

Wednesday, 12 May 2021

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 20 May 2021**

commencing at **9.30 am**

Due to Covid-19 Security/Safety the meeting will be held in the Town Hall, Torquay for decision makers and all other interested parties are invited to attend via Zoom (meeting joining details are set out below)

Join Zoom Meeting

<https://us02web.zoom.us/j/84749564554?pwd=aHRKV1FYRzRuWIR3ZINVVzJvUzVodz09>

Meeting ID: 847 4956 4554

Passcode: 081836

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### **Members of the Committee**

Councillor Atiya-Alla

Councillor Ellery

Councillor Mills

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**Together Torbay will thrive**

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**Teresa Buckley, 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 5 - 43)  
To confirm as a correct record the Minutes of the meetings of a Sub-Committee held on 20 February, 21 May, 18 June, 23 July, 6 August, 8 October, 19 and 26 November, 3 and adjourned meeting on 3 December, 10 and 21 December 2020, 14 January, 18 February and 8 April 2021.
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. **No 18, 18 Esplanade Road, Paignton, TQ4 6BD** (Pages 44 - 133)  
To consider an application for a Premises Licence in respect of No 18, 18 Esplanade Road, Paignton, TQ4 6BD

## **Instructions for the press and public for joining the meeting**

To meet Covid-19 secure arrangements this meeting will be held via a hybrid system with the actual decision makers e.g. members of the Sub-Committee and key officers meeting in person, at the Town Hall, Torquay and all other people (this includes people who have registered to speak) attending remotely via Zoom.

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. 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.

### **Speaking at a Meeting**

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

### **Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video**

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.

- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.



## Minutes of the Licensing Sub-Committee

20 February 2020

-: Present :-

Councillors Ellery, Foster and Kavanagh

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### **24. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

### **25. Apologies**

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillors Foster and Kavanagh instead of Councillors Kennedy and Skyes.

### **26. Minutes**

The Minutes of the meeting of the Sub-Committee held on 16 January 2020 were confirmed as a correct record and signed by the Chairman.

### **27. Exclusion of the Press and Public**

Prior to consideration of the item in Minute 28 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

### **28. Review of a 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 Senior Licensing Officer advised Members that the Respondent had failed to meet specific requirements set out in the Hackney Carriage and Private Hire Licensing Policy 2018 to 2022, by failing to report that he had been convicted by South Devon Magistrates Court on 4 September 2019 of assaulting a female by beating.

The Senior Licensing Officer advised Members of the efforts taken to confirm with the Respondent if he would be attending the hearing for which no response had been received. Members were satisfied that the Respondent was aware of this hearing, had been given adequate opportunities to confirm his attendance prior to the hearing and agreed for the matter to be heard in his absence.

Written Representations received from:

Name	Details	Date of Representation
Devon, Dorset, Cornwall Probation Service	Representation raising concern over reported daily alcohol use by Respondent and advising that they had informed them to report their offence as part of their taxi licence.	13 January 2020
Devon Live	Evidence of conviction for assault.	undated
Licensing and Public Protection	Letter to the Respondent requesting further information regarding his conviction and alcohol use.	15 January 2020
Signed Receipt	Signed receipt for Torbay Council's Hackney Carriage and Private Hire Licensing Policy.	15 March 2013
Respondent	Representation with supporting information in response to the letter from the Licensing and Public Protection Officer.	22 January 2020

**Decision:**

That the Respondent's 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 the written and oral Representations, Members unanimously resolved to, revoke the Respondent's Driver's Licence, as they could not be satisfied that the Respondent remained a 'fit and proper' person to hold a Torbay Council Driver's Licence.

In coming to that decision, Members applied the test set out in Appendix A, Section 1.3 at page 36 of Torbay Council's current Hackney Carriage and Private Hire Licensing Policy and unanimously resolved that they would not allow someone who they cared for to get in to a licensed vehicle with this Respondent alone.

