

Wednesday, 13 May 2020

LICENSING SUB-COMMITTEE

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

Thursday, 21 May 2020

commencing at **9.30 am**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/84801873241?pwd=L2RaU2c1Wm1FYkg1RDNSRGJmRmxLdz09>

Meeting ID: 848 0187 3241

Password: 092488

One tap mobile:

+442034815240,,84801873241#,,1#,092488# United Kingdom

+441314601196,,84801873241#,,1#,092488# United Kingdom

Dial by your location:

+44 203 481 5240 United Kingdom

+44 203 051 2874 United Kingdom

Meeting ID: 848 0187 3241

Password: 092488

Members of the Committee

Councillor Dart

Councillor Ellery

Councillor Kennedy

A prosperous and healthy Torbay

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language

please contact:

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

Email: governance.support@torbay.gov.uk - 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. **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.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Hoburne Devon Bay, Grange Court, Grange Road, Paignton**

To consider a report on an application for a Variation to a Premises Licence in respect of Hoburne Devon Bay, Grange Court, Grange Road, Paignton.

(Pages 4 - 50)

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a meeting

Click on the link provided on the agenda above and follow the instructions on screen. Alternatively type the link in to your web browser and follow the instruction on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Public Agenda Item: **Yes**

Title: **Hoburne Devon Bay, Grange Court, Grange Road, Paignton**

Wards Affected: **Goodrington with Roselands**

To: **Licensing Sub-Committee** On: **21 May 2020**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: Licensing@torbay.gov.uk

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective of “The Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part, or
 - (c) to grant the application as applied for

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 34 of the Licensing Act 2003 (hereinafter referred to as 'the Act') for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To increase the hours for the Supply of Alcohol in the lower ground floor café to allow the Supply of Alcohol from 10:00 until 01:00 seven days a week. This café is presently licensed for the Supply of Alcohol from 11:00 until 19:00 seven days a week.

To licence the outdoor area adjacent to the clubhouse for the Supply of Alcohol from 10:00 until 22:00 seven days a week.

The application states the premises will be open from 06:00 until 01.30 seven days a week but the grounds are open 24 hours a day.

The applicant has proposed to remove the following conditions:-

Annexe 2, Prevention of Crime and Disorder, condition 1

"Intoxicating liquor shall only be served between 12 midnight and 01.00am to persons attending a bona fide private function".

Annexe 2, Prevention of Crime and Disorder, Condition 2

"The clubhouse shall only remain open between 12.30am and 01.30am for the purpose of hosting a bona fide private function and there shall be no admission or re-admission after midnight".

The applicant has proposed to amend Annexe 2, Prevention of Crime and Disorder Condition 5

From:-

"Alcoholic and soft drinks will only be served in plastic or toughened glass in the café area".

To:-

"Alcoholic and soft drinks will only be served in plastic or toughened glass in the café and outdoor areas. No glass shall be permitted around the swimming pool."

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.

The exemptions under the Live Music Act 2012 apply to this licence.

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) of the Act but is unable to issue the Variation to the Premises Licence, as relevant Representations have been received from members of the public and from a Responsible Authority. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3. Some additional maps have been attached to this Representation to assist the committee.

We have accepted 6 Representations from 9 members of the public who are objecting to this application. The Representations relate to the Licensing Objective "The Prevention of Public Nuisance". These are shown as Appendix 4.

There have been no Representations received from any other Responsible Authority or any other Interested Party other than those mentioned above.

- 2.4 The Licensing Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 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.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
 - (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 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 Relevant sections of the application form.
Appendix 2 Copy of the Premises Licence and Plan.

Appendix 3 Representation from Public Protection.

Appendix 4 Representations from members of the public objecting to this application.

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2016-2021.



