

Memorandum

To:	From	: Community Safety
c.c	Contact	: Mr Karl Martin
c.c.	Ext	: 01803 208025
c.c	My Ref	: 1ZV SRU No: 180209/KJM
For the attention of: Licensing Steve Cox	Your Ref Date	: : : 20 September 2012

Subject: Premises– Licensing Act 2003
**Premises Name & Address: Minerva Hotel, , 3 Adelphi Road,
Paignton, Devon, TQ4 6AW**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

I wish to object to the above named application as I do not believe the application supports the licensing objective 'Prevention of Public Nuisance'.

The Minerva guest house is flanked by residential flats next door and surrounded by B&B's, Guest Houses and small hotels. The street can be regarded as a mixed residential area as it predominately provides sleeping accommodation for visitors.

Torbay Councils Licensing Policy leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.' **Licensing Statement of Principles, Torbay Council, 2011, p37-38.**

The applicant has not convinced me the application has considered Torbay council Licensing Statement of Principles sec 3.3. This is evident by the lack of clarity in how the applicant is going to control noise nuisance arising from the proposed activities being

applied for. These concerns are also echoed in representations made by local residents. Specifically the applicant has failed to address the following points:

1. No clarity on the how the front of the building is going to be used. Is this the smoking area? How will noise from patrons using this area be managed? Will be patrons be allowed to consume alcohol in this area until midnight 7 days a week.
2. No consideration given to taxi arrangements or people arriving and leaving the premises.
3. No details provided for parking arrangements.
4. Has the applicant considered the neighbours and character of the surrounding area?
5. The operating schedule states an extractor system is to be installed but does not mention to what specification. How will the operator ensure the extractor does not cause a smell or noise nuisance, no mention of maintenance schedules?
6. The operating schedule refers to to waste storage but does not offer any detail. When will bottles be emptied?

This applicant in making this application has not considered how the premises will impact on the local community and therefore I have concluded this application does not promote the licensing objective 'The prevention of public nuisance'. In accordance I recommend the Licensing Sub-Committee give their due consideration to the following recommendations:

1. Refuse the application on the grounds the application does not promote the licensing objective 'The prevention of public nuisance' in accordance with Licensing statement of principles.

Alternatively:

2. Reduce supply of alcohol to non-guest from 6:00 p.m. 11:00 p.m. Sunday-Friday and Saturday from 10:00 a.m. to 11:00 p.m.
3. Attached necessary and/or appropriate conditions to the license to address concerns of the local community and Environmental Protection.

Mr Karl Martin
Public Protection Officer