Members noted with concern that the Respondent in his response, as set out in Appendix 5 of the report and without evidence to the contrary' had sought, in their opinion, to play down the seriousness of the incident which led to his conviction and the concerns raised by the Probation Officer, who they noted is a professional and independent person, about the risk associated with his excessive alcohol misuse.

In further consideration of this written response, Members were not reassured that the Respondent remained or could become in the immediate, a 'fit and proper' person to be a driver licensed by Torbay Council and his failure to attend the Committee hearing, despite the officers efforts and his submissions that he would be attending to provide an explanation, left Members with no other reasonable option but to revoke the Respondent's drivers' licence to ensure that the public were safe.

In determining that the revocation shall be with immediate effect, Members found on the evidence before them, that the driver presented as a high risk and resolved that it was appropriate to do so, when considering their primary duty as one of ensuring that the public are kept safe.

Chairman/woman

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## Minutes of the Licensing Sub-Committee

21 May 2020

-: Present :-

Councillors Dart, Ellery and Kennedy

(Also in attendance: Councillor Foster)

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### 29. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 30. Hoburne Devon Bay, Grange Court, Grange Road, Paignton

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

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Two representations in respect of the Licensing Objective the 'Prevention of Public Nuisance'.	Dated 24 and 29 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 15 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Received 17 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 17 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 18 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 17 April 2020
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Dated 20 April 2020



Oral Representations received from:

Name	Details
Applicants Legal Representative	The Applicants Legal Representative presented their application and outlined an additional condition should Members wish to grant the application.
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.
Member of the Public	The Member of the Public outlined their representation and responded to questions.
Members of the Public	The Member of the Public outlined their representation and responded to questions.
Member of the Public	The Member of the Public outlined their representation.
Member of the Public	The Member of the Public outlined their representation and responded to questions.

### Decision

That the application for a Variation to a Premises Licence in respect of Hoburne Devon Bay, Grange Court, Grange Road, Paignton be approved as applied for, subject to the following two additional conditions:

- 1) Noise emanating from the premises regulated entertainment, in the form of live and recorded music, shall not be distinguishable above the ambient noise in the surrounding residential areas.
- 2) A member of staff shall monitor the outdoor area, adjacent to the clubhouse where the supply of alcohol is intended after 7pm, to ensure that nearby neighbours are not unreasonably disturbed. Any patron within this area who behaves in a manner that causes a nuisance, shall be asked to either cease behaving in that manner, return inside the premises or to leave the licensed area.

### Reason for Decision

In carefully considering all the written and oral representations, Members unanimously resolved to grant the application, having been satisfied that the additional conditions would alleviate the concerns raised by interested parties and promote the Licensing Objectives.

In coming to that decision, Members were reassured by the written and oral representation of the Authority's Public Protection Officer. In that he did not believe the granting of this variation application would undermine the Licensing Objectives, namely; the Prevention of Public Nuisance and in checking it's records, in the last ten years, Torbay Council had only received one complaint in respect of these premises and when the nature of the complaint was raised with the premises, they acted promptly to resolve it. Notably the complaint was in respect of regulated entertainment which Members particularly noted, did not form part of this application.

Members further noted the written and oral submissions of the Designated Premises Supervisor and their legal representative, with regards to the intended premises operations and that the extended hours applied for in respect of the café, were to align with that already in place for the club house, where the café is located within. Members were therefore satisfied on the evidence before them, that aligning the hours, would not result in the Licensing Objectives being undermined.

Having carefully considered all the written and oral submissions by residents; and accepting that noise outbreak from regulated entertainment had emanated from these premises in the past, it was encouraging that the premises, in consultation with the Public Protection Officer, had proposed a condition to remedy this situation. Notwithstanding that regulated entertainment does not form part of this application. This in Members opinion, demonstrated a responsible attitude by the Premises Licence Holder.

Where Members had concerns and could not be satisfied that sufficient consideration had been given to alleviate the potential for noise outbreak which could, unreasonably disturb nearby residents, was in respect of patrons and guests utilising the extended sale of alcohol in the outdoor area adjacent to the club house.