Torbay
Application to vary a premises licence
Licensing Act 2003

For help contact
<https://forms.torbay.gov.uk/ContactLicenseTrading>
Telephone: 01803 208025

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

G02482-0003

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Grange Court (Hoburne) Limited

* Family name

-

* E-mail

~~XXXXXXXXXXXXXXXXXXXX@XXXXXX.XX~~

Main telephone number

~~01803 208025~~

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

00616472

Business name

Grange Court (Hoburne) Limited

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

285,000

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Extension of the Licensed Premises to include outdoor area adjacent to clubhouse to allow temporary outdoor bars (10.00 to 22.00 Monday to Sunday)

Extension of hours for lower ground floor cafe (10.00 to 01.00 Monday to Sunday) . Addition of one condition to the operating schedule for the prevention of crime and disorder.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years day: 1:00 to 10:00
Supply of Alcohol outdoors: 10:00 to 22:00

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Year's Day: 1:30am to 6:00am Main club building
Grange Court grounds will be open 24 hours a day

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

Annex 2 (Prevention of Crime and Disorder) conditions 1 and 2 should be removed and condition 5 should be altered. See new condition proposed below.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

Alcoholic and soft drinks will only be served in plastic or toughened glass in the cafe and outdoor areas. No glass shall be permitted around the swimming pool

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Licensing Act 2003
Premises Licence

779

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
c/o Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Hoburne Devon Bay

Grange Court, Grange Road, Paignton, Devon, TQ4 7JP.

Telephone 01803 558010

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	6:00am	1:00am
B. Exhibition of films (Indoors)	Monday to Sunday	6:00am	1:00am
C. Indoor sporting event	Monday to Sunday	6:00am	1:00am
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	6:00am	1:00am
E. Performance of live music (Indoors)	Monday to Sunday	6:00am	1:00am
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	6:00am	1:00am
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday	6:00am	1:00am



Licensing Act 2003
Premises Licence

779

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	6:00am	1:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am

Sale of alcohol in the cafe on the lower ground floor to be from 11:00 to 19:00 daily.
 New Year's Day 1:00am 10:00am
 Main club building excluding the cafe on the lower ground floor.

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	6:00am	1:30am
New Year's Day	1:30am	6:00am
Grange court grounds will be open 24 hours a day		

Main Club Building

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Grange Court (Hoburne) Ltd 261 Lymington Road, Highcliffe, Christchurch, Dorset, BH23 5EE.
 Telephone 01425 277661

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Grange Court (Hoburne) Ltd 616472

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Richard RIDLEY Hoburne Devon Bay Holiday Park, Grange Court, Grange Road, Paignton, Devon, TQ4 7JP.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2449 Issued by Torbay

Stephen Cox

Steve Cox
Environmental Health Manager
13 April 2017



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is



ANNEXES continued ...

available to customers in the following measures:-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The Prevention of Crime and Disorder

1. Intoxicating liquor shall only be served between 12 midnight and 01.00am to persons attending a bona fide private function.
2. The clubhouse shall only remain open between 12.30am and 01.30am for the purpose of hosting a bona fide private function and there shall be no admission or re-admission after 12 midnight.



ANNEXES continued ...

3. Licensing Act 2003 shall apply.
4. CCTV will be installed and working to the satisfaction of the Police and Local Authority and recordings will be maintained for 30 days.
5. Alcoholic and soft drinks will only be served in plastic or toughened glass in the cafe area.
6. All bottles and glasses will be removed from public areas as soon as possible after they are empty or finished with.

Public Safety

1. The admission limit previously imposed in respect of the Show Bar by the Public Entertainment Licence shall be retained in respect of the area.
2. Licensing Act 2003 shall apply.

The Prevention of Public Nuisance

1. No recorded music shall be played after 22.00 hours at any regulated entertainment which takes places outside the main club building.
2. Noise or vibration shall not emanate from the premises so as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation, especially after 23.00 hours. The criteria applied, from boundary to the nearest residential property are:-
 - (i) Before 23.00 hours - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 23.00 hours - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The Local Authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semis and terraced properties) to make further assessments from within the residential property.
3. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee/management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
4. After 23.00 hours windows shall be kept shut during any amplified entertainment and live music to reduce noise breakout.
5. There shall be no outside recorded music after 22.00 hours, except incidental background music.
6. Licensing Act 2003 shall apply.

