4. Historically most noise complaints have come from residents living on Kernou Road
5. The premises licence PL0876 was first issued by Torbay Council in November 2007. The applicant at the time applied for and was granted subject to conditions a 3:00am licence. It should be noted at this time the premises was primarily operated as a 'traditional' nightclub and continued in this format until 2013 when Steve and Lesley Butchers took over.

6. Environmental Health first received a noise complaint in 2008 regarding noise break out from within the premises and noise associated with people on the street. At this time the premises was under different ownership.
7. Complaints were again received in 2010 and this investigation highlighted two significant factors. The first factor highlighted the building has poor acoustic attenuation properties. The operator at the time made a number of improvements to the fabric of the building and the installation of limiters.
8. The second problem is noise from people using Kernou Road as a short cut from Esplanade Road towards the taxi Rank and late night refreshment premises situated around station square.
9. In the following years this issue was regularly cited by complaints and created significant disturbance. In part due to the behavior of people including random and unexpected bouts of shouting, screaming and threatening behavior.
10. A number of operators including the current licencees have tried, using door staff, to encourage customers from leaving via Kernou Road with limited success. Though there is some doubt how often operators actually tried. For example 10/08/16 Torbay Council and Police Licensing officers observed the premises at approximately 3:00am and noted customers leaving nosily with no attempt by door staff to either ask them to quieten down or direct them away from Kernou Road. This example is consistent with diary sheets submitted by residents.
11. During April 2011 to September 2011, music break out was largely under control, occasional residents reported 'bass' breakout between 00:00-03:00am. During this period complaints regarding the behaviour of people on the street was the most significant source of nuisance reported.
12. Officers witnessed large groups of individuals congregating in Kernou Road. At this time the number of Police Officers on duty in Paignton town center was significantly reduced and this was noted as having a direct effect on public order in the area.
13. Residents continued to report problems with anti-social behaviour particularly on Friday and Saturday nights. Complaints diminished during foul weather.
14. The department again received noise complaints about noise on the street between Augusts –October 2012. The premises then known as Evo closed in the October.
15. In May 2013 Mr and Mrs Butchers took over the premises and changed the name to 'Murphy's Roadhouse'. A mezzanine floor was installed dividing the forming night club between two floors and the focus shifted from a nightclub to a live music venue. Daytime food trade become a significant focus at this time.
16. In June 2013 the Council received a complaint from a residents who rented one of the flats above the licensed premises. The complainant experienced music breakout, noise from patrons using the beer garden and cigarette smoke entering the flat. A number of meeting with the licences took place during the course of the investigation, however the resident withdrew the complaint. In July 2014 the same resident made another complaint but a few months later alleged he was evicted and the case was closed.
17. In July 2013 a second complaint was received by a nearby resident. As in the past the music breakout and noise from people in street was causing a nuisance. The

complaints noted a fire exit door was left open for hours which was causing significant breakout.

18. Previously Mr & Mrs Butchers had worked with the Authority to resolve noise outbreak in another premises they operate and it was noted by the Authority they have a positive attitude towards dealing with noise complaints.
19. Over the course of the summer the licences undertook a number of works to the building to resolve the issues but problems still continued. By August 2013 noise outbreak had diminished and the case was closed in October 2013.
20. During the course of investigation diary sheets submitted show problems with live and recorded music up to 3:00am in the morning followed by noise on the street from people walking through Kernou Road. It was normal for residents to be woken and kept awake by bass break out followed by noise associated with people on the street. Some diary entries put disturbances as late as 4:00am.
21. Another complaint was received in September 2015 from a resident who had experienced noise problems most summers for a number of years.
22. By this time the premises was starting to change direction. The basement was no longer used for licensable activities and converted to a store room. The ground floor function room was used less frequently for live music and was renovated to allow more space for eating.
23. As part of the investigation into the September complaint it transpired during the renovation work an AC/DC tribute band had played without any glass installed in a number of windows. The windows had previously been blocked and recently re-opened by the Butchers. Unfortunately the glass had not been delivered before the tribute band played. The Butchers did not cancel the gig which led to the noise complaint. Mr Butcher attended an interview under caution in relation to this matters.
24. Between July and September 2016 the Authority received a number of complaints about live music hosted outside the premises on Sundays afternoons. Officers attended but did not witness statutory nuisance. However the Butchers were advised and made several attempts to either change the volume or relocate the band.
25. July 2017 Sgt Mike Nosworthy sent the author of this report a short video clip which showed the excessive volume of live music outside the premises. The Butchers were spoken too regarding this and agreed they would turn the music down.
26. No complaints received by residents during 2017.