In their experience as licensing committee members, where alcohol is sold and no measures are in place to monitor outside areas, especially after 7pm, there is an increased risk that noise from patrons' voices could unreasonably disturb nearby residents. Members therefore resolved that it was appropriate to add a condition in respect of this area, to reduce that potential impact and ensure the Licensing Objectives are promoted.

Should issues arise as a result of granting this application, Members noted that a Review of the premises licence was available.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

18 June 2020

-: Present :-

Councillors Atiya-Alla, Ellery and Foster

### 31. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 32. Broadsands Beach Kiosk, Broadsands Beach, Paignton

Members considered a report on an application for a Premises Licence in respect of Broadsands Beach Kiosk, Broadsands Beach, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Marine Leisure and Beach Services Manager, Tor Bay Harbour Authority	Representation objecting to the application on the grounds of 'The Prevention of Public Nuisance', 'The Prevention of Crime and Disorder' and 'Public Safety'.	4 June 2020
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Public Nuisance', 'The Protection of Children from Harm' and 'Public Safety'.	26 May 2020

Oral Representations received from:

Name	Details
The Applicant's	The Applicant's outlined their application and responded to Members questions.
Marine Leisure and Beach Services Manager, Tor Bay Harbour Authority	Marine Leisure and Beach Services Manager for Tor Bay Harbour Authority outlined his objection to the application.
Member of the	A Member of the Public outlined his objection to the

Public	application and responded to Members questions.
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**Decision:**

That the application for a Premises Licence in respect of Broadsands Beach Kiosk, Broadsands Beach, Paignton be approved subject to the following additional conditions:

- i) Where alcohol is supplied in a glass bottle, the premises must transfer that alcohol into a plastic or paper cup where off-sales are intended;
- ii) At the end of each operational day, a member of staff must conduct a sweep of the immediate and surrounding area to collect and dispose appropriately, any waste attributable to the premises;
- iii) That the premises shall situate prominently, signage to request that patrons dispose their waste in the receptacles provided by the premises.

That the following condition on the application, under the heading of 'The Prevention of Public Nuisance' be amended to:

'Adequate waste receptacles will be provided by the premises, for customer use and will be emptied when required and stored safely by the premises until disposal'.

**Reasons for Decision:**

In carefully considering all the written and oral representations, Members unanimously resolved to grant the application, having been satisfied that the additional conditions would alleviate the concerns raised by Interested Parties and promote the Licensing Objectives.

In coming to that decision, Members were reassured by the Applicant's experience, knowledge of the area and previous experience of operating a licensed premises in that area without complaint.

Members gave careful consideration to the concerns raised in the two representations received and concluded that some concerns in respect of anti-social behaviour existed, despite their already being a licensed premises in the same location and that neither that premises, nor the granting of this premises licence, would directly result in an increase in the type of behaviour complained of.

Members also gave careful consideration with regards to off-sales and the potential concerns around waste and the serving of alcohol in glass bottles which Members too had concerns with but after thorough deliberation and noting the Applicant's previous experience and track record, Members were satisfied that these concerns could be alleviated by conditions.

Members noted the extensive CCTV in operation at the Premises, a system that can be monitored remotely and from within the Premises. Further facilitating the

ability of the Applicant's to ensure public nuisance and anti-social behaviour would not emanate from these premises and act as a deterrent which in turn, would seek to promote the Licensing Objective; namely, The Prevention of Crime and Disorder.

Members noted the absence of any representations by the Police or Safeguarding, with regards to children and were reassured by this, in their granting of the application.

In concluding, should issues arise as a result of granting this application, Members noted that a Review of the premises licence was available.

