



Wednesday, 8 January 2020

## LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 16 January 2020**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Ellery  
Councillor Kavanagh

Councillor Mills

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**A prosperous and healthy Torbay**

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**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 3 - 11)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 21 November 2019, 28 November 2019 and 5 December 2019.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Richie Indian Restaurant and Takeaway, 4 Braddons Hill Road West, Torquay TQ1 1BG** (Pages 12 - 34)  
To consider an application for a Premises Licence in respect of Richie Indian Restaurant and Takeaway, 4 Braddons Hill Road West, Torquay.



## Minutes of the Licensing Sub-Committee

21 November 2019

-: Present :-

Councillors Atiya-Alla, Ellery and Kavanagh

**9. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

**10. Minutes**

The Minutes of the meeting of the Sub-Committee held on 24 October 2019 were confirmed as a correct record and signed by the Chairman.

**11. Anchorage Hotel, Aveland Road, Torquay TQ1 3PT**

Members considered a report on an application for a Variation to a Premises Licence in respect the Anchorage Hotel, Aveland Road, Torquay. The Premises do not fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'	28 October 2019
Members of the Public	42 Representations were received from Members of the Public who are objecting to the application on the grounds of "The Prevention of Crime and Disorder", "The Prevention of Public Nuisance", "Public Safety" and "The Protection of Children from Harm".	Various dates
Members of the Public	5 representations were received from Members of the Public who are supporting the application relating to the Licensing Objectives of "The Prevention of Crime and Disorder", The Prevention of Public Nuisance" and "Public Safety".	Various dates

**Additional Information:**

With the agreement of the Chairman, the time for oral representations was extended to 15 minutes.

Members were made aware that the exemptions of the Live Music Act apply in relation to this licence.

**Oral Representations received from:**

Name	Details
Applicant	The Applicant presented their application and responded to Members questions.
Public Protection Officer	The Public Protection Officer presented their representation in respect of the application and responded to Members questions.
Members of the Public	11 Members of the Public presented their objections to the application.

**Decision:**

That the application for a Variation to a Premises Licence in respect of the Anchorage Hotel, Aveland Road, Torquay be refused.

**Reason for Decision:**

Having carefully considered all the written and oral representations, Members unanimously resolved to refuse the application.

In coming to that decision, Members noted the concerns raised by members of the public and were satisfied on the evidence before them, notwithstanding that these premises had the benefit of the exemptions under the Live Music Act 2012, that noise nuisance was occurring from this premises which in turn was causing 'The Prevention of Public Nuisance licensing objective to be undermined. To grant the variation application as applied for at this stage, would seek in Member opinion, only to extend the hours of noise nuisance being complained of.

Members had regard to the written and oral representation from the Public Protection Officer (PPO) and whilst it was noted that only two complaints about noise had been received by the PPO since June 2019, Members were satisfied that the premises were aware of residents' concerns, as a number of them told how they had complained to staff at the premises directly. It was of concern to Members that the premises licence holder had not put mitigating measures in place sooner to address and alleviate these concerns.

It was however noted by Members, that at the meeting the premises licence holder apologised for causing these concerns and stressed that it was never their

intention to upset anyone and that they wanted to work with their neighbours to address and prevent these concerns from continuing.

It was apparent to Members that the objections to this application related primarily to noise from regulated entertainment, patrons frequenting the premises outside areas and the dispersal of those patrons at closing time, in to what is a quiet neighbourhood, especially after 11pm.

Members noted the recent efforts by the Applicants', in installing air conditioning, employing the services of a noise consultant, designating a smoking area and the purchase of a smoking shelter. However Members could not be satisfied that these efforts alone would ensure that the premises future operations would not continue to undermine 'The Prevention of Public Nuisance' licensing objective.

In determining that, Members noted the absence of any dispersal plan detailing mitigating measures for events, especially those finishing after 11pm, that the noise consultant findings had not yet concluded and therefore the implementation of those findings were not set out for Members consideration, the assured control of patrons using the premises outside areas, especially after 9pm were not detailed enough; and whilst it was pleasing to note that a noise limiter was being fitted at the premises, this had not yet been tested and levels set in consultation with and agreed by the Council's PPO. Therefore Members could not be satisfied that noise nuisance from amplified music and patrons would not continue to unreasonably disturb nearby residents should this application be granted.