Conclusion

27. Officers who conducted late nights visit to the area on a number of occasions between 2010-2016 could not conclude to an evidential standard all people seen on the street causing a nuisance had come from the premises. The spinning wheel a late night venue opposite Gio's closes at 1:00 am and it's reasonable to expect after 1:00-1:30 the majority of people would be coming from Gio's.
28. Noise complaints occurred seasonally and were dependent on reasonably weather. This aspect of the complaints combined with the Butchers willingness to resolve noise outbreaks made it very difficult for the Authority and indeed residents to reach a point where a licensing review hearing could be requested.

29. During 2017 the premises has been closing around midnight for the majority of the time. The Butchers over the last years have greatly shifted the premises towards a food led premises. This is the main reason why noise complaints diminished in 2017.
30. As a late night premises selling entertainment it has proven be problematic for the owners to manage noise breakout due to the buildings properties, the later licence and type of music hosted. Consequential it's the local residents, of whom a number run business which sell 'sleep' are inconvenienced by this premises.
31. When considering an application for later hours an applicant must consider Torbay Councils Licensing Policy which leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'

Licensing Statement of Principles, Torbay Council, 2016-21 p40

The applicant has not offered any additional mitigating measures when making this application. To a point this is understandable in the absence of noise complaints in the last 12 months and the shift towards food led.

However the applicant is still requesting a 3:00 am license and the focus in the future could switch back to a later alcohol and music led premises.

In this context the applicant has failed to acknowledge Torbay Council Licensing Statement of principle and thus this application will not promote, but undermine the licensing objective 'The Prevention of Public Nuisance'

Recommendations

32. The application as applied for granted subject to amendments of the terminal hour for all licensable activities to cease at midnight with the premises closing at 00:30 am Monday to Sunday.
33. Bank holidays may benefit from an additional hour.



**Mr Karl Martin
Public Protection Officer
Torbay Council**

Licensing Objectives relating to Representation:

Prevention of crime and disorder
Public safety
Prevention of public nuisance

Supporting Evidence:

It has not escaped my attention that recently my guests have not been kept awake by noise emanating from the premises in question.

The noise, when alcohol is being served until 3am, usually includes fighting, shouting, swearing and general anti-social behaviour that results in reviews critical of both our B&B and Paignton in general. In addition people leaving the premises under the previous licence made a habit of finding a convenient spot in the service lane between Kernou Road and Torbay Road to urinate. Particularly weekends would see people hiding behind dustbins (commercial and domestic) urinating with no shame, causing foul smells and public nuisance.

When challenged, the culprits are foul-mouthed and unrepentant.

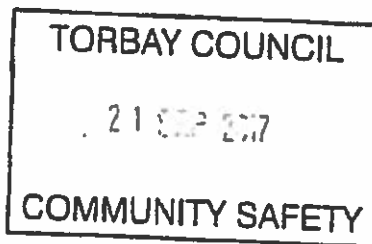
The wall that surrounds the bar/pub/restaurant on Kernou Road provides a convenient seating area for people to sit and argue after 3pm sometimes until 4-5am. Violence is often viewed and heard by my guests from rooms at the front of my building – although again not recently and we'd really like it to stay this way, please.

Suggested Conditions:

I do not see why I should have to listen to any noise emanating from the premises after 9pm. I'd like to be able to listen to my own music/TV/thoughts and so would my guests. Please not until 10pm. 9pm would be better.

Why 3am every morning? Give us a break please. Midnight 5 nights a week and 2pm Friday and Saturday would be better.