The Protection of Children From Harm

1. Licensing Act 2003 shall apply.
2. The premises shall operate a Challenge 25 policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.
3. No persons under the age of 18 years shall be permitted in the area immediately adjacent to the bar.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Public Safety

1. Signage must be displayed as follows: -
 - 1.1 One or more signs bearing the wording 'Drinks are not to be placed on hte rail' must be displayed in a position or



ANNEXES continued ...

positions so as to be clearly visible to persons using the outside elevated decking area.

1.2 One or more signs bearing the wording 'No glasses or glass bottles are permitted past this point' must be displayed at each entrance to the outside elevated decking area.

ANNEXE 4

PLANS

Copy attached to Licence.



LOCAL AUTHORITY

Torbay Council
 Licensing & Public Protection
 c/o Town Hall
 Castle Circus
 Torquay
 TQ1 3DR

Premises Details**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Hoburne Devon Bay**

Grange Court, Grange Road, Paignton, Devon, TQ4 7JP.

Telephone 01803 558010

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	6:00am	1:00am
B. Exhibition of films (Indoors)	Monday to Sunday	6:00am	1:00am
C. Indoor sporting event	Monday to Sunday	6:00am	1:00am
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	6:00am	1:00am
E. Performance of live music (Indoors)	Monday to Sunday	6:00am	1:00am
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	6:00am	1:00am
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday	6:00am	1:00am



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	6:00am	1:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am

Sale of alcohol in the cafe on the lower ground floor to be from 11:00 to 19:00 daily.
 New Year's Day 1:00am 10:00am
 Main club building excluding the cafe on the lower ground floor.

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To	
Monday to Sunday	6:00am	1:30am	
New Year's Day	1:30am	6:00am	Main Club Building
Grange court grounds will be open 24 hours a day			

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Grange Court (Hoburne) Ltd 261 Lyminster Road, Highcliffe, Christchurch, Dorset, BH23 5EE.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Grange Court (Hoburne) Ltd 616472

