



Devon & Cornwall Police

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Licensing Team
Torbay Council
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TORQUAY
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Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01392 452225

18 December 2013

Dear Sir/Madam

Torquay (New Build), Newton Road, Edginswell, Torquay, TQ2

I refer to an application for the Grant of a New Premises Licence in respect of premises to be built at the above location, submitted by John Gaunt and Partners on behalf of their clients, Marston's PLC.

For your information, building work in respect of this premises has not yet commenced and I understand that Marston's PLC are currently in the process of applying for Planning Permission. Should such permission be granted, it is the intention of Marston's PLC to build and operate the premises as a food led family friendly venue, with the benefit of 150 covers for food but also allowing for customers to consume alcohol without the requirement to have a meal.

Having considered the application, the police make the following representation:

1. The police request that the part of the application detailed at point 3) on page 5 of the application is refused, ie:

"To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours as identified in Box M such opening times for this purpose to be confirmed upon 7 days prior notice in writing to Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown".

The police view this as a way to circumvent the Licensing Act 2003 as it will

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negate the need for the premises to submit Temporary Event Notices when they wish to operate outside their standard permitted hours. By circumventing the Licensing Act in such a way, the police would have no facility to make representations or object to the premises opening in such a manner. Whilst the police appreciate that it is the aim of the Premises Licence Holders to run a family friendly food led environment, it must be borne in mind that some sporting events are deemed high risk events by the police and as such we would wish to receive a Temporary Event Notice with a legal process in place to deal with any concerns. In addition to this, the police need to consider the long term future of the premises, whilst Marston's may intend to run the premises as a family friendly venue, should the licence be transferred at some point in the future, the conditions imposed on the licence will remain in place until the licence is surrendered, lapses or is subject of a Review.

For your information during the transition period for the implementation of the Licensing Act 2003, the police in Torbay received numerous applications which contained similarly worded clauses for sporting events. The police objected to each of these applications and the relevant parts of the applications were not granted.

My Police Licensing Officer, Julie Smart, has discussed this matter with Mrs Michelle Hazelwood of John Gaunt and Partners who has indicated that her clients, Marston's PLC, will agree to not to proceed with this part of their application.

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

Yours faithfully



Superintendent C Armes
LPA Commander