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JG&P

John Gaunt & Partners

Licensing Solicitors

Our Ref: JRG/GK/FAR137  
Contact: John Gaunt

Torbay Council  
Licensing Officer  
Licensing and Public Protection  
c/o Town Hall, Castle Circus  
Torquay  
Devon  
TQ1 3DR

TORBAY COUNCIL  
08 MAY 2018  
COMMUNITY SAFETY

R011007  
£315

4 May 2018

Dear Sirs

**Farmhouse Tavern Pub & Carvery - Torquay, 130 Newton Road, Torquay, Devon, TQ2 7AD**  
**Applicant - Greene King Brewing and Retailing Limited**

We act for Greene King Brewing and Retailing Limited, on whose behalf we have applied for a transfer of the licence for the above and separately a minor variation to approve layout changes proposed. (Has there been any adverse feedback on that variation application?).

On our client's behalf, we now enclose by way of service on you Notice of Application for the variation of the Premises Licence for Farmhouse Tavern Pub & Carvery - Torquay together with our cheque in your favour in the sum of £315.00 being the fee payable. Kindly acknowledge safe receipt.

We confirm that we have served copies of the enclosed application and supporting documents on the relevant authorities being the Police, Fire Authority, Local Enforcement of Health & Safety at Work, Environmental Health Authority, Planning Authority, the relevant authority for Protection of Children from Harm, Weights and Measures, Immigration Enforcement and the Health Authority.

Please take this letter and enclosures as service on you as Licensing Authority and as a Responsible Authority. If you require a further copy of the documentation, please advise by return.

The variation comprises:

1. The advancement of the commencement time for licensable activities to 09.00.
2. The advancement of the opening hours of the premises to 07.00 to facilitate the service of breakfasts etc.
3. To modernise the Licence by the deletion of the existing conditions which appear at Annex 2 and Annex 3 to the Premises Licence and in substitution, those conditions set out at Section M in this application be imposed on the Licence.

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Jonathan Pupius

Practice Manager:

John Gaunt & Partners  
Omega Court  
372 - 374 Cemetery Road  
Sheffield  
S11 8FT

It is not anticipated that the licensing objectives will be adversely affected by this application.

For completeness, we enclose a copy of our notice being displayed on site. According to our calculations, the consultation period is due to expire on 4<sup>th</sup> June 2018. If you have any queries regarding this, please contact us upon receipt.

We should be grateful if you would forward to us any representations as soon as they are received to enable early consultation and discussion to take place.

Should you have any queries, please do not hesitate to telephone us. Please forward all correspondence to this office and quote our reference. In due course, please ensure that any licence issued is forwarded to us.

Thank you for your assistance.

Yours faithfully



**John Gaunt**  
**John Gaunt & Partners**  
**Email: [jgaunt@john-gaunt.co.uk](mailto:jgaunt@john-gaunt.co.uk)**

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## LICENSING ACT 2003

Application has been made by Greene King Brewing and Retailing Limited to the Licensing Authority of Torbay Council to vary the Premises Licence for the Farmhouse Tavern Pub & Carvery - Torquay at 130 Newton Road, Torquay, Devon, TQ2 7AD. The application includes the following terms:-

1. Variation to delete the existing conditions at Annex 2 and Annex 3 on the Licence and replace the same with a comprehensive range of new conditions as more particularised in the application.
2. The advancement of the commencement time for licensable activities to 09.00.
3. The advancement of the opening hours of the premises to 07.00 to facilitate the service of breakfasts etc.

Full details of the Application and the drawing can be viewed at the offices of the Licensing Authority at Torbay Council, Licensing and Public Protection, c/o Town Hall, Castle Circus, Torquay, Devon, TQ1 3DR.

A responsible authority or any other person can make written representations to the Licensing Authority at any time up to and including 4<sup>th</sup> June 2018 ([www.torbay.gov.uk](http://www.torbay.gov.uk))

It is an offence for anyone knowingly or recklessly to make a false statement in connection with a Licence Application. The maximum fine on summary conviction is unlimited.

Dated this: 4<sup>th</sup> May 2018

John Gaunt & Partners, Solicitors

**Application to vary a premises licence 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.

**We Greene King Brewing and Retailing Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.**

**Premises Licence Number**

456

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description

Farmhouse Tavern Pub & Carvery - Torquay, 130 Newton Road,

Post town  
Torquay

Post code  
TQ2 7AD

Telephone number of premises (if any)

01803 612 451

Non-domestic rateable value of premises

£24,400

**Part 2 – Applicant Details**

Daytime contact telephone number

Email address  
(optional)

Current postal  
address if  
different from  
premises address

Westgate Brewery

Post Town

Bury St Edmunds

Postcode

IP33 1QT

**Part 3 – Variation**

Do you want the proposed variation to have effect as soon as possible? Please tick ✓ yes   
If not do you want the variation to take effect from Day    Month    Year  

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If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see Guidance Note 1) yes     no

**Please describe briefly the nature of the proposed variation** (please read guidance note 2)

The premises have the benefit of a Premises Licence no 456.