Chairman/woman

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## Minutes of the Licensing Sub-Committee

23 July 2020

-: Present :-

Councillors Ellery, Foster and Kennedy

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### 33. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 34. Hennessey Cocktails, 2 King Street, Brixham

Members considered a report on an application for a Variation to a Premises Licence in respect of Hennessey Cocktails, 2 King Street, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	30 June 2020
Public Protection	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	29 June 2020
11 Members of the Public	11 representations from members of the public objecting to the application on the grounds of 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'.	Various

Additional Information:

With the agreement of the Chairman the time permitted for oral representations was extended to 20 minutes.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to

	questions from Members.
Police	The Police outlined their representation.
Public Protection Officer	The Public Protection Officer outlined their representation and responded to Members questions.
Member of the Public	A member of the public outlined their representation and responded to Members questions.
Member of the Public	A member of the public who was registered to address the Committee lost connection to the virtual meeting, despite efforts to reconnect him, the member of the public was unable to do so. The Sub-Committee proceeded in the absence of the member of the public and took into account his written representation and hearing summary.

### Decision

That the application for a Variation to a Premises Licence in respect of Hennessey Cocktails, 2 King Street, Brixham be granted as follows:

- i) The Premises Licence shall be permitted to sell alcohol from 9 am until midnight, seven days a week.
- ii) Off-sales shall be permitted from 9 am to 8 pm, seven days a week.
- iii) When off-sales are purchased from the premises, staff shall advise customers that the alcohol should not be consumed within the Public Space Protection Order area and refer them to the Public Space Protection Order map.
- iv) A map of the Public Space Protection Order area will be displayed in a prominent position close to the point of sale and the premises exits.

All other aspects of the application are refused.

### Reasons for Decision

Having carefully considered all the written and oral Representations, Members resolved to grant the application before them in part, having been satisfied that to grant the application in full, would undermine one or more of the Licensing Objectives.

In coming to that decision, Members noted the concerns of the Responsible Authorities and Interested Parties in respect of the Licensing Objective 'The Prevention of Public Nuisance' and resolved to refuse the application in respect of the elements of the application that sought to extend licensable activities beyond the terminal hours contained within the existing Licence.

Members were of the view that the application lacked sufficient detail and consideration to Torbay Council's Licensing Statement of Principles 2016-2021; and how the Applicant would mitigate the impact of having a later licence on residents living and commercial guests staying in premises which are in close proximity to his premises.

The measures put forward by the Applicant, were in Members opinion insufficient and unworkable, given the historical complaints, the loose arrangement with a taxi operator and the use of an SIA door steward which, in Members opinion, would undermine other measures put forward by the Applicant to mitigate impact.

Members also noted the inherent weakness in the structure of the building and its ability to attenuate noise, the potential noise issues given the location of the premises and despite having been provided with advice from the Responsible Authorities, it was a concern to Members that the Applicant had not at least commissioned a noise assessment or submitted a noise management plan. Instead, informing Members that he would put in place measures should the application be granted but had not been set out in the application; and any measures that Members felt appropriate. This demonstrated to Members that the Applicant was a reactive rather than proactive licensee, concurring with the Responsible Authorities view that the Applicant presents problems with the expectation that somebody else would provide the solution.

Members were made aware of a history of noise complaints and accepted that the premises have been shut for most of 2020, in part due to Covid-19 but were further concerned that the Applicant could not demonstrate recent appropriate management of the premises, especially given the Applicant's admission that he had historically failed to promote the Licensing Objectives by not operating within the terms of his current authorisation and that in March 2019, following continued concerns in respect of noise complaints, the Applicant was notified by the Police that his premises licence could be subject to a Review.

As such, Members could not be satisfied on all the evidence before them that the Applicant could operate a later licence, without undermining one or more of the Licensing Objectives.

However, Members were minded to grant the application in respect of earlier opening times, given the absence of evidence or concerns by the Responsible Authorities to suggest that the premises opening an hour earlier would undermine the Licensing Objectives.

In respect of off-sales, Members resolved to cease the sale of off-sales at 8 pm. Noting that the premises were located within an area covered by a Public Space Protection Order and not being satisfied that if the premises were at capacity of 150 patrons after 8pm, that staff or the management had the ability to ensure that they were complying with measures put in place to uphold the requirements of the Public Space Protection Order and the Licensing Objectives.

Should issues arise as a result of granting this application, Members noted that a Review of the premises licence was available.