Members had further regard to the PPO representation when determining to refuse the application, in that air conditioning alone is not working to control noise outbreak from the premises function room and that the fabric of this part of the building was not built with material which would deaden amplified breakout and therefore additional measures were required which at this time, were not in place or had not been tested.

Members had particular regard to page 40 of the Council's Licensing Policy and noting the geographical area in which this premises is situated, which is predominantly residential, and they could not with clear conscious grant the application as applied for, as to do so would in their opinion, undermine 'The Prevention of Public Nuisance' licensing objective and cause further disturbance to nearby residents.

In concluding, Members gave careful consideration to what if any conditions could be added to the premises licence, as an alternative to refusal of the application but in doing so, determined that the application appeared to them to be somewhat premature as there were number of yet to be determined findings or detailed operational plans written up and to add conditions at this stage, may change that intended by the Applicants and therefore resolved that a refusal of the application as it stood, was an appropriate and proportionate determination.



## Minutes of the Licensing Sub-Committee

28 November 2019

-: Present :-

Councillors Doggett, Ellery and Kavanagh

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### 12. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 13. Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence

At the request of the Respondent and with the agreement of the Chairman item 5 was deferred to the Licensing Sub Committee on 5 December 2019.

### 14. Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence

Members considered a report that sought a review of a Torbay Council Dual Hackney Carriage and Private Hire Drivers' Licence. The Licensing Officer advised Members that Mr Piewiszko had failed to meet specific requirements as set out in the current Hackney Carriage and Private Hire Licensing Policy 2018 to 2022, by allowing his DVLA driving licence to expire and continuing to drive passengers for over a five month period.

At the hearing, Mr Piewiszko set out the circumstances to this advising Members that he hadn't received the reminder letter from DVLA and that failure to renew his DVLA licence was a genuine mistake on his part.

#### **Decision:**

That Mr Piewiszko be formally warned in writing and that this warning shall remain in situ for a period of 12 months and that should any further issues of concern arise within that 12 month period which requires Mr Piewiszko to appear again before a Licensing Committee, Members of that Committee shall be made aware of this written warning; and

That Mr Piewiszko read and familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued to him and that he keeps a copy of the said Policy in the licensed vehicle at all times when on duty as a licensed driver for future reference; and

That Mr Piewiszko's Drivers Licence suspension be lifted with immediate effect and his licence and plate be returned to him forthwith.

**Reasons for the Decision:**

Having carefully considered all of the written and oral representations, Members resolved that Mr Piewiszko should receive a formal written warning in this instance, having been satisfied on all the evidence before them, that this was a genuine mistake by him and that once it was known to him that his driving licence had elapsed, Mr Piewiszko acted immediately to remedy this.

Members were further satisfied that Mr Piewiszko had shown genuine remorse for this oversight and that he had not driven as a licensed driver since his immediate suspension.

Members further noted that there has never been any issues of concern with regards to Mr Piewiszko in the 13 years he has been a driver licensed by Torbay Council and the excellent oral character reference put forward by the owner of the company he works for who took it upon himself to attend the hearing in support of Mr Piewiszko.

In concluding, Members were reassured that the circumstances in which Mr Piewiszko appeared before them was out of character for him and therefore resolved a formal written warning was appropriate and proportionate in this instance.

**15. Exclusion of the Press and Public**

Prior to consideration of the item in Minute 16, the Chair decided that it was in the best interests of the public for the press to hear this item.

**16. Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence**

Members considered a report that sought a review of a Torbay Council Dual Hackney Carriage and Private Hire Drivers' Licence. The Licensing Officer informed Members that the review followed receipt of a number of penalty points received for two separate offences over a 4 day period and a failure by Mr Dooley to report these latest endorsements to the Licensing Authority, as required by Torbay Council's current Hackney Carriage and Private Hire Licensing Policy 2018-2022.

At the hearing, Mr Dooley set out the circumstances to his conviction and explained that the endorsements were received at a time when he was going through very difficult personal circumstances.

**Decision:**

That Mr Dooley's Torbay Council Dual Hackney Carriage and Private Hire Drivers Licence be suspended with immediate effect for a period of three months. During

that period of suspension, Mr Dooley must successfully complete a RoSPA (Royal Society for the Prevention of Accidents) Advanced Driving Test, as approved by the Driver Vehicle & Licensing Agency and provide evidence of its successful completion to the Council's Licensing Department.