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Richard RIDLEY

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

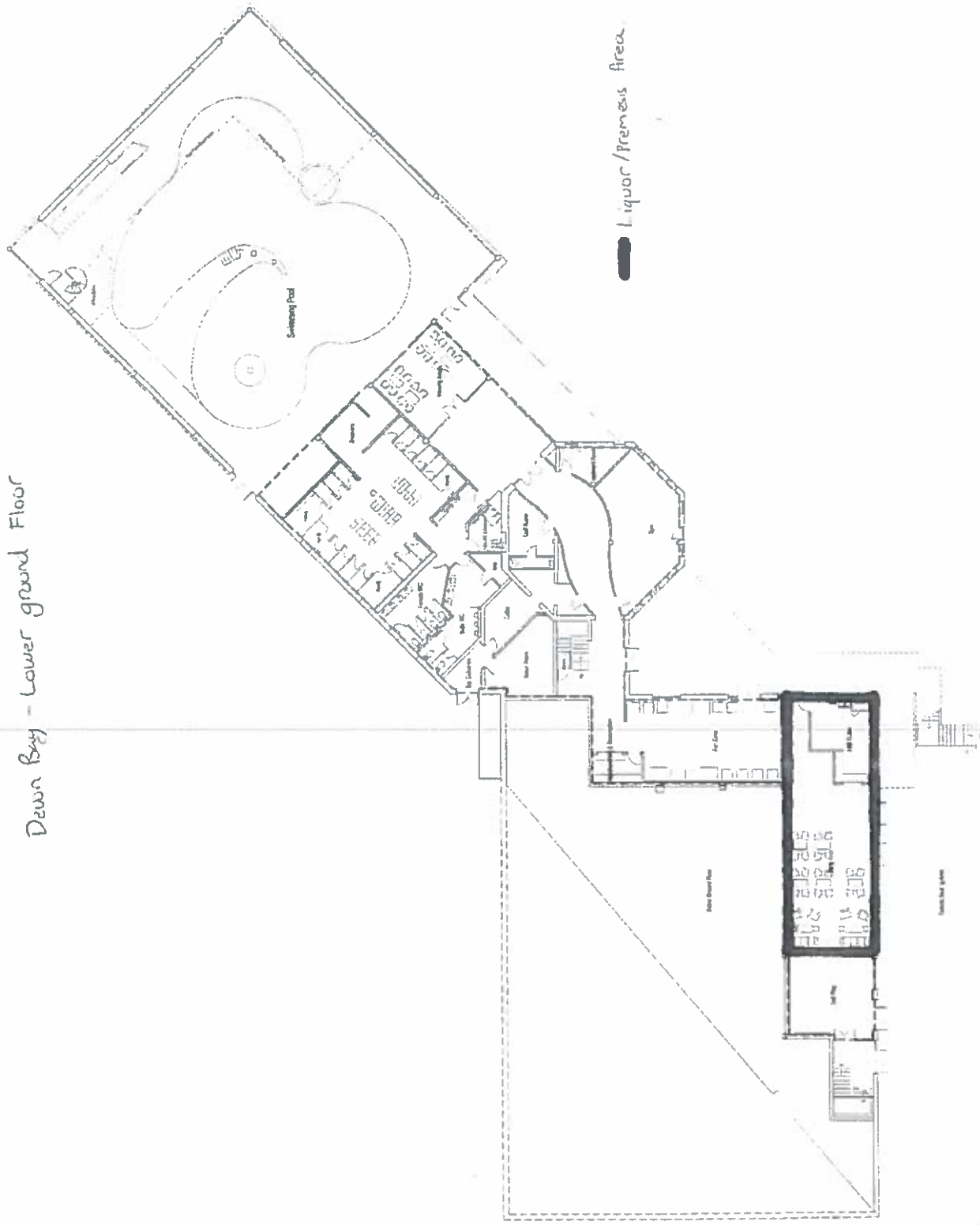
Access is restricted only under the terms of the Licensing Act 2003.

Stephen Cox

Steve Cox
 Environmental Health Manager
 13 April 2017



Dawn Bay - Lower ground Floor



Liquor/premisses Area

1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1
1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1
1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1
1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1
1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1