Given the history the licence holder should be obliged to hold regular meetings with local residents and businesses to discuss noise and behaviour concerns, facilitated through the licensing body.



Ref Licence Application
MRH Paignton Ltd
Gios Bar
18 Esplanade Road
Paignton
TQ4 6BD

Attention of
Executive Head of community safety.

Dear Sir/Madam

I wish to strongly object, to the granting of a licence, covering 10am to 3am. Paignton is a family resort, and as such needs to offer facilities for all. Allowing a licensed venue, in the heart of the town to play music till 3am, would cause a disturbance to many holiday makers, and residents alike.

While I accept the need to encourage entertainment facilities, I consider 3am to be far in excess, of holiday makers needs. Playing music till 3am would have detrimental effect on the many residents, and holiday makers staying nearby. Whilst it may be possible to control, the noise from customers, within the building, leaving the premises would be another matter.

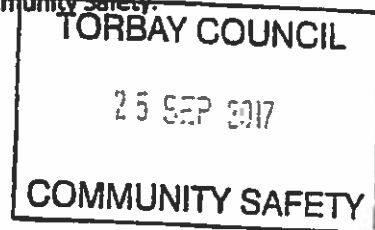
The Spinning Wheel music venue, next door to Gios bar, has live music till midnight, and is a very successful business. Even closing at this time, on occasions, we have disturbance from customers leaving. This is despite the Spinning Wheel, being very well run.

If Gios Bar is permitted to trade later than their neighbour, we will have customers moving from one venue to another, causing even more disturbance.

240574

Executive Head of Community Safety

e-mail _____



Sir,

I have had information that "MRH Paignton Ltd" at Gios Bar, 18, Esplanade Road, Paignton, TQ4 6BD, is going to apply for a late night licence on this property.

Requesting to be able to provide live or recorded entertainment, starting at 10.00am and finishing at 3.00am.

This will be the second time I have objected to this.

Many years ago I went to the Brewster court (Magistrates court Torquay) with the chairman of the then Paignton Hoteliers association, and the JP declared that the time for closing was to be midnight on all counts.

We have since enjoyed the night time sleep.

I made this complaint mainly due to the anti-social behaviour both in Kernou Road and the service lane between Kernou Road and Torbay Road. Therefore making a public nuisance of themselves in the early hours of the morning. eg Dustbins etc. turned over, shouting swearing and fighting, plus the problem of needles [drugs].

Please note that in May 2015 following an argument, police and the door men were involved, a person died and there are flowers of remembrance still situated on a post at the entrance to Kernou Road. Very sad.

Now as a permanent resident and owner of

I think I am entitled to continue to

enjoy a good night's sleep at my age.

25 September 2017

Dear Sir or Madam,

I write with reference to the current Licence application by MRH Paignton Limited for a licence to be granted to Gios Bar at 18 Esplanade Road, Paignton, TQ4 6BD.

I have been the owner of the Berry Hotel since 17 August 2007, and over the years and over all the different operators of clubs or bars at the said premise, we have always been subject to an erosion of our quality of life due to noise, antisocial behaviour and general public nuisance.

The fact that the old licensee was licenced until 03.00am caused loss of sleep or being woken up by patrols of the establishment leaving, running up and down the road, shouting, screaming or even singing any time between 03.00am and about 04.30am. We have also been impacted by excessive noise from the building itself in the form of music blaring out, including a time when windows had been removed and live music was still played at high volume until around 01.00am I believe. This happened on at least 2 consecutive weekends. At another time I can remember lying in my bed at around 03.00 one Saturday or Sunday morning and hearing a death threat shouted by one individual to another. Am I supposed to lie there and ignore it or am expected to call a Police Force who are massively understaffed and, from experience, are unlikely to be able to attend?

Add to this the fact that we are also bombarded with live music outdoors from the establishment on a Sunday afternoon, which has been known to run from 02.00pm anywhere until around 06.30pm. Even with the windows closed, I can still hear the music. And this is after my sleep has been interrupted for the prior two nights.