The final date to which the test must be successfully completed is midnight on the 28<sup>th</sup> February 2020. Failure to successfully complete the test by the set date will result in Mr Dooley's Dual Hackney Carriage and Private Hire Drivers Licence being revoked with immediate effect; and

That Mr Dooley re-reads and familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued to him and that he keeps a copy of the said Policy in any licensed vehicle when on duty as a licensed driver for future reference.

### **Reasons for the Decision:**

Having carefully considered all of the written and oral representations, Members resolved to suspend Mr Dooley's driver's licence for a period of 3 months with immediate effect, as they could not be satisfied at this time that he remains a fit and proper person to hold a Torbay Council Dual Hackney Carriage and Private Hire Drivers Licence.

Members noted that Mr Dooley had committed two separate speeding offences on 11 March 2019 and 15 March 2019, receiving a total of 7 points on his DVLA licence, taking his current total to 13 penalty points. Mr Dooley failed to notify Torbay Council of both offences. Members heard that where a licensed driver receives more than 9 penalty points on their DVLA licence that are current at any given time, that that driver will be required to appear before a Licensing Sub-Committee, meaning that Mr Dooley should rightly have been before a Licensing Sub-Committee back in March 2019. The offences from March 2019 were discovered by routine checks of the DVLA driving records of all licensed drivers by a Council Officer in the Licensing Department and had these offences not been discovered by that Officer, it is likely that Mr Dooley offences would not have come to light.

Members heard from Mr Dooley who explained that none of the penalty points had been picked up whilst he was working as a licensed driver and that he had no previous offences or issues with the Licensing Authority. Mr Dooley informed Members of the mitigating circumstances surrounding the two offences in March 2019, and Members took this into account when reaching their decision.

When Mr Dooley was asked why he hadn't notified Torbay Council about the penalty points following the hearing at Newton Abbot Magistrates Court on 16 October 2019, Mr Dooley submitted that he was waiting for written confirmation. Members found this response to be disingenuous, as Mr Dooley would have been made aware of the outcome of these offences when he appeared before the Court on the 16 October 2019 and it was at this stage, that he should have notified the Council.



Members also heard that Mr Dooley had completed a Drivers Awareness Course following a driving offence in July 2017 and that the Licensing Authority had been made aware of this offence. It was of concern to Members that despite undertaking this course, Mr Dooley found himself before them and that it was reasonable for them to have expected a higher standard of care of a driver licensed by Torbay Council.

When reaching their decision, Members considered Mr Dooley's mitigating circumstances and noted that the two speeding offences in March 2019 were within a four day period and that no further such offences have been committed since. However Members could find no reasonable justification for the delay in contacting the Council to make them aware of these offences.

Members also noted and took in to consideration Mr Dooley previous good record with the Council, aside from the offence in July 2017 and that he recognised the potential risk of being in an emotional state and therefore chose not to work on the days where this risk was present. Members resolved that the incidents in March 2019 were based on personal circumstances at that time and with the successful completion of the RoSPA (Royal Society for the Prevention of Accidents) Advanced Driving Test, they were satisfied that Mr Dooley would become a fit and proper person again to be a driver licensed by Torbay Council.

In concluding, Members determined that Mr Dooley's Drivers Licence be suspended with immediate effect to ensure public safety and without the completion of the RoSPA (Royal Society for the Prevention of Accidents) Advanced Driving Test, Members believed that Mr Dooley remained a real risk as his personal circumstances put forward by him as mitigation, were yet to be concluded and that he had not changed his behaviour following his attendance on a drivers awareness course in 2017.

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Chairman/woman



## Minutes of the Licensing Sub-Committee

5 December 2019

-: Present :-

Councillors Ellery, Doggett and John Thomas

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### 17. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 18. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillors John Thomas and Doggett instead of Councillors David Thomas and Mills.

### 19. Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence

Members considered a report that sought a review of a Torbay Council dual Hackney Carriage and Private Hire Drivers Licence. The Licensing Officer advised Members that the review followed receipt of a number of penalty points by Mr Cree and a failure by Mr Cree to report these endorsements to the Licensing Authority, as required by Torbay Council's current Hackney Carriage and Private Hire Licensing Policy.

At the Hearing, Mr Cree set out the circumstances to the convictions and explained that whilst he was aware of the convictions, he had no good reason for not notifying the Licensing Authority.