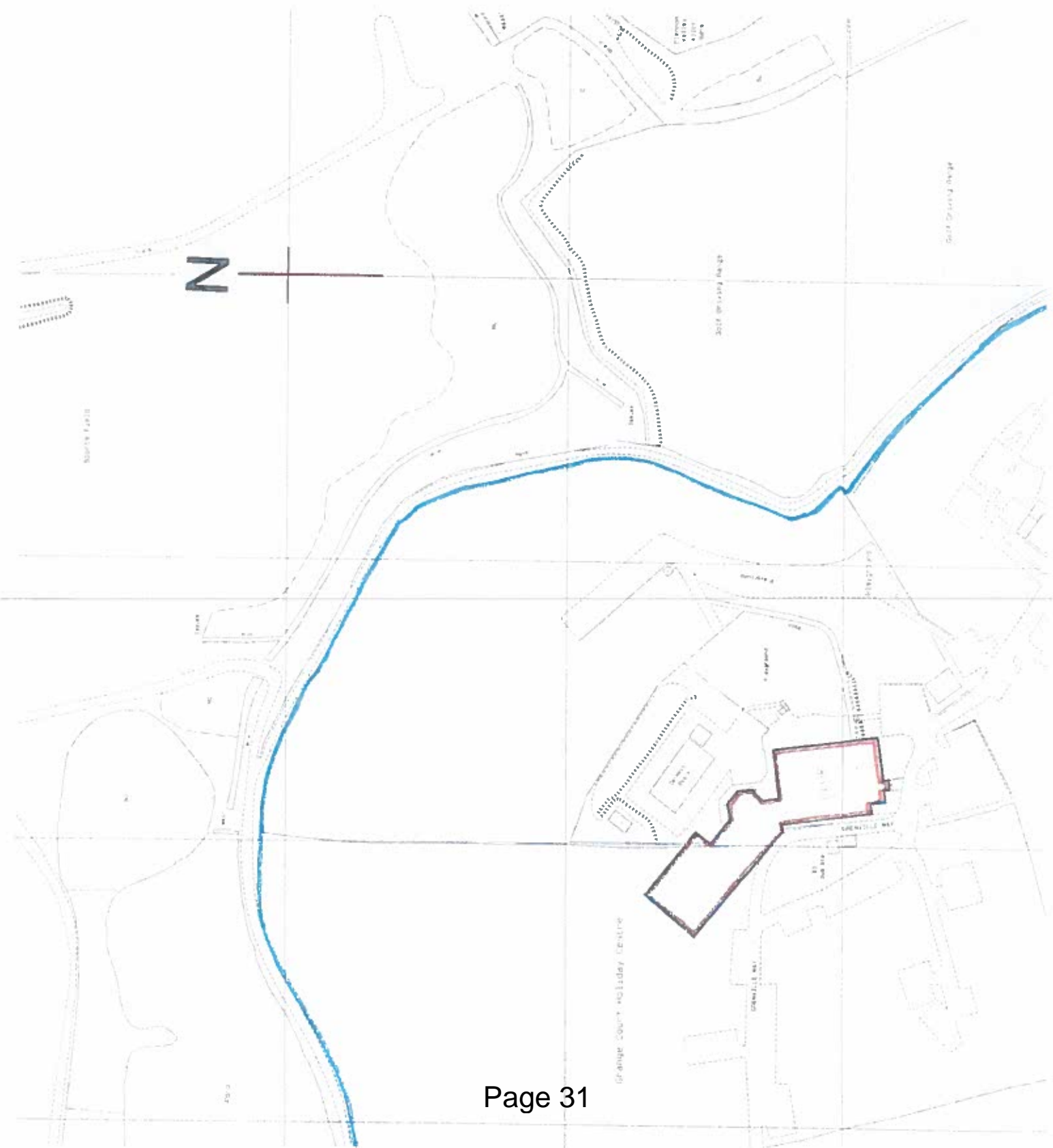
Scale 1:500
 Date: 10/10/2011
 Author: [Name]

Hoburne
 Holiday Parks
 Devon Bay, Paignton

LOWER GROUND FLOOR
 LAYOUT PLAN
 PROPOSED CA PLAN

NBDA

10/10/2011
 10/10/2011
 10/10/2011



Memorandum

To: Licensing and Public Protection Team	From :	Mr Karl Martin
c.c	Contact :	
c.c.	Ext :	01803 208025
c.c	My Ref :	1ZV SRU No: 256010
For the attention of: Steve Cox, Principle Licensing Officer	Your Ref :	
	Date :	24 th April 2020

Subject: Full variation application, Hoburne Devon Bay, Paignton

- 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

1. Hoburne Devon Bay is large holiday park situated in Goodrington, Paignton. The park has been built on the slopes and summit of a hill which is surrounded by two valleys, one to the east and one to the west.
2. As normal with holiday parks of this nature and size there is a focus on providing regular family orientated entertainments for guests and lodge owners.
3. A dedicated licenced entertainment complex is situated just below the summit on the eastern slope of the park overlooking Clennon valley.
4. The applicant in making this variation application seeks two objectives:-
 - To licence an outdoor beer garden with a terminal hour of 22:00, 7 days a weeks for all existing activities.
 - To remove a non-standard timing condition on part of the main entertainment building to align with existing terminal hour of 1am, 7 days a week for all licensed activities.
5. The applicant's agent consulted and provided all responsible authorities with a draft applications for comment before submission of the final application.