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Chairman/woman



## Minutes of the Licensing Sub-Committee

6 August 2020

-: Present :-

Councillors Ellery, Foster and Kennedy

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### 35. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 36. Shoals Café on the Lido, Berry Head Road, Brixham

Members considered a report on an application for a Variation to a Premises Licence in respect of Shoals Café on the Lido, Berry Head Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Letter of representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance' and 'Public Safety'.	13 July 2020

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Member of the Public	The member of the public outlined their representation and responded to Members questions.

### Decision

That the application for a Variation to a Premises Licence in respect of Shoal Café on the Lido, Berry Head Road, Brixham be granted as applied for subject to the following additional condition:

Prominent signs shall be displayed at the premises, informing customers that off sales shall not be consumed around the pool side area.

### Reasons for Decision

Having carefully considered all the written and oral Representations, Members resolved to grant the Variation to the Premises Licence, as they were assured that the conditions contained in the application and the additional condition determined by them, should alleviate the concerns raised by the Interested Party and would ensure that the Licensing Objectives are promoted.

In coming to that decision, Members noted that the premises had been operating since 2015 without any issues of concern being raised with the Licensing Authority. This, along with the submission by the Applicant and Interested Party that the level of anti-social behaviour and public nuisance in the immediate area had decreased during the same period, gave reassurance to Members that by granting this application, the concerns raised by the Interested Party were unlikely to emanate from these premises operations.

Members also took into account that the Applicant had consulted with the Responsible Authorities in respect of their application and noted the absence of any Representation from them.

Members were mindful that a refusal to grant an application required the decision to be based upon evidence, evidence which in their opinion, was not present in either the written or oral representations before them. Therefore Members could find no appropriate reason to refuse the application, as applied for.

In concluding, should issues arise as a result of granting this application, Members noted that a Review of the Premises Licence was available.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

8 October 2020

-: Present :-

Councillors Ellery, Foster and Kennedy

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### 37. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 38. 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 Driver's Licence. The Licensing Officer advised Members that Mr Tamplin had failed to meet specific requirements as set out in the Hackney Carriage and Private Hire Licensing Policy 2018, as following receipt of 1 speeding offence and 1 motoring offence during a six month period, the Licence Holder has 9 penalty points. Members were advised that apart from these two offences Mr Tamplin had never had any previous complaints or concerns in respect of his Licence. The Sub-Committee therefore had to determine if Mr Tamplin remained a 'fit and proper' person to hold such licence.

At the hearing, Mr Tamplin set out the circumstances which led to him receiving 9 penalty points on his DVLA Driver's Licence, as set out in his letter attached at Appendix 4 to the submitted report. He accepted that he had failed to notify the Licensing Authority of the three points he had been given as a result of driving at 34 miles per hour in a 30 mile an hour zone and advised that he expected this to be picked up when he renewed his Licence. Mr Tamplin advised that he had since put in place written records to show which driver had leased his vehicles and acknowledged that he had failed to keep adequate records in the past.

#### **Decision:**

- (i) that Mr Tamplin be formally warned in writing and that this warning shall remain in situ; and that should any further issues of concern arise which requires Mr Tamplin to appear again before a Licensing Committee, Members of that Committee shall be made aware of this written warning; and
- (ii) that the warning letter shall include a requirement that Mr Tamplin shall at all times, keep and maintain formal written records on who he has rented his vehicles to and by who and when, they are being driven; and

- (iii) that Mr Tamplin shall 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.

**Reason for Decision:**

Having carefully considered all of the written and oral representations, Members resolved that Mr Tamplin should receive a formal written warning in this instance.

In coming to their decision, Members were satisfied that on all the evidence before them, that one of the sets of penalty points were as a result of poor administration and not Mr Tamplin's safety or driving ability. Furthermore, Members noted the oral confirmation from the Licensing Officer that throughout Mr Tamplin being a driver licensed by Torbay Council, there had never been any issues or concerns raised about him.

