



Clerk: Lisa Antrobus  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
Date: Tuesday, 10 May 2016

Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**LICENSING SUB-COMMITTEE - THURSDAY, 12 MAY 2016**

I am now able to enclose, for consideration at the Thursday, 12 May 2016 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
6.	<b>An application for a Variation to a Premises Licence in respect of Lime Tree, 9-11 Dartmouth Road, Paignton TQ4 5AA</b>	(Pages 2 - 6)

Yours sincerely

Lisa Antrobus  
Clerk

# Agenda Item 6

## Statement of James Stapleton

### Lime Tree, 9 – 11 Dartmouth Road, Paignton TQ4 5AA

I, James Stapleton of the Lime Tree, 9 – 11 Dartmouth Road, Paignton TQ4 5AA will say as follows : -

1. I am the Designated Premises Supervisor and Tenant of the Lime Tree, 9 – 11 Dartmouth Road, Paignton, Devon TQ4 5AA. Star Pubs & Bars Limited own the Freehold of these premises and also currently hold the Premises Licence. I understand that they had been seeking a Tenant for the premises for some time before agreeing last year that I would take on the Tenancy of the premises. I understand the previous Tenancy had been forfeited and that whilst seeking a new Tenant a holding company called Pub Solutions became responsible for the premises and as often happens with such companies there followed a succession of Designated Premises Supervisors. Whilst I agreed to enter a Tenancy last year with Star Pubs & Bars Ltd, the premises were not in fact handed over until a few weeks ago following a £220,000.00 refurbishment. I can confirm that the Lime Tree is not a managed house despite this being suggested by both the Police and the Environmental Health Officer. I have signed a five year rolling agreement and would agree with the Authorities that it is far from ideal having a swift succession of individuals coming in and out of a premises although on occasions this is unavoidable. I can assure you that the revolving door of Designated Premises Supervisors will now stop. I am now operating these premises and I have been doing so for a number of weeks. I understand the venue has so far as I am aware run without incident or complaint and I can confirm that live music has been provided regularly throughout the week.
2. As already mentioned the premises have had a significant refurbishment and are proposing to be a far more family friendly venue, with a substantial food offering as well as regulated entertainment including live music, karaoke and quizzes.
3. The venue wishes to have the flexibility to operate for increased hours in line with other premises in the area including both Winston's and the Crazy Horse. In reality it is anticipated that the extra hours will be predominately used at weekends and on high days and holidays.
4. It is acknowledged that later opening venues are more likely to require additional conditions to those closing early and you will note that these premises already have a 02:00 Licence approved by the Authority. Given this it was considered that the conditions on the Licence were sufficient, the same issues likely to arise between premises opening until 02:00 as for premises opening until 04:00.
5. However, with regard to the Police representations I can confirm that : -
  1. I am agreeable to a condition being added to the Licence so that when CCTV is inoperable the Police are notified. You should note that there is an extensive CCTV system currently operated at the premises and

should there be any further detail required of the system installed I am very happy to supply those details to the relevant authority.

2. With regard to door staffing, the premises have been operating with one door staff per 75 customers. The door staff already wear high visibility jackets and stay on duty until after the premises close to ensure safe dispersal of all customers in a safe, quiet and orderly manner.

Whilst we do not currently employ female door stewards we always have female management available at all times and will continue to reassess our door staffing policies, including the need for a female steward.

3. The Premises have already implemented a Think 25 policy which all staff are fully trained on and regularly briefed upon.
4. Our staff are fully trained on underage drinking through an e-learn course prior to starting their employment. Again, they will be regularly briefed on this.
5. I will happily join and actively participate in local Licensing meetings with the Police and the Licensing Authority and am more than happy to provide details of individuals involved in violence or potential violence on the premises. I can confirm I am currently an active member of Paignton Licensing Forum Group on Facebook.
6. The Premises currently implement an incident logging system and we believe this is in accordance with the Licensing Statement of Principles but I am very happy to discuss this with the Police and make any necessary changes.
7. Again, all staff complete an e-learn course on drugs awareness and I can also confirm there is a written drugs policy in place.
8. I can confirm that staff complete the Award for Licenced Premises Staff which provides an understanding of the responsibility to sell alcohol lawfully and responsibly. The course explains the basics of Licensing Law and focuses on the importance of responsible retailing and not selling alcohol to underage customers or to people who are drunk. Further details of the ALPS training can be provided if required.
9. For clarification the capacity of our premises is 250 persons however this is not on the Premises Licence and I would not propose for a capacity level to appear on the Licence as I understand that the Fire Risk Assessment may always change depending on the fire regulations and accordingly it can be perverse to have a Licence which permits more people than the Fire Risk Assessment allows on a Licence.
10. Should later hours be agreed our proposal is that events will wind down from 02:00 to avoid large crowds leaving at the end of the evening altogether. Should there still be a large number of people at the end of the night then our dispersal policy will be implemented whereby three separate exits will be utilised. A copy of our dispersal policy is also attached.