6. I do not believe the proposed variations to the existing licence will seek to undermine the licensing objective the Prevention of Public Nuisance and therefore did not offer any further comments, observations or objections.
 7. However during consultation a number of representations have been received and accepted by the Torbay Councils Licensing team from residents who live in Clennon Valley area.
 8. For the most part there has been a misunderstanding of the changes the applicant seeks to make to the existing licence. All residents do mention disturbance from recorded music and amplified speech as a current source of nuisance. The alleged nuisance is a result of licensable activities currently authorised by the premises licence.
 9. A check of records held by the licensing team shows one complaint of noise in the last 10 years. The complaint was made in July 2018 and when investigated highlighted a failure to keep windows and doors closed that look out over Clennon Valley. This failure was swiftly rectified and no further complaints have been made to the Authority.
 10. The Authority does not hold any evidence other than one complaint to support the resident's allegations of nuisance. However, it is reasonably foreseeable if sound levels are not adequately managed, noise breakout from the entertainment complex does have the ability to cause nuisance. This is compounded by the topography of the land the park is sited on.
 11. Further it is normal for holiday parks, during peak times, to provide some form of entertainment on a daily basis. With frequent entertainment combined with topography and prevailing wind direction it is very likely if not managed noise from the entertainment complex could cause a public nuisance.
 12. Fortunately the residents report airborne propagation of sound and this is relatively straightforward to correct.
 13. At the time of submitting this representation I am currently in constructive dialogue with the applicants agent and I fully expect by the time of the hearing I will be in position to update members of our agreed position.
-
14. An agreement will provide residents the reassurance and confidence in the applicants operation going forward.

