



TORBAY COUNCIL

14 SEP 2017

COMMUNITY SAFETY

**LICENSING ACT 2003****APPLICATION FOR THE REVIEW  
OF A PREMISES LICENCE OR  
CLUB PREMISES CERTIFICATE****NOTIFICATION**

*Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.*

*Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.*

*You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, [www.torbay.gov.uk](http://www.torbay.gov.uk)*

**Completed forms should be returned to:**

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

**Contact Details:****Tel: 01803 208025****Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)****Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Read the guidance notes at the end of the form. Please write legibly in block capitals. In all cases ensure that you write in black ink. Use additional sheets if necessary.

Use this form for your records.

I am applying for a premises licence under section 51 / apply for the review of a club premises certificate under the Licensing Act 2003 for the premises described in

Address

Ordnance survey map reference or description

Wraighton,

Post town Torbay,

Post code (if known) , TQ3 2BJ

**Name of premises licence holder or club holding club premises certificate (if known)**

Ms Kayley Taffinder

**Number of premises licence or club premises certificate (if known)**

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete [A] or [B] below)

✓

2) a responsible authority (please complete [C] below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

**Post town**

**Daytime contact**

**E-mail address  
(optional)**

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- |   |                                 |
|---|---------------------------------|
|   | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | ✓                               |
| 2) public safety                        | ✓                               |
| 3) the prevention of public nuisance    | ✓                               |
| 4) the protection of children from harm | ✓                               |

**Please state the ground(s) for review (please read guidance note 2)**

1. Guests constantly consume alcohol and smoke outside the premises leading to noise nuisance and thereby undermines the licensing objective 'Prevention of public nuisance'
2. The volume of live and recorded music is excessive and regularly causes noise nuisance and thereby undermining the licensing objective 'Prevention of public nuisance'.
3. There is not enough parking spaces supplied by the hotel and residents often park on or across the driveways of residents houses blocking residents in. The police have been called on many occasions but the hotel does nothing about it. This is contrary to the licensing objective the prevention of crime and disorder.
4. Coaches cause severe disruption by blocking the road while unloading passengers and luggage. Residents cars have also been damaged by coaches manoeuvring the tight road and on one occasion a coach hit and damaged a property. This is contrary to the licensing objective prevention of public nuisance and the prevention of crime and disorder.
5. When residents have complained to the hotel regarding the noise levels of the residents outside at unsocial hours the staff of the hotel and some hotel residents have become verbally abusive and complaints are ignored. This is contrary to the licensing objective the prevention of crime and disorder.

Please provide as much information as possible to support the application (please read guidance note 3)

Many complaints have been made to the hotel management and residents have met up with the hotel manager to voice their complaints but despite assurances from the manager the problems persist.

The entertainment and music starts at around about 8:00 pm to 9:00 pm and continues through the evening until 11:00pm and on occasions until midnight. The hotel often has all of their windows and doors wide open to reduce the heat in the ballroom but unfortunately this adds considerable disruption to the lives of the residents.

After about 2 years of trying to resolve these issues directly with the hotel and their management team about the noise and problems they were causing, we had little choice but to contact the council for help and support as we were getting ignored on our own.

Since our contact with the council they have visited the hotel and discussed our problems with them to which I believe the hotel manager was quite accommodating and assured the council representative that she would address our issues, they have done absolutely nothing to amend the situation. The music noise level actually increased and the hotel staff and management ceased to even listen to their neighbours' complaints and carried on regardless playing louder and louder music night after night.

The hotel also has no regard for the parking issues they are causing, guests often park their cars anywhere they can when their car park is full. This includes their guests parking across neighbours drives and blocking street access. On one incident, a guest parked his van on a neighbour's driveway when there was a clear 'private property' sign in place. When we reported this to the hotel they failed to respond so the police had to be called. Karl Martin from Torbay Council has this statement.

The hotel guests also drink alcohol outside of the hotel premises and on occasions the guests spill out onto the street drinking. Again, the guests are very loud and can be abusive and when we report this to the hotel staff they do not respond to it. Karl Martin from Torbay Council has evidence for this.

The coaches who bring the guests to the hotel frequently block the road access, when asked politely to move, we have been shouted at. Many of the coach drivers are angry upon arriving at the Torbay Court Hotel because of the difficult obstacle they are faced with to get their large coaches around the tight turns and narrow roads that lead into the hotels car park. When we have reported this to the hotel management we were told that the coaches were nothing to do with the hotel and not their responsibility. Whilst it is recognised parking and coach movements falls outside of the scope of this hearing, as residents we feel it appropriate to draw members attentions to this matter as an example of the hotels unwillingness to cooperate with local residents.

The actions of hotel resident's vehicles and coaches causes a health and safety danger to the children who live in the area. On one occasion, a child was put at risk from a reversing coach.

Recently an incident occurred when a coach driver was very abusive and aggressive to an older man with children, this was reported to the police. The hotel manager was informed of this incident but did not respond and told us that the coaches were not her problem. Karl Martin has this police statement.

We have been keeping a record of the noise from the hotel and recording it on the Noise App which Karl Martin, Public Protection Officer for Torbay Council has been keeping a record of. Residents have also compiled photographic evidence of cars blocking road access and neighbour's driveways, as well as issues when guests are drinking alcohol on the street and all of the police statements which we would like the opportunity to present at the licence board hearing.

On Friday 8<sup>th</sup> September at 18:15 a letter was hand delivered to residents informing them that the Hotel had an extended Licence until 1:00am on the Friday and Saturday evenings, clearly not giving the residents enough time to object. Both evenings the noise level was horrendous and the hotel residents were outside smoking and very loud until the early hours.

Clearly these issues are causing a significant effect to resident's normal lives throughout the day, late into the evenings and very early in the morning. The excessive noise generated by the entertainment in the hotel effects resident's daily lives causing great distress, sleepless nights and generally being unreasonable and interfering with out right to peace and quiet. I travel extensively with my work and stay away often, when I am at home I have to take a sleeping tablet to sleep at night but when I am traveling i don't have to do this. We also have several residents with health associated and personal issues that are being made worse by the issues the hotel are causing.

I would also request that plenty of notice be given to the licence board hearing as David Williams often works away during the week with a diary which is often planned for several weeks ahead.

Please tick ✓ yes

Have you made an application for review relating to the premises before

X

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

Signature  
 .....

or other duly authorised agent (please read guidance note 4)  
 Applicant please state in what capacity.

Signature  
 .....

.....

Date  
 .....

.....

Capacity  
 .....

.....

<p><b>Postal address for correspondence associated with this application (please read guidance note 5)</b></p>          <p>.....</p>
<p><b>Provide your e-mail address</b></p> <p>.....</p>

1. A representative of a fire and rescue authority and other statutory body in the local area.
2. The fire and rescue authority and other statutory body must be satisfied that the applicant meets the licensing objectives.
3. Please provide details of any previous convictions or cautions, for example dates of problems which are relevant to the licensing objectives.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.