We are in an area where there are a large number of guest houses and bed and breakfasts. We are in the business ourselves and we are trying to sell a good night's sleep to our guests, something that is directly impacted by those problems outlined above. A fair number of our guests over the years have been affected by these things and have mentioned it to me. I know of some

guests from nearby properties who checked in on a Friday night for a week and checked out again Saturday morning because of this antisocial behaviour.

Compare all of this with how it has been this year, with no club licenced there have been no complaints, and on a personal level, I've managed to have uninterrupted sleep on a Friday and Saturday night without all the noise. public nuisance and antisocial behaviour.

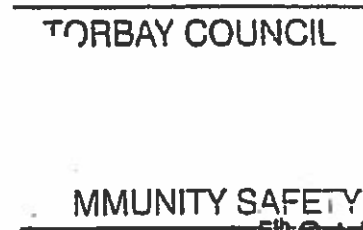
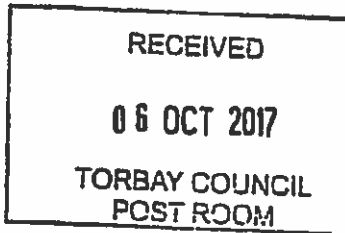
I have also taken into consideration that The Spinning Wheel has a licence until 01.00am. There is sometimes some disturbance at closing time, but very rarely. It seems to me that The Spinning Wheel is a well run establishment with owners who care about the impact of their business on the local neighbourhood.

One more point I would make is that some years ago local residents, the Police Licencing Officer and the Council Licencing Officer got together in the dining room of the Berry Hotel to discuss the problems that we have had to endure, only to be told that the Police have problems attending at the 03.00am closing time due to limited manpower and the fact that it is also the time of their shift changeover.

To sum up, I am not in favour of the granting of a licence as it has been requested for the reasons stated above. I would be more accepting of a licence until 01.00, but would point out that history suggests that the owners and operators should be forced to consider the local residents with regard to their guest leaving their premises, and of the excessive volume of the live music that affects us all, particularly on Sunday afternoons.

Finally, I would like to mention that there are other local residents, some senior citizens, who are affected by all of the matters covered above who are not prepared to identify themselves to the applicant of the license and so will not make any representation. I would like to think that the licencing authority could take their best interests into account as well.

Yours faithfully,



5th October 2017

Dear Sir or Madam,

I write with respect to the licence application by Gios Bar on Esplanade Road, Paignton.

I have lived at the above address since August 2007, and am a Senior Citizen aged 86 years.

Over the years there have been several operators of the club, the management of which has always seemed to me to completely disregard the fact that this is a residential area and as residents we have the right to the same level of quality of life as any other resident of Paignton.

We have been subject to disturbances such as:

Screaming and shouting including obscenities, any time of the early morning, particularly from 2.30am onwards sometimes continuing until as late as 4.30am.

Live outdoor music at weekends, particularly on Sundays without any consideration being given to the fact that this is a residential area and those that live here surely deserve to be shown the same respect and consideration as any other Paignton resident. This can start at 2.00pm and continue until 6.00pm or even later in some cases. Compare this with the Spinning Wheel, who generally keep their live music to between 2.00 and 4.00pm and who physically confirm that the volume is kept to a considerate level.

Music and noise escaping from the club through a fire escape that is being opened when it should be closed.

Additionally, we find that drinking vessels, cans, bottles and general waste is thrown into our garden regularly overnight at the weekend and we have had one instance where the garden furniture from our patio was removed and thrown down the garden, which is of course not a public area. Furthermore we find that bottles and glasses are regularly broken in the streets and at the entrance to Berry Square creating a public danger.

In summary, I disagree with the licence being granted until 3.00am in a residential area, I would have thought that it should be no later than that of the Spinning Wheel which ends at 1.00am. This would allow for all of us to expect a decent night's sleep without the public nuisance of the regular pattern of noise and antisocial behaviour causing me to be awoken practically every weekend from May to October by patrons of the club leaving at closing time. Over the last 6 months, in the absence of the club being operational, I have slept far more soundly than I have at any time during the preceding 9 years. This can only be due, surely, to the fact that there has been far less public nuisance, noise and antisocial behaviour during the period of the closure of the club.