The applicant is undertaking certain refurbishment works at the premises designed to improve the premises, the approval for which is being sought by way of a separate Minor Variation application. This application is intended to modernise the Licence by the deletion of the existing conditions which appear at Annex 2 and Annex 3 to the Premises Licence and in substitution, those conditions set out at Section M in this application be imposed on the Licence.

Other changes proposed within this variation application include:-

1. The advancement of the commencement time for licensable activities to 09.00.
2. The advancement of the opening hours of the premises to 07.00 to facilitate the service of breakfasts etc.

It is not anticipated that the licensing objectives will be adversely affected by this application.

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

### **Provision of regulated entertainment (Please see guidance note 3)**

- 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)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**E**

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	x
Day	Start	Finish		Outdoors	
				Both	
Mon	09:00	24:00		<b>Please give further details here</b> (please read guidance note 5)	
Tue	09:00	24:00			
Wed	09:00	24:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 6)		
Thur	09:00	24:00			
Fri	09:00	24:00	<b>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</b> (please read guidance note 7)  As per existing Licence		
Sat	09:00	24:00			
Sun	09:00	24:00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	x
Day	Start	Finish		Outdoors	
				Both	
Mon	09:00	24:00		<b>Please give further details here</b> (please read guidance note 5)	
Tue	09:00	24:00			
Wed	09:00	24:00	<b>State any seasonal variations for playing recorded music</b> (please read guidance note 6)		
Thur	09:00	24:00			
Fri	09:00	24:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 7)  As per existing Licence		
Sat	09:00	24:00			
Sun	09:00	24:00			

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon	23:00	24:00		<b>Please give further details here</b> (please read guidance note 5)	Both
Tue	23:00	24:00			
Wed	23:00	24:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur	23:00	24:00			
Fri	23:00	24:00	<b>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</b> (please read guidance note 7)  As per existing Licence		
Sat	23:00	24:00			
Sun	23:00	24:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption</b> <b>(Please tick box Y)</b> (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
Mon	09:00	24:00		<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)	Both
Tue	09:00	24:00			
Wed	09:00	24:00			
Thur	09:00	24:00	<b>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</b> (please read guidance note 7)		
Fri	09:00	24:00			
Sat	09:00	24:00			
Sun	09:00	24:00			

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 10)

None save for the presence of gaming machines, the use of which by a person under the age of 18 is not permitted.



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variation</b> (please read guidance note 6)          <b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)  As per existing Licence
Day	Start	Finish	
Mon	07:00	00:30	
Tue	07:00	00:30	
Wed	07:00	00:30	
Thur	07:00	00:30	
Fri	07:00	00:30	
Sat	07:00	00:30	
Sun	07:00	00:30	

**Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking**

**As above, the conditions on the existing Licence which appear at Annex 2 and Annex 3 should be deleted and in their place those conditions proposed at Section M of this application be imposed.**

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

The Licence is held by the Council already in connection with a Transfer and Minor Variation Application

## M

Describe the steps you intend to take to promote the four licensing objectives:

### **a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

We have undertaken our own risk assessment to propose the following steps:-

The steps which we have identified in relation to the four licensing objectives are listed below

### **b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below

1. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcohol and other drinks may not be removed from the premises save for consumption in the external areas provided.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

### **c) Public safety**

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

### **d) The prevention of public nuisance**

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Any external areas shall not be used for the sale or consumption of food or drink between the hours of 23.00 and 10.00 the following morning.
4. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
5. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

**e) The protection of children from harm**

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
3. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function.
4. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
5. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
6. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
  - I have sent copies of this application and the plan to responsible authorities and others where applicable
  - I understand that I must now advertise my application
  - I have enclosed the premises licence or relevant part of it or explanation
  - I understand that if I do not comply with the above requirements my application will be rejected

**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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....

Date: 4 May 2018 .....

Capacity: Solicitors .....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (Please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....

Date: .....

Capacity: Solicitors .....

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

John Gaunt & Partners  
Omega Court  
372 Cemetery Road

**Post town**  
Sheffield

**Post code**  
S11 8FT

**Telephone number (if any)**  
0114 266 8664

**If you would prefer us to correspond with you by email your email address (optional)**  
jgaunt@john-gaunt.co.uk