Karl Martin



**Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council**

2. Google Earth 2D imagine of Clennon Valley

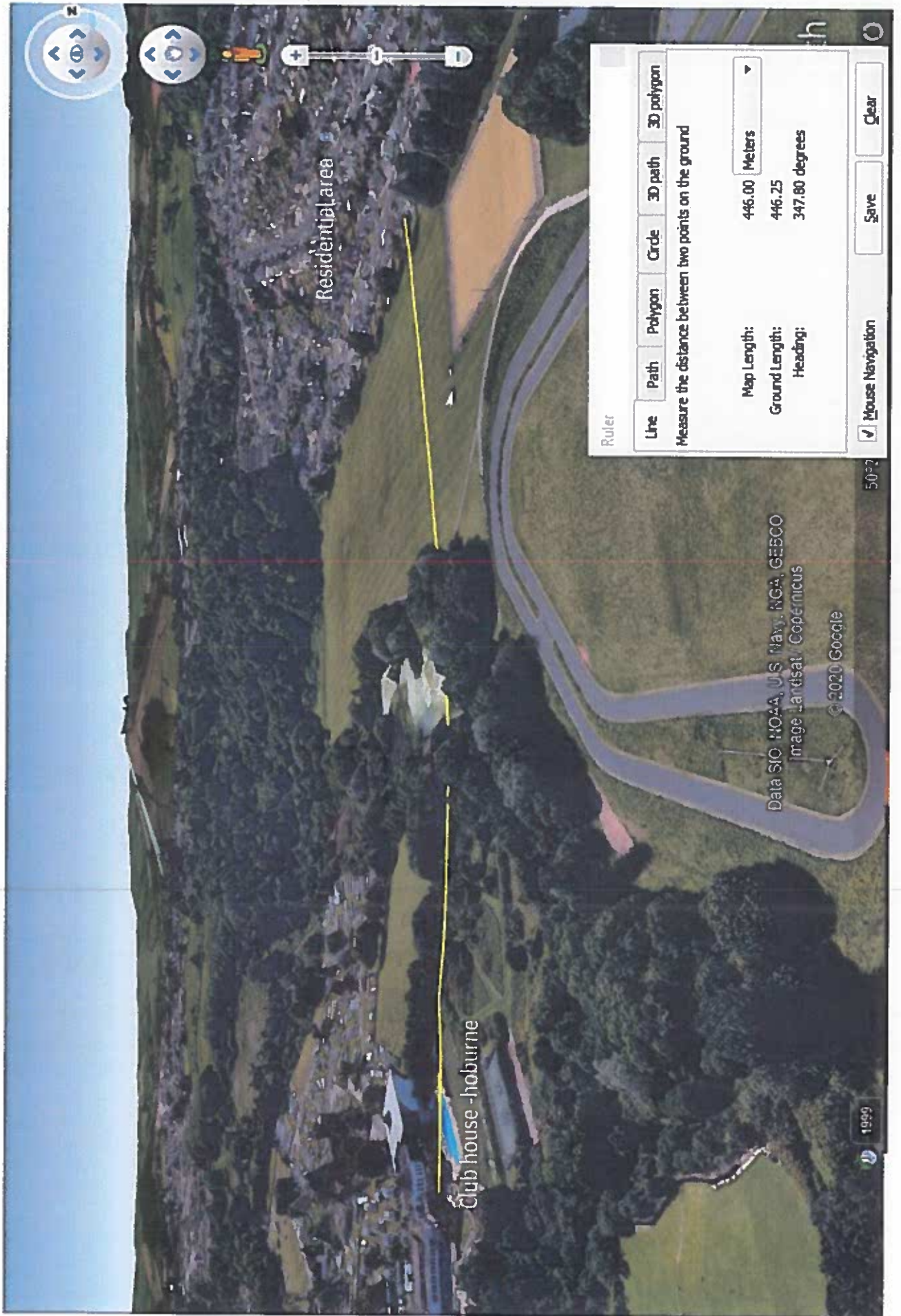


3. OS map



Karl Martin

Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council







~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
15th April 2020

Dear Sirs,

License No Pn 0779

Application No. 056898

Hoburne Dava Bay, TG4 FIP

I am writing to object to the above application on the grounds that the noise it will produce will be unbearable.

I live directly opposite across Clarnan Valley and the noise in the summer months is much too loud. Both the music and the microwaves of the camp are too loud. If the hours are extended it will be even worse, especially after 10pm to 1am.

I would like to turn the

Volume down, who answers the phone at the camp tells you to 'mind your own business'.

I am also telling you of a feeling of 'anger' in the neighbourhood that no notices were put in Burtwood Drive, Westlands Road or Pavill Way. The areas that the noise carries too. No notices on the road to the camp, Avenue Road and reford 2 in the woods where my dog walks and runs go. It is this because you do not want any objections.

I have tried to object on your website but it wait let me make a representation, hence the letter.

There are too many cameras
now in his camp and I don't
like it. He is trying to get back
of the new building into Chennai.

Please let this be a strong
objection. I know what
on his road one of the same
criteria. In different times
I would have done a
petition but with the lockdown
am not able to do so.

Please don't allow this
approach.

Yours faithfully
~~(Signature)~~

Tel. ~~01752 222222~~

TORBAY COUNCIL

17 APR 2020

Dear ~~Mr~~ **COMMUNITY SAFETY** ~~Team~~,

I am writing to you concerning application no. 056898 for Hoburne Devon Bays describe for a licence for bars to be open & music until 01.00am 7 days a week.

Last Summer we suffered loud music & djs or entertainment staff announcements all day long booming across Ctenon Valley. It was so loud you could hear clearly what the announcers were saying. I am very concerned we're going to be subjected to the same noise pollution this year & for longer if the application is

Executive Head Community Safety

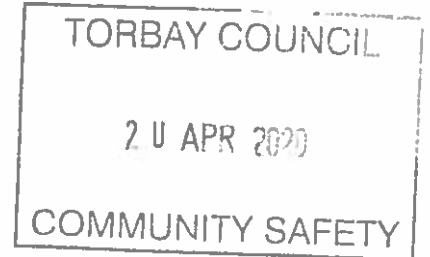
Torbay Council

Torquay Townhall

Castle Circus

TORQUAY TQ1 3DR

April 17th, 2020



Dear Sirs,

Reference: Grange Court (Hoburne) Limited licence application

As our house backs directly on to Clennon Valley, we are concerned about the application for changes to the licence of the above premises for the following reasons

- NOISE:

Because of the considerable increase to the number of caravans, which we believe to be up to 500, the application to extend licencing hours to 1am for the sale of alcohol, both inside and outside, seems to us very unreasonable and unsociable as it is likely to generate a lot of noise, especially with music being played in the same areas.