#### **Decision:**

That Mr Cree's Dual Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that this revocation shall have immediate effect in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

#### **Reason for Decision:**

Having carefully considered all of the written and oral representations, Members resolved to revoke Mr Cree's drivers licence with immediate effect as they could not be satisfied that he is a fit and proper person to hold a Torbay Council Dual Hackney Carriage and Private Hire Drivers Licence.

Members noted that Mr Cree had committed three separate speeding offences within a 12 day period in February and March 2019, receiving a total of 9 penalty points on his DVLA licence. Mr Cree failed to notify Torbay Council of any of the offences. Members heard that where a licensed driver has 9 penalty points on their DVLA licence at any given time, that the driver will be required to appear before a Licensing Sub Committee, meaning that Mr Cree should rightly have been before a Licensing Sub-Committee back in March 2019. The offences from February 2019 and March 2019 were discovered by routine checks of the DVLA driving records of all licensed drivers by a Council Officer in the Licensing Department and had these offences not been discovered by that Officer, it is likely that Mr Cree's offences would not have come to light when they did.

Members heard from Mr Cree who explained that none of the penalty points had been picked up whilst he was working as a licensed driver and that he had no previous offences during his 10 years as a licensed driver. Mr Cree explained that whilst he held the drivers licence, he hadn't been working as a taxi driver for two and a half years.

When Mr Cree was asked why he didn't notify Torbay Council of the offences in order to comply with the terms of the Licensing Policy, Mr Cree replied "Out of sight, out of mind – I have another job and I wasn't thinking about taxiing". Members found this response to be flippant and of great concern, as notwithstanding alternative employment, Mr Cree has chosen to keep his driver's licence and to say that matters were 'out of sight and therefore out of mind', fell below the standard of care they could reasonably expect of a driver licensed by Torbay Council.

Mr Cree showed no remorse for the offences and was not forthcoming in apologising for his conduct which in Members opinion, failed to reassure them that Mr Cree would not repeat such offences and therefore could place the public at risk.

On the evidence before them and the lack of persuasive mitigating circumstances surrounding the offences, Members could not be satisfied that suspending Mr Cree's drivers licence and determining that he should undertake a drivers awareness course would ensure that subsequently Mr Cree would become a fit and proper person to hold a Torbay Council drivers licence.

In determining that the revocation should be with immediate effect, Members noted the absence of persuasive mitigating circumstances surrounding the offences, the number of offences in a very short period, the flippant comment in respect of 'out of sight and out of mind', and the apparent lack of remorse and determined that it was appropriate in the interest of public safety to do so.



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Richie Indian Restaurant and Takeaway, 4 Braddons Hill Road West, Torquay TQ1 1BG

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

**16<sup>th</sup> January 2020**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence. The Premises is situated with the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
  - (a) to grant the licence subject to
    - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the Premises Supervisor;
  - (d) to reject the application.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

## **2. Introduction**

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:-

To allow recorded Music from midday until 23.30 indoors 7 days a week. Also on Christmas Eve from midday until 01.00; Boxing Day midday until midnight; New Year's Eve midday until 02.00.

The Supply of Alcohol on the premises from midday until 23:00 7 days a week. Also on Christmas Eve from midday until 01.00; Boxing Day midday until midnight; New Year's Eve midday until 02.00.

To be open to the public from midday until 23.30 indoors 7 days a week. Also on Christmas Eve from midday until 01.00; Boxing Day midday until midnight; New Year's Eve midday until 02.00.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Protection of Children from Harm". This is shown as Appendix 2.

There have been no other Representations received from any other Responsible Authority or any Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-

- (a) The holder of the licence against any decision
  - (i) to impose conditions on the licence, or
  - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
- (b) Any person who made a relevant Representation who desires to contend
  - (i) that the licence ought not to have been granted, or
  - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

2.7 Following such Appeal, the Magistrates' Court may:-

- (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

**Steve Cox**  
**Environmental Health Manager (Commercial)**

### **Appendices**

Appendix 1 Details of the application.

Appendix 2 Representation from the Police.