Members were concerned over the accuracy of the facts reported by Mr Tamplin and resolved that the requirement for Mr Tamplin to keep formal written records of persons renting and driving his vehicles at all times, would ensure that any future offences would be able to be attributable to that driver. Notwithstanding that Mr Tamplin had advised Members that he now has such records in place.

Mr Tamplin's submission that it was his belief the penalty points for the speeding offence would be picked up at renewals was of concern to Members, as this was not what was required of him in accordance with the Policy. With that in mind, Members felt it appropriate to require Mr Tamplin read and familiarise himself with the Policy to ensure that there was no future misunderstanding of what is required of him as a driver licenced by Torbay Council.

In concluding, it is important to note that the decision to formally warn Mr Tamplin was not a unanimous one and that suspension and revocation of Mr Tamplin's drivers licence was given serious consideration; and whilst the accuracy of that reported by Mr Tamplin remained a concern to Members, the imposition of the conditions on his driver's licence went some way to alleviate these concerns.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

19 November 2020

-: Present :-

Councillors Ellery, Foster and Kavanagh

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### 39. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 40. Rock Garden, 40 - 44 Swan Street, Torquay

Members considered a report on an application for a Review of a Premises Licence in respect of Rock Garden, 40 – 44 Swan Street, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Applicants seeking the Review	Application seeking a Review of the Premises Licence.	Dated 20 September 2020
Respondent	Representation objecting to the application for Review.	22 October 2020
Member of the Public	Representation objecting to the application for Review.	21 October 2020
Member of the Public	Representation objecting to the application for Review	22 October 2020
Public Protection Officer	Representation in respect of the application for Review.	22 October 2020

Additional Information:

With the agreement of the Chairman, the time permitted for the submission of oral representations was extended to 20 minutes for all parties.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application requesting a Review of the Premises Licence.
Applicant	The Applicant also outlined his reasons for applying for a Review of the Premises Licence and responded to Members questions.

Applicant	The Applicant outlined his reasons for applying for a Review of the Premises Licence and responded to Members questions.
Respondents Representative	The Respondents Representative outlined his representation against the application for a Review of the Premises Licence and responded to Members questions.
Respondent	The Respondent outlined his representation against the application for a Review of the Premises Licence.
Public Protection Officer	The Public Protection outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined her representation against the application for a Review of the Premises Licence.

Applicant's response to Representations:

At the request of the Applicant a number of sound recordings that had been recorded via the Council's Noise App were played for the Committee.

**Decision:**

That in respect of the application for a Review of a Premises Licence of The Rock Garden, 40 – 44 Swan Street, Torquay, Members unanimously resolved that in this instance, no formal action is required.

**Reasons:**

Having carefully considered all the written and oral representations, Members could not be satisfied on the evidence before them, that the test of public nuisance in its widest form, as intended by the Licensing Act 2003, had been met in this instance. Members did however accept, that a level of disturbance was present from the premises operation, albeit not amounting to a public or statutory nuisance.

In coming to their decision, Members had regard to the actions taken by the Premises Licence Holder following the Review of the Premises Licence in 2014, the ongoing engagement by the Premises Licence Holder with the Responsible Authorities to address any issues of concern as they arose, the Premises Licence Holders proactive and responsible attitude and approach to finding measures to prevent such occurrence and the positive characterisation of the Premises Licence Holder put forward by the Public Protection Officer, both in his written and oral representation; and unanimously resolved that where a solution could be found to the disturbances complained of between the hours of 6.30pm and 9.30pm, that the Premises Licence Holder would implement these, without the need to modify the premises licence.

Members noted that the premises were located within the town centre and within an area that was known to be the night time economy which in itself, was reasonable to expect some levels of disturbance. Members further noted that there were representations in support of the Respondent from other Interested

Parties, one of which lived in closer proximity to the premises, than the Applicants and they did not report the same level of disturbance advanced in the application. Furthermore, that resident echoed the responsible attitude and approach Members would expect of a Premises Licence Holder to remedy nuisance when it occurred.