Yours faithfully,

24th September 2017

COUNCIL

COMMUNITY SERVICES

Dear Sirs

Application No 048988 Gios Bar - 18 Esplanade Road, Paignton TQ4 6D

I would like to register concern regarding the above application. Gios Bar is in residential and guest accommodation area which means there are bedrooms in which people are trying to sleep.

If this licence is granted until 3.00 a.m. that would extend the public nuisance of mostly intoxicated persons leaving the premises to walk inland, underneath many of these bedroom windows. Having experienced for over 20 years the noise level these folks are capable of creating, I'm very aware of how disturbing and distressing these antisocial behaviours can be, with frequent fights breaking out. Paying guests will be deterred from returning to stay in the area if it continues until 3.00 a.m. so it would be unfair to other businesses in the area if this extension were to be granted, indeed another nail in their coffins.

I notice that, although there is a clause saying that live music would terminate on the Terrace by 10.00 p.m., there is no such restriction mentioned on recorded music - perhaps this is a careless oversight, but a horrendous proposition for sure.

In conclusion, I would implore the licensing committee to reject the application to extend the licence to 3.00 a.m.

Yours sincerely

01803 403949

3rd October 2017

Executive Head of Community Safety
Torquay Town Hall
TQ1 3DR

Dear Sir

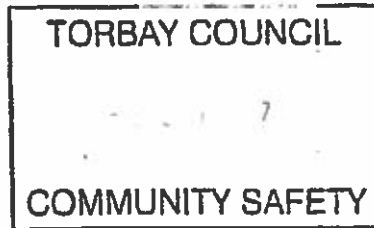
Gio's Bar Paignton (Formerly Murphy's Roadhouse)

I am writing with regard to an application for a license for this establishment, crucially asking for Gino's to be able to provide live or recorded music any time between 10.00am and 03.00am

I live from Gio's and can remember the problems we had when they previously had an extended license – noise, antisocial behaviour and public nuisance associated with people being able to buy alcohol until three in the morning. The last year, by comparison, has been reasonably quiet and trouble-free and I would dread going back to the previous scenario

My son is severely disabled and is a full time wheelchair user. Social Services have spent a great deal of money adapting our house to his needs, so if you do decide to grant this license, moving away from the area would not be an option for us

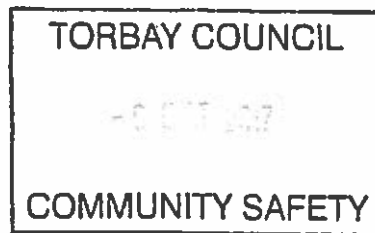
I hope you will consider the detrimental effect granting this licence would have both on local residents, and on the many guest houses and hotels locally whose businesses would surely be damaged by the inevitable anti-social behaviour



To whom it may concern

I am deeply concerned with regard to the 3am licence requested for the Gios Bar. This area is home to many families as well as quiet and respectable bed and breakfasts and hotels, which attract families from around the world. Not only do I feel the residents and tourists will suffer, but also the wonderful beaches and marine wildlife will be subjected to even more pollution from litter and noise. Antisocial behaviour is likely to increase if this proposal is agreed, which will put higher demands on the already overstretched local police/fire and ambulance services as well as the A and E department.

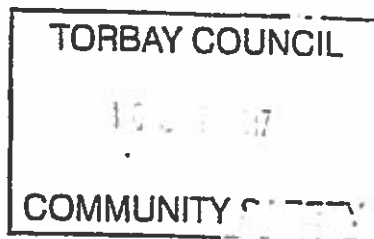
I request you consider these aspects when making your decision.



To whom it may concern

I am writing to you with concerns about the proposed request for a licence in regard of the Gios Bar. I feel that, with many residential, and holidaying families in this area, the proposed license would impact our community in a negative manner. It will encourage antisocial behaviour, increase noise pollution and litter, which are already problems in this area.

Please consider the impact on not only the families, but the businesses and hotels locally.