### **Documents available in Members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016-2021.



- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Subramanian			First names <del>Subramanian</del>		
Date of birth 04/03/1980		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality Indian					
Current residential address if different from premises address		4, Braddons Hill Road West			
Post town	Torquay		Postcode	TQ1 1BG	
Daytime contact telephone number			<del>01392 222222</del>		
E-mail address (optional)		<del>01392 222222</del>			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	5	10 20 19

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>I run an Indian restaurant and take away in Torquay town centre.</p> <p>It has two floors but currently it is only the ground floor in use.</p> <p>It was previously used by a different company, it was previously a licensed premises but it was used over both floors.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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)

**Supply of alcohol** (if ticking yes, fill in box J)

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12.00	23.30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	12.00	23.30			
Wed	12.00	23.30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	12.00	23.30			
Fri	12.00	23.30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	12.00	23.30			
Sun	12.00	23.30			

CHRISTMAS EVE 12.00 TO 01.00  
BOXING DAY 12.00 TO 24.00  
NEW YEAR'S EVE 12.00 TO 02.00

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> <u>- please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed					
	12.00	23.00			
Thur					
	12.00	23.00			
Fri					
	12.00	23.00			
Sat					
	12.00	23.00			
Sun					
	12.00	23.00			
			<u>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</u> (please read guidance note 6)		
			CHRISTMAS EVE 12.00 TO 01.00 BOXING DAY 12.00 TO 24.00 NEW YEAR'S EVE 12.00 TO 02.00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Jothi Lakshmi <b>SUBRAMANIAN</b>	
Date of birth 04/03/1980	
Address Richie Indian Restaurant And Takeaway 4, Braddons Hill Road West Torquay	
Postcode	TQ1 1BG
Personal licence number (if known) PA3469	
Issuing licensing authority (if known)	

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 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>CHRISTMAS EVE 12.00 - 01.00            BOXING DAY 12.00 - 24.00            NEW YEARS EVE 12.00 - 02.00</p>
	12.00	23.30	
Tue			
	12.00	23.30	
Wed			
	12.00	23.30	
Thur			
	12.00	23.30	
Fri			
	12.00	23.30	
Sat			
	12.00	23.30	
Sun			
	12.00	23.30	

## M

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

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

- A clear and legible notice outside the premises indicating:- the normal hours under the terms of the premises license during which licensable activities are permitted.
- The maximum occupancy of the building or venue at any one time will be restricted in respect of certain areas, parts or floors as specified by the Fire Authority.
- The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupancy of 32 (such number is inclusive of staff and performers working at the premises).
- As far as is practical, that persons on or leaving the Premises and using adjacent car parks and highways will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.

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

- CCTV has been installed, will be operated and maintained.
- CCTV images are retained for a minimum of 14 days and can be produced on the request of the police.
- The CCTV system is operational at all times whilst the premises are trading.
- If the system is faulty or not working then the police will be informed immediately. Details of the malfunction will be recorded in the premises incident book.
- Warning notices will be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances will be placed on the exterior of the building at, and adjacent to, all public access doors. All signs will comply with the requirements of the Data Protection Act 2002.

- An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. The incident book will be kept on the premises at all times and will be available for inspection.
- No one carrying open or sealed bottles or glasses will be admitted to the premises at any time.
- No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.

**c) Public safety**

- An appropriate method will be used for checking the number of people entering and leaving the premises and ensuring that once the maximum occupancy is reached, no further persons are admitted.
- The licence holder or people authorised by them will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.
- The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
- The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
- Free drinking water will be made available at all times the premises is open to the public.
- The telephone numbers of local taxi operators will be prominently displayed at the premises for the benefit of customers.
- All bottles and glasses and rubbish will be removed from public areas on a regular and frequent basis.
- The electrical and gas systems at the premises will be inspected and tested annually by a competent person and a satisfactory safety report obtained.
- All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
- The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.
- An adequate and appropriate supply of first aid equipment and materials will be available on the premises.

**d) The prevention of public nuisance**

- The licence holder will ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
- Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exists.
- The licence holder, or persons authorised by them, will control the volume of the premises.

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

- A proof of age policy will be enforced.
- A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol will be asked for identification.
- The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.