As advanced by the Public Protection Officer, Members recognised that the national lockdown had resulted in a period of considerable silence that would be unusual for such a town centre location and in their opinion, had resulted in people's tolerance of noise being reduced. Such a period of silence, followed by the introduction of the Government's 'Eat Out to Help Out' Scheme resulted in an increase in business for premises and that measures for premises to be Covid secure, had also resulted in more people being seated in outside areas. The combination of quiet, coupled with a sudden increase in noise, was reported by the Public Protection Officer to have resulted in a number of noise complaints about premises across Torbay being received by the Authority's Licensing Department which had never caused them noise concerns before. This Members found to be the case in this instance, given the periods complained of falling in line with timings of the Scheme and the absence of any complaints since the 2014 Review, with the exception in 2018, when the Applicant's raised with the Licensing Authority a concern with regards to the use of Temporary Event Notices, believing they were being used to circumvent the outcome of 2014 Review.

Should matters of concern arise out of this unanimous decision not to take formal action in this instance, being satisfied that the Premises Licence Holder will document measures to be taken within their premises Noise Management Plan and implement these to address noise issues, as they have done so since 2014, Members noted that a Review of the premises licence is available where a public nuisance exists.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

26 November 2020

-: Present :-

Councillors Barnby, Ellery and Foster

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### 1. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 2. Zakopane, 16 Market Street, Torquay

Members considered a report on an application for a Premises Licence in respect of Zakopane, 16 Market Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Written representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	3 November 2020
		19 November 2020

Additional Information:

At the hearing the normal allowance of 10 minutes for oral representations was extended to 13 minutes.

Oral Representations received from:

Name	Details
Applicants Legal Representative	The Applicant's Legal Representative outlined the application and he and the Applicant responded to questions.
Police	The Police outlined their representation and responded to questions from Members.

### Decision:

That the application for a Premises Licence in respect of Zakopane, 16 Market Street, Torquay be refused.



**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members unanimously resolved to refuse the application, having been satisfied on the balance of probabilities and the evidence before them, that to refuse the application was both proportionate and appropriate, in this instance.

In coming to that decision, Members noted that the premises is situated within the Authority's Cumulative Impact Area, which experiences high levels of crime, disorder and public nuisance and has immediately surrounding it, a Public Space Protection Order area which prohibits the consumption of alcohol in public spaces in the town centre due to the link between alcohol consumption and crime and anti-social behaviour. With this in mind, Members had grave concerns regarding Mr Hassan's capabilities to operate a premises in such a restrictive area, in a manner which complied with all conditions of a premises licence and ensured the Licensing Objectives would be promoted.

Members concerns in this regard, arose of the evidence before them from Ms Michelle Bishop. Members noted that on the 18<sup>th</sup> November 2020 via email, Ms Bishop advised the Police Licensing Officer, Ms Julie Smart that during 2014 both the Police and Fenland District Council Licensing experienced concerns with Mr Hassan re failure to comply with conditions of an action plan set in conjunction with the Responsible Authority Officer Group but did, after additional support was given to him from Officers.

When asked what conditions he was failing to comply with in respect of this evidence, Mr Hassan was unable to answer this question with any clarity and appeared confused in what was being asked of him. That was, until his legal representative sought instructions from Mr Hassan over the telephone whilst both their microphones to the virtual hearing, were muted. On the unmuting, it was put forward that the concerns were around a refusal book which had run out of pages and a new one was required. This was then echoed by Mr Hassan himself, with clarity. Members could not be satisfied that this was an accurate account of those concerns because the evidence of Ms Bishop mentioned conditions in the plural and that it was after additional support, Mr Hassan complied. In Members opinion, the replacement of a refusal book may have been part of the concerns but they found Mr Hassan not to be forthcoming with the whole account of these concerns and this caused them to question Mr Hassan's capabilities to operate a premises in what could be a restrictive and challenging environment. Members also noted the Police's oral evidence in this regard that an action plan is usually put in place, where there are multiple concerns.

It was also of concern to Members that Mr Hassan's legal representative