20th September 2017

Dear Sir or Madam,

We write in regard to the proposed application made by MRH Paignton at Gios Bar, 18 Esplanade Road, Paignton for the provision of live or recorded entertainment and refreshments from 7.00am to 3.00 am both indoors and outdoors.

As a resident of Berry Square, with a service road directly behind our properties between us and the Spinning Wheel, we already have to deal with anti-social behaviour from patrons of the Spinning Wheel and other bars nearby who, on a regular basis, and particularly at weekends, engage in anti-social behaviour such as screaming, fighting and urinating on walls while highly intoxicated between the hours of 11pm and 2am. Adding to this by permitting further outlets for alcohol consumption until 3am , BOTH INDOOR AND OUTDOOR, would lead to a significant rise in the disturbance we already encounter. Our sleep would be disturbed even further, noise levels would rise significantly and the businesses which deal in hosting tourists and students would suffer greatly from bad publicity about noise and anti-social behaviour near their premises.

We are near Paignton Green too, where events are controlled to end by midnight. We note that these events are for the general public while the events proposed both inside and outside the establishment in question would be mainly to boost the profits of its owners ...do we really wish to turn the area into an almost 24 hr drinking zone ?

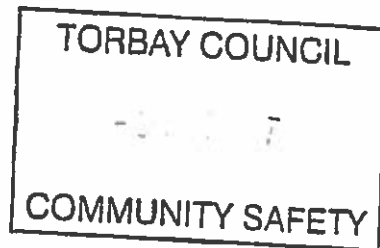
The residents in this area are mainly hoteliers, bed and breakfast owners and people who are mature or even elderly, we do not wish to have unsightly scenes and high decibel levels of noise compounded by further permission on the part of the council for teenagers to run rife until 3am.

This area is also subject to a drugs problem as we are sure the local police will confirm. We are certain that this would only be made worse by opening hours until 3am as we have already seen in the clubbing areas of Torquay.

Paignton has always been a traditional seaside town where families and older people feel safe to come on holiday. We would not feel safe if we thought that even more anti-social behaviour would be brought about by the licensing of this venue to provide drink until 3am. As the only bar open at that time of night in this area it would become a magnet for those disposed to ruin the peace and quiet of everyone else .

We trust that you will take into account our objections and at least limit the opening hours, particularly with regard to outdoor events and drinking.

Yours faithfully



6 October 2017

Dear Sir,

I am writing to air my views on the license application made by MRH for Gios Bar, 18 Esplanade Road.

Having lived here for 10 years, my family, including my elderly mother, have suffered tremendously, particularly on Friday and Saturday night, from the disturbance as people leave the night club. The business has changed hands many times, but new owners never seem to make any changes for the better. The antisocial behaviour, nuisance, noise and even vandalism, have affected the quality of our lives.

Our sleep has been disturbed, nearly every Friday and Saturday night that the club was open, during the last 10 years. On some nights, more than once.

In the past few months with no business operating, our sleep has hardly been disturbed at all.

Here is a list of just some of the things I have witnessed over the years, in the small hours of the night:

The nightclub operating with all fire exits open, so the music is not contained.

People playing musical instruments in the street.

Supermarket trolley racing in the street.

Extremely loud domestic disputes, usually peppered with foul language, and sometimes screaming.

Urinating against the side of our building, garden wall and in our garden.

The pot plants in our garden have been destroyed, on more than one occasion.

Our garden furniture has been thrown around our garden, and across the street.

Bottles, cans, broken glass and litter thrown on our lawn.

Fights in the street.

Malicious ringing of our front door bell. (We have to answer, as it could be one of our guests)

I have been laying in bed and heard drugs being sold just outside my bedroom window.

Traffic cones have been thrown, with no regard for vehicles, fortunately mine has never been damaged.

Cars are revved up, horns sounded, and doors slammed.

A bottle was thrown against my brother's bedroom window. Luckily, the window did not break.

I could go on, but the point is, we have our sleep disturbed, and then have to tidy up in the morning!

On Sunday afternoons, just to add insult to injury, we have to endure very loud live music, coming from the venue for as much as four hours.

Therefore, I am against the proposed license,