**Checklist:**

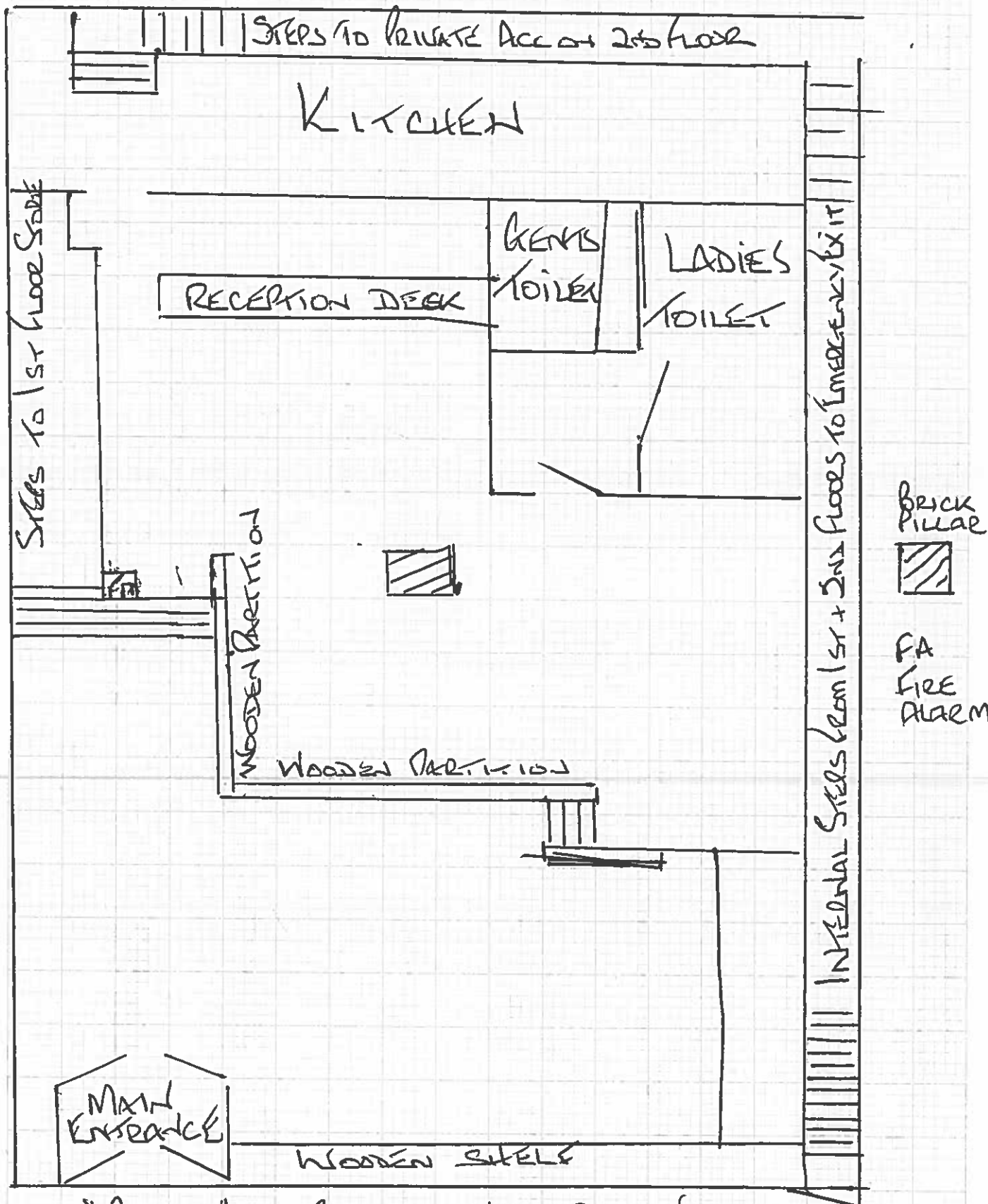
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF**





"RICKIE" 4 BRADSONS HILL ROAD WEST  
 GROUND FLOOR PLAN FOR LICENCED AREA  
 Page 25



Devon & Cornwall Police

Licensing Team  
Torbay Council  
C/O Torquay Town Hall  
Castle Circus  
TORQUAY  
TQ1 3DR

Licensing Department  
Devon and Cornwall Police  
Police Station  
South Street  
TORQUAY TQ2 5AH

Telephone: 01803 218900

10 December 2019

Dear Sir/Madam

**Ritchie Indian Restaurant and Takeaway, 4 Braddons Hill Road West, Torquay**

I refer to an application for the Grant of a Premises Licence in respect of the above named premises submitted by ~~Robert Andrew Subramanian and Christopher David Devedon~~.

This premises is situated within the Torbay Council Cumulative Impact Area.