- NATURE RESERVE:

The very close proximity of the nature reserve means that the extra noise will also affect the nature reserve, which is dearly appreciated by local residents.

- FLY TIPPING:

We have already noticed an increase to rubbish being thrown over the fence onto the path below, including plastic items and waste, as well as bigger items such as a foam mattress....

Thank you for taking our concerns into consideration and please inform us of any developments on the matter above and of any decision made.

Looking forward to your reply.

Kind regards,

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

TORBAY COUNCIL
21 APR 2020
COMMUNITY SAFETY

18th April 20120

Dear Sir or Madam,

For the attention of Executive Head of Community Safety
Cc to Licensing Department

Grange Court, Holburn Caravan Park, Goodrington, Paignton

We wish to raise objections to the Application for a licence for alcohol to be served outdoors and indoors until 1 am. at the Holiday Camp that is directly opposite the bungalows across on Clennon Valley and in Brantwood Drive as it will generate a lot of noise especially with music also being played until early hours of the morning.

As this camp backs on to a Nature Reserve at a very close proximity it is likely that it will affect wildlife in that area also. The increase in the number of caravans which I believe up to 500 is likely to make matters worse in the area.

Already there has recently been rubbish and large items thrown over the perimeter of the camp and by the pathways.

Please advise regarding what decisions are to be made.

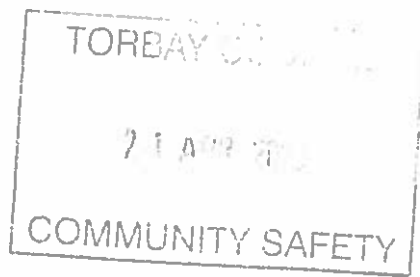
Thanks for your help in this matter

Yours faithfully,

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~



~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

17th April 2020

Dear Sir / Madam,

Re: Application for variation of
a Premises licence - Grange Court
(Hoboware) limited

My wife & I are writing to register our
representation of disapproval to the above
application.

Although we have not made personal complaints
previously to the Council we understand numerous
households in our local community have in
relation to previous noise (excessive) disturbances from
Grange Court.

We are totally against any variation to the
existing licence as the problems we have experienced
with unacceptable noise levels over the years is/are
bad enough.

As regards "outdoor bars" until 01:00 it must
be regarded as a joke - we live in a valley that
reverberates noise (echoes substantially) - due being
CLENNON VALLEY.

Please note our concerns with the overall growth/
development of the Grange Court site - hope the noise,
drainage, runoff from all the hard surfacing, etc

have all been taken into account when the planning application was approved !!??

This representation has been made by:

~~Mr. [redacted]~~

~~Mr. [redacted]~~

~~Mr. [redacted]~~

~~Mr. [redacted]~~

~~Mr. [redacted]~~

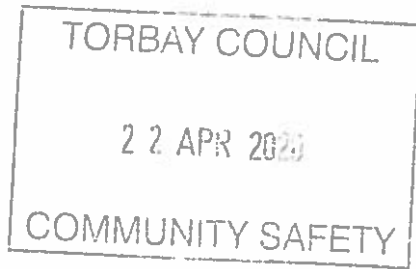
A copy of this letter has been e-mailed to Councillor Jane Barnby for her information.

We look forward to being informed of this licence variation not being accepted in any shape or form.

Yours faithfully,

~~[redacted signature]~~

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



~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

20th April 2020

Dear Sir

Regarding the application by Hoburne Devon Bay Holiday Park for changes to their licensing conditions at Grange Court Road, Paignton.

I wish to lodge an objection on the grounds of The Prevention of Public Nuisance caused by noise.

During the past two years there have been events that have resulted in excessive noise from both loud music and shouting, both made worse by the use of audio equipment.

Clennon Valley is a natural sound amplifier and it has resulted in a great deal of distress to me and my neighbours.

Both myself and my neighbours lodged complaints to the company which have been disregarded.

Yours Faithfully

A large, dark, scribbled handwritten signature.