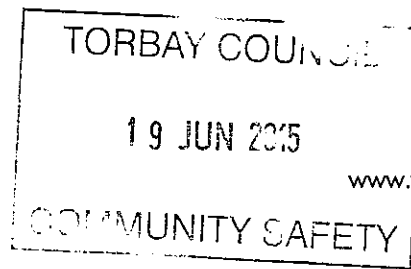


Wollen Michelmores

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16 June 2015

Dear Sirs

Shiraz – 2 Vaughan Parade, Torquay, TQ2 5EG
Review of Premises Licence PL0415

We are instructed by Mr. Mohammed (Mac) Javadi, the premises licence holder and designated premises supervisor of Shiraz situated at 2 Vaughan Parade on Torquay's Harbourside.

We are instructed by Mr. Javadi to respond to the application for the review of the premises licence at Shiraz, and will be representing Mr. Javadi at the forthcoming hearing.

Mr. Javadi has operated licensed premises on Torquay Harbourside for 25 years including having operated Shiraz, very successfully, for the last 13 years. As you will know, Shiraz has a large cafe permit area both to the front (Vaughan Parade) of the premises and to the rear (Palk Street) which have also been operated successfully by Mr. Javadi. It is fair to say that the premises are enjoyed by residents and tourists alike, with the Vaughan Parade cafe permit area in particular being a great spot to enjoy the harbour ambiance.

With the deregulation of live music Mr. Javadi has, from time to time, and primarily on Sunday afternoons, employed live musicians outside his premises. This activity is in line with similar activities being carried out at other harbourside location premises where live music has been played, and continues to be played. Mr. Javadi has always been keen to promote Torbay as a tourist destination and has been keen to do whatever he can to improve the atmosphere on the harbourside for visitors. Music being played has been welcomed by many and indeed since the review application was commenced a large number of people have signed a petition at the premises calling for the playing of live music outside Shiraz to be continued. However, we should emphasise that Mr. Javadi only ever permitted music to be played during the afternoon and never during the evening.

Throughout our dealings with Mr. Javadi with regard to the review application, Mr. Javadi has been concerned with issues both of identity and fairness. As mentioned above, a number of other premises have also been playing live music and from some of the earlier chronology supplied by the Public Protection Officer within the review application, Mr. Javadi is sure that he is being blamed for the activities of others. For example, Mr. Javadi routinely closes his premises in January and February of each year, and therefore cannot be responsible for any noise complaints during these periods. In addition, there have been occasions when Mr. Javadi has been asked by others representing organisations (for example the Torquay Town Centre BID) to operate music for them. We have had sight of a bank statement showing a payment received from the BID in respect of one such occasion recently when Mr. Javadi agreed to arrange music on the harbourside for the BID. Mr. Javadi accepts that he is ultimately responsible for his own licence but nevertheless it is unfortunate that he is being blamed in such circumstances.

Since the review application was lodged we, together with Mr. Javadi, have had sensible and constructive discussions with the public protection team at Torbay Council, with a view to endeavouring to agree a way forward. We must emphasise, on behalf of Mr. Javadi, that he has no wish whatsoever to cause distress or upset to local residents, and accordingly he is prepared to accommodate the requests of the public protection team and to agree additional conditions to his licence in order to remove the risk of their being ongoing problems. In particular, he is prepared to agree not to play amplified music outside his premises and this assurance will alleviate the concerns set out within the review application. Mr. Javadi is also prepared to agree to noise limiter conditions in relation to the interior of his premises, notwithstanding the fact that there are no issues with regard to music noise from the inside area. Finally, he is prepared to agree to the setting up of a more defined boundary around his pavement cafe permit areas in order to try to prevent patrons from moving tables and chairs outside the designated area. Unfortunately, patrons move tables and chairs to take advantage of the sun, and in the past Mr. Javadi's attempts to define the area by ropes has resulted in a hazard being caused. However, Mr. Javadi will attempt to find an alternative solution as provided within the proposed condition.

Accordingly, at a recent meeting with Mr. Martin and Mr. Noble of Torbay Council, the following conditions were agreed and Mr. Javadi can confirm that he is content for these conditions to be added to his licence in order to alleviate the reported problems: -

1. Live amplified music is prohibited in the premises outside area, as shown on the premises plan at all the times the premises are authorised for the sale of alcohol.
2. Recorded amplified music is prohibited in the premises outside licensed area, as shown on the premises plan at all the times the premises are authorised for the sale of alcohol.
3. There shall be no exterior sited speakers on the premises or speakers in the premises doorways and lobbies.

4. Performance of live and recorded music in the internal licensed area must at all times be played through a noise limiter which is to be set and maintained at a level agreed with Torbay Council's Licensing and Public Protection Team.
5. The noise limiter must be installed and the levels agreed within 4 weeks of the review hearing.
6. No changes shall be made to the public address system or the noise limiter without prior written permission of Torbay Council's Licensing and Public Protection Team.
7. The premises boundary of the outside licensed area must be demarcated with a suitable and sustainable barrier when in use. The style and format of the barrier to be agreed with Devon and Cornwall Police Constabulary, Torbay Councils Highways department and Torbay Council's Licensing and Public Protection Team. Barriers to be installed within 6 weeks of the review hearing.

Finally, we will make a point with regard to fairness. We are unclear as to why Mr. Javadi has been the focus of attention in respect of this review application when there are a considerable number of other premises in the vicinity playing loud music in outside areas. We have seen video evidence of a number of other premises where the music is loud, persons are standing, or even dancing, and where access around pavement cafe areas is being blocked. A disc provided by our client showing certain recent recordings is enclosed with the hard copy of this letter. We trust that you will consider that Mr. Javadi has taken a reasonable and constructive approach to the review application being served upon him, and accordingly you can be sure that no amplified music will be played outside Mr. Javadi's premises. However the harbourside area, in particular, is a competitive commercial environment and we must be sure that you will treat other premises in the vicinity in the same way in the event of live music continuing to be played outside those premises. These issues have been brought to the attention of the public protection team.

Yours faithfully


WOLLEN MICHELMORE LLP