Prior to the submission of this application, in August 2019, I received an email from ~~Robert Andrew Subramanian~~ on behalf of the applicants and as a result of that I responded with a list of 7 proposed conditions that I requested be included within the applicant's application. The applicants have now submitted their application, but have not included my proposed conditions within this.

The application indicates that the premises will be run as an Indian restaurant and takeaway but this is not reflected within the application, which does not mention the availability of food or indicate that persons attending the premises will be seated. The application does contain reference to the adoption of an age verification policy however the applicants proposal is not clear as it states Challenge 21/25. Furthermore, the application makes no reference to staff training which is imperative to ensure that staff are aware of their responsibilities in relation to the sale of alcohol.

The police consider that to ensure that this premises does not have an adverse impact on any of the Licensing Objectives, particularly as they are situated within your Cumulative Impact Area, the below conditions should be added to the licence:

1. Alcohol will only be consumed by persons seated at tables.

Contact the police

Emergency 999

Non-emergency  [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

 101@dc.police.uk  101

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2. Substantial food in the form of table meals will be available throughout the times the premises are open to the public.
3. Drunkenness and disorderly behaviour will not be tolerated.
4. All staff shall receive training in relation to their responsibilities under the Licensing Act 2003, at the commencement of employment, with refresher training being provided thereafter on a 6 monthly basis. Records of all training will be maintained, shall be kept on the premises for a period of 12 months and be available for inspection by any representative of a responsible authority on demand.
5. The premises shall operate a Challenge 25 Policy whereby any individual who appears under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
6. Challenge 25 posters will be on display within the premises.


For your information, my original proposed conditions included a condition in relation to the management of the Pavement Café Permit area, but as the application does not include any outside area, this condition is no longer sought.

On 10 December 2019 I again emailed ~~Mark Poley~~ asking whether the applicants agree to add the above conditions to their application, and ~~Ms Sarah Subramaniam~~ has confirmed that she is happy with this. A copy of this email is attached for your information.

As an agreed position has been reached in this matter, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (6 April 2018) the police do not consider that a hearing is necessary in relation to this application, unless contested representations are received from other responsible authorities or members of the public.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully



---

Julie Smart  
Police Licensing Officer – Torbay

**SMART Julie 50403**

---

**From:** ~~Joanne Baye@smart.com~~  
**Sent:** 10 December 2019 10:43  
**To:** SMART Julie 50403  
**Subject:** Re: FW: Premises Licence

Dear julie,

Now I understand. I am happy above everything. Thank you very much for explained to me.

Kind regards,

~~Joanne~~

On Tue, 10 Dec 2019, 10:00 SMART Julie 50403, <[Julie.SMART@devonandcornwall.pnn.police.uk](mailto:Julie.SMART@devonandcornwall.pnn.police.uk)> wrote:

~~Joanne~~

There is no link, you just needed to scroll down, but I will outline the conditions the police are seeking again below:

1. Alcohol will only be consumed by persons seated at tables.
2. Substantial food in the form of table meals will be available throughout the times the premises are open to the public.
3. Drunkenness and disorderly behaviour will not be tolerated.
4. All staff shall receiving training in relation to their responsibilities under the Licensing Act 2003, at the commencement of employment, with refresher training being provided thereafter on a 6 monthly basis. Records of all training will be maintained, shall be kept on the premises for a period of 12 months and be available for inspection by any representative of a responsible authority on demand.
5. The premises shall operate a Challenge 25 policy whereby any individual who appears to be under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
6. Challenge 25 posters will be on display within the premises.

Please can you confirm whether you are happy with the above?

Thanks  
Julie

**From:** ~~Joanne Baye@smart.com~~  
**Sent:** 10 December 2019 09:56  
**To:** SMART Julie 50403 <[Julie.SMART@devonandcornwall.pnn.police.uk](mailto:Julie.SMART@devonandcornwall.pnn.police.uk)>  
**Subject:** Re: FW: Premises Licence

Dear SMART,

I couldn't understand what I need to agree or not agree. I couldn't able to see the link. Please let me know clearly. Thank you.

Kind regards,

~~Julie Smart~~

On Tue, 10 Dec 2019, 09:18 SMART Julie 50403, <[Julie.SMART@devonandcornwall.pnn.police.uk](mailto:Julie.SMART@devonandcornwall.pnn.police.uk)> wrote:

Good morning

Please see the below email that I sent to you in August. Unfortunately you have not responded to this email or included these conditions within your application for the grant of a premises licence. Please can you confirm whether you agree to the below conditions being added to your application?