6. In relation to the representation received from Environmental Health again I can confirm that we have been open for a number of weeks and so far as I am aware no complaints have been received about noise emanating from these premises. I also note from the representation that there have only been seven noise complaints since 2008 for what is already a later opening premises. Whilst any complaints are unacceptable it does not suggest to me that there has been a history of issues at these premises. However, now that I have taken over these premises I can assure all parties that every effort will be made to ensure that no noise emanates from these premises to cause a nuisance.
7. As already mentioned, whilst regulated entertainment has been requested until 04:00 it proposed that later opening will predominately be at weekends and it is highly unlikely that live music would ever be played after 02:00. As is already required, all external windows and doors will be closed whilst regulated entertainment takes place and we are to reinstate the main external door being closed reintroducing an effective sound lobby. Given this, we will ensure that all door and bar staff are trained to ensure that at least one of the doors is always closed.
8. I can confirm we have an in-house PA system which already has a pre-set limiter installed. I am the only person who knows the passcode for the limiter and so this cannot be altered by anybody else. Should there be any concerns in relation to the volume emanating from these premises, it will be very easy for Environmental Health to ensure that the limiter is set at an appropriate level. I believe the limiter is already set at an acceptable level given that there have been no complaints to date however should there be any issues in the future these can be very easily rectified.
9. I can confirm there is signage in place to ask all customers to ensure that they leave the area quietly. I can also confirm that the door, bar and entertainment staff regularly remind and prompt customers to leave quietly and to respect our neighbours. This message is also announced on the PA at the end of the evening.
10. There is a condition on the Licence which prohibits glasses or bottles being allowed outside after 23:00 and staff are trained to ensure this condition is complied with. Our smokers have to remain within the boundaries of the beer garden and again this is policed by door and bar staff. I have already mentioned that we have a dispersal policy.
11. Customers choosing to smoke will not be leaving the premises and so will automatically be readmitted however due to the last entry system when the premises are open beyond 01:00 a stamp or dated ticket system will be used.
12. I can provide to the Committee the decibel metre log book and as already mentioned there is a sound limiter in place which will ensure that we comply with the Licensing objective to prevent public nuisance.
13. The premises have very recently had a considerable refurbishment and I anticipate that members of the Committee will be aware of how consuming such a major project can be. No disrespect was ever intended by not discussing this application prior to its submission. When the application was made it was explained by the Licensing Officer that Torbay Council do not permit amendments to an application to be made once it has been submitted and it was suggested that the application perhaps be withdrawn and resubmitted. I discussed this proposal with my Solicitor. Given that

we understood a 04:00 Licence was likely to be controversial and that it was more likely than most applications to go to hearing in any event, it was decided that we would press on with our application without further delay and respond to the specific points raised by the Authorities should representations be received.

14. I have checked with the Solicitor dealing with this matter and my Area Manager and at no point did they say simply put the application in and see what happens. I acknowledge that it would have been helpful to have had further discussions with the Responsible Authorities but hope that having concentrated on opening the premises and formulating the policies was time well spent. We can now confirm that the premises have been operating for a number of weeks without concern. We believe the policies we have implemented will ensure that should the premises be permitted to open until later then the Licensing objectives will be met.
15. I have invested a considerable amount into these premises and agree with the Authorities that a permanent Lessee is preferable to a revolving door of temporary tenants. Having invested so much into this project I am seeking the flexibility to be able to operate until later. Live music is not proposed to take place after 02:00 and it is expected that the later hours are likely to be predominately used at weekends. I believe that the policies implemented are appropriate but can assure that I do wish to cooperate with the Responsible Authorities and I am very open to any recommendations they wish to make.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Signed  .....

Dated 06/05/2016 .....

James Stapleton

### The Lime Tree Dispersal Policy

The Lime Tree operate a 'good neighbour' policy, and want to ensure all our neighbours are respect.

We operate a dispersal policy to ensure that the premises and its neighbours are well managed.

The policy is as follows:

- A 30 minute drinking up time which is incorporated into the license; which assists with the gradual dispersal of all customers.
- A strong management and staff presence, including door stewards, throughout the customer areas during the closing up period. They will be prompting and reminding all customers to respect our neighbours and leave quietly.
- Providing relevant information to customers who require a taxi or directions
- Playing only background music during the wind down time allowing customers voices to lower as they will not of been talking against loud music. This eases loud shouting customers leaving the premises.

This dispersal Policy will be implemented by all management, staff & door stewards.