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Email: ~~XXXXXXXXXXXXXXXXXXXX~~

Licensing and Public Protection  
Torbay Council  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

19<sup>th</sup> of March 2018

Ref: Twenty1 Ltd.  
Application number: 049864

Dear Sir/Madam,

I would like to make a representation about the application for a late licence at the above premises against which I am objecting:

21, Victoria Parade,  
Torquay.

The licence applied for as I understand it is for a 2.30am licence. I own the adjoining flat on the second floor at Victoria Road. I objected to the planning application for the use for this building previously, but, note that planning permission has been granted so the new owners can operate their business changing use from what was a ground floor restaurant to a three storey entertainment venue. The planning permission states that the first floor balcony shall only be used between the hours of 12.00 and 21.00. Even these hours will cause significant disturbance and therefore request that the licence be kept to the

minimum/shortest hours possible and that this establishment be closed in the evenings on as many days as possible too.

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### The Prevention of Public Nuisance

This will create a public/noise nuisance for the following reasons:

My residential home is on the Second floor of number , Victoria Parade.

My living room and bedroom walls abut the new construction of this venue.

I would request that this floor should not be used at all.

My flat is currently rented to a young couple and new born baby, they rented the property when a Thai Restaurant was at number 21 operating out of the ground floor, the new construction allows for the operator to operate a business on all three floors, including the floor with party walls to my living room, kitchen and bedroom.

The change of use and now subsequent licensing request show that the new operator wishes to operate a club with music, alcohol and the subsequent noise and disturbance associated with these activities

The noise from late night revellers will also be heard at the front of the building therefore preventing sleep.

My flat, purchased in 2003 is in an old fishermans house dating back to 1840, we do not have air conditioning and rely on air flow through the building by opening windows, this will not be possible if noise from the adjacent property is permitted to pollute the area, it seems disingenuous in the extreme, that the developer promises so much and then applies for an unrestricted licence to serve alcohol and play music until 2.30am each night.

Quality of life and ability to enjoy the flat will be severely compromised if the licence is issued. I would ask that the licence is rejected on present application and, if a licence is to be granted, it is granted with restrictions to noise, music and the sale of alcohol to more reasonable times that will allow the use of the flat in the way that any normal household with a new child would want to.

### **The Prevention of Crime and Disorder**

I acknowledge that Victoria Parade is in part a commercial area with a number of restaurants and bars, there are already notable problems of violence and rowdy behaviour, sometimes involving the police. To allow this late license will add to this problem.

My flat will become vulnerable to burglars and the possibility of opportunistic criminal damage from the bar next door.

There are enough late night establishments on Victoria Parade that attract undesirable people and create problems for the police. I don't think Victoria Parade needs more of the same.

### **Torquay Cumulative Impact Statement**

Below I have attached the above statement regarding the harbour area, I have not noticed this as having been rescinded and would ask that you observe your own policies.

## **Section D - Cumulative Impact Policy**

### **What is it and what does it mean to me?**

As part of its Statement of Licensing Policy, Torbay Council consulted upon and included a Cumulative Impact Policy for Torquay Harbour-side and Town Centre Area. This means that a defined area of Torquay is considered "saturated" with licensed premises. The boundaries of this area can be found in the main Statement of Licensing Principles.

### **What if I already have a premises in the Cumulative Impact Area?**

If you already have a licensed premise in the Cumulative Impact Area (CIA) your current trading position will remain unchanged. However if you wish to vary your premises licence e.g. to extend your trading hours, then the restrictions of the CIA will apply. If your existing premises in the CIA requires a licence for the first time e.g. a takeaway establishment offering hot food after 11pm, then the new regulations apply. Early consultation with Torbay Council's Licensing Team is advised.

#### **What if I want to develop a new licensed premises in the CIA?**

Any new licensed premises would initially require planning consent or change of use. This is a planning matter, which is dealt with exclusively by Torbay Council's Planning Department. The subsequent requirement for a premises/club premises licence under Licensing Act 2003 requires a separate application to the Licensing Authority once the appropriate planning consents have been granted.

In the CIA it is unlikely that any new licence will be granted, even if Planning consent is obtained, unless a very good case is made. More information is provided below. All applicants are advised to contact the Licensing Team at the earliest opportunity when considering an application in the CIA.

#### **What happens when I submit an application for a variation or a new Premises Licence within the CIA?**

The CIA creates a "rebuttable presumption to refuse" an application. This means that if the applicant submits an application and one of the Responsible Authorities raises an objection, the application will be referred to Torbay Council's Licensing Committee and is likely to be refused. The grounds for this refusal are that the development of the establishment would have a negative impact on Crime and Disorder, which is one of the licensing objectives. However, in all cases the applicant will have the opportunity to demonstrate in their application that this is not the case and each case will be considered by the Licensing Committee on its own merits.

#### **How can I find out whether or not my premises is within the CIA?**

The boundaries of the CIA can be found in appendix 1 to the Statement of Licensing Principles. Owing to the scale of this map it may not be possible to accurately identify whether or not your premise is included. If this is the case, maps to a larger scale are available on request from the Licensing Team, or at a Torbay Council Connections office during normal office hours.

#### **Making the case for a new premises or a variation of an existing licence**

The responsibility for making a case within the CIA lies with the applicant, and each case will be considered on its merits. The important issue is that any new premises or changes in activities at existing premises must not further impact on issues of crime and disorder. For

example, a new 500 person night club is likely to impact, while an hour later opening for an existing restaurant may not.

There are some suggested model conditions within our model condition document, but simply adding those to the operating schedule of a new application or variation application may not be enough, in so much as the Responsible Authorities and Licensing Committee must be satisfied that the changes will not lead to increases in crime and disorder, and in fact will reduce the likelihood of problems.

**Essential Contacts:**

Planning and Conservation Division  
Town Hall  
Castle Circus  
Torquay  
Circus  
TQ2 5DP

Licensing and Public Protection Team  
Community Safety  
Town Hall  
Castle  
Torquay

TQ1 3DR

Tel: 01803 207801

Tel: 01803 208025

Yours sincerely



From: [REDACTED]  
Subject: [REDACTED]  
Date: 20 March 2018 at 03:29  
To: [REDACTED]



[REDACTED]  
[REDACTED]

TORSAY COUNCIL  
21  
COMMUNITY SAFETY

20th March 2017

APPLICATION NO 049864 TWENTY 1 LTD

**PREVENTION OF PUBLIC NUISANCE**

I will be present and making representation at the forthcoming licensing hearing concerning the following . My wife and I have lived at these premises for over thirty years , we are supportive of improvements to the area how ever we are concerned for our quality of life that we will have in our home if this license is to be granted without the following conditions being applied to this license application . For the last few months we have had distributed sleep with building work starting early morning and what only I could describe is like having the builders in our bedroom ever morning . This has caused ill health to my wife and myself. We are also concerned of how is it possible to state the amplified music would not cause a disturbance to us when it has not been tested .

Also we are aware of the lengthy process to of which we would have to undertake to bring this license to a review if this was not satisfactory.

**HOURS REQUESTED**

I recently spoke with the applicant Mr Jones and stated that a midnight finish on the first & second floor was the most we could tolerate since the sound proofing is totally unproven . I will be asking the committee to impose a 2330 bar closure and 30 mins drinking up time until the acoustic boarding is shown to be adequate.

**GROUND FLOOR**

The noise report fails to recognise the need for a limitation device to the amplifiers. We could not accept a 4 am terminal hour on any day whilst we do not have any idea on the impact of this licence.

**DUMB WAITER**

Situated over the 3 floors and set inside the cavity wall in our bedroom . This is an old noisy jumbling relic and we will ask the committee to impose 2300 to 0900 ban on the use of this lift .

Yours sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from my iPad

Delivered by hand to the council offices and by post/recorded delivery on the 16<sup>th</sup> of March 2018 and the 20<sup>th</sup> of March 2018

TORBAY COUNCIL  
21 MAR 2018  
COMMUNITY SAFETY

~~21 Victoria Parade,~~  
~~Torquay,~~  
~~Devon TQ1 3DR,~~  
~~Torquay TQ1 3DR~~  
~~21 Victoria Parade,~~

Licensing and Public Protection  
Torbay Council  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

15<sup>th</sup> of March 2018

Ref: Twenty1 Ltd.

**Application number: 049864 049864**

Dear Sir/Madam,

I would like to make a representation about the application for a late licence at the above premises against which I am objecting:

21, Victoria Parade,  
Torquay.

The licence applied for as I understand it is for a 2.30am licence. I own the adjoining flat at 21 Victoria Road. I objected to the planning application for the use for this building already but note that planning permission has been granted. The planning permission states that the first floor balcony shall only be used between the hours of 12.00 and 21.00. Even these hours will cause significant disturbance and therefore request that the licence be kept to the minimum/shortest hours possible and that this establishment be closed in the evenings on as many days as possible too.

## **The Prevention of Public Nuisance**

This will create a public/noise nuisance for the following reasons:

My residential home is on the first floor of number 20, Victoria Parade.

My balcony adjoins the newly constructed balcony of this establishment.

I would request that this balcony should not be used at all.

The main bedroom window opens out on to my balcony and is within a few feet of the balcony next door. This will cause noise from late night drinkers and make it impossible to sleep next door to this.

Smokers may use this terrace and the smell of smoke will drift in to my bedroom window.

The noise from late night revellers will also be heard at the front of the building therefore preventing sleep.

The noise of police cars, ambulances etc coming to deal with disturbances and fights will encroach on the ability to enjoy my home as I have always done since 2003.

## **Public Safety**

This will also create a safety issue as it may be possible for late night drinkers to climb on to my balcony as they will be adjoining. The planning permission does require a privacy screen to be erected in accordance with details to be agreed however no such details have yet been submitted to the LPA or agreed. A basic screen will not provide any form of security due to proximity and anyone leaning forward would be able to see me on my balcony (my only outdoor amenity area) and could easily climb round.

I would not feel safe opening my bedroom window at night knowing there are drunk people just a few feet away.



I would not feel safe on my balcony at any time of the day if I am honest. This was a private place where I could sit and look at the view and also sunbathe in the summer. This will not be possible if there are drinkers on the balcony next to mine.

### **Protection of children from harm**

My daughter and son stay at my flat sometimes and my daughter has a young baby. It will not be safe to open the window at night for her or any other person/member of my family who has young children. Nor will it be safe for her to spend time on the balcony at any time of the day. Cigarette smoke would be also be harmful to her baby.

### **The Prevention of Crime and Disorder**

I acknowledge that Victoria Parade is in part a commercial area with a number of restaurants and bars, there are already notable problems of violence and rowdy behavior, sometimes involving the police. To allow this late license will add to this problem.

My flat will become vulnerable to burglars and the possibility of opportunistic criminal damage from the bar next door.

There are enough late night establishments on Victoria Parade that attract undesirable people and create problems for the police. I don't think Victoria Parade needs more of the same.

### **Summary**

I object strongly to the late license being granted for this premises for the reasons stated above.

In particular I object to the use of the new balcony by customers of the establishment.

If use of the balcony is to be permitted I request that the impacts are mitigated by the following:

A privacy and security screen is to be erected on the balcony to prevent overlooking and prevent the opportunity to climb onto my balcony. The screen to be provided before the balcony is brought into use.

Alcohol shall only be consumed on the balcony to persons seated at tables and provided by waitress service

The balcony shall only be used between the hours of 12.00 and 21.00 in accordance with the planning permission.

The owner shall provide a designated smoking area that is not on this balcony and smoking on the balcony shall be prohibited.

During any entertainment event involving live or recorded music (i.e., anything more than background music) the doors and windows at the first floor of the building shall be closed.

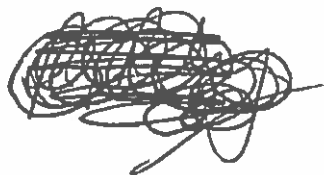
I understand that there should be a hearing within 21 days of you receiving this objection. Please can you make sure that you advise me of the date and time so that I may attend?

Please send an acknowledgement of receipt via email to:

~~020 7311 1234~~ or by post to the above address. Thankyou.

I look forward to hearing from you shortly.

Yours sincerely,

A large, dense, and somewhat illegible handwritten signature in black ink.A small, handwritten name or identifier, possibly "C. D. D.", in black ink.