Kind regards

*Julie Smart*

Alcohol Licensing – Torbay

[Julie.smart@devonandcornwall.pnn.police.uk](mailto:Julie.smart@devonandcornwall.pnn.police.uk)

01803 218900

07921 933974

Internal: 304900

[How to contact the police – ClickB4UCall](#)

[Includes: online crime reporting, 101 email, help from other organisations, community messaging, British Sign Language videos, third party reporting, Police Enquiry Offices](#)

**In an emergency always call 999**

**From:** SMART Julie 50403  
**Sent:** 14 August 2019 15:53  
**To:** ~~Julie 50403~~  
**Cc:** ~~Julie 50403~~  
**Subject:** RE: Premises Licence

Hi ~~Julie~~

Thanks for the below.

I am pleased to advise you that the police will support your application if the below conditions are included within the application:

1. Alcohol will only be consumed by persons seated at tables.
2. Substantial food in the form of table meals will be available throughout the times the premises are open to the public.
3. Drunkenness and disorderly behaviour will not be tolerated.
4. All staff shall receive training in relation to their responsibilities under the Licensing Act 2003, at the commencement of employment, with refresher training being provided thereafter on a 6 monthly basis. Records of all training will be maintained, shall be kept on the premises for a period of 12 months and be available for inspection by any representative of a responsible authority on demand.
5. The premises shall operate a Challenge 25 policy whereby any individual who appears to be under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
6. Challenge 25 posters will be on display within the premises.
7. The consumption of alcohol in the Pavement Café Permit area shall be restricted to the times indicated within the Permit and in compliance with all the terms and conditions specified therein.

I hope that the above will be satisfactory to you, but if you would like to discuss further please do not hesitate to contact me.

Kind regards

Julie

From: ~~Julie SMART <Julie.SMART@devonandcornwall.pnn.police.uk>~~  
Sent: 14 August 2019 12:06  
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>  
Subject: Re: Premises Licence

Dear SMART,

Monday 12 .00to 24.00

Tuesday 12.00 to 24.00(may be winter time all Tuesday closed)

Wednesday 12.00 to 24.00

Thursday 12.00 to 24.00

Friday 12.00 to 24.00

Saturday 12.00 to 24.00

Sunday 17.00 to 24.00

Kind regards,

~~Julie~~

---

On Wed, 14 Aug 2019, 11:37 SMART Julie 50403, <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Good morning

Sorry for not getting to you sooner re this matter.

In order to consider your clients proposed application please can you advise me of the hours between which is wants to sell alcohol?

Thanks

*Julie Smart*

Alcohol Licensing

Drug and Alcohol Harm Reduction

Prevention Department

Dorset, Devon and Cornwall Police Alliance

[Julie.smart@devonandcornwall.pnn.police.uk](mailto:Julie.smart@devonandcornwall.pnn.police.uk)

01803 218900

07921 933974

Internal: 304900

[How to contact the police – ClickB4UCall](#)

[Includes: online crime reporting, 101 email, help from other organisations, community messaging, British Sign Language videos, third party reporting. Police Enquiry Offices](#)

**In an emergency always call 999**

**From:** ~~Julie Smart <Julie.SMART@devonandcornwall.pnn.police.uk>~~  
**Sent:** 18 July 2019 13:25  
**To:** SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>  
**Cc:** ~~Julie Smart <Julie.SMART@devonandcornwall.pnn.police.uk>~~ Williams, Mark



~~© 2002-2003 Torbay Council~~

**Subject: Premises Licence**

Good Afternoon Julie,

I am assisting a client with a Premises Licence application as English is not their first language.

After speaking with Mandy Guy she advised me to ask if there were any conditions you would them to include on the application due to its location.

The venue is:

Ritchies Indian Restaurant and Takeaway

4, Braddons Hill Road West

Torquay

TQ1 1BG

The Applicant is

~~© 2002-2003 Torbay Council~~

Thank you for your time and I have advised the client that you will reply to them

Warm Regards

Kim

**Kim Thornton**

**Business Advisor  
Torbay Business Centre**

Lymington Road  
Torquay  
TQ1 4BD

Tel: ~~02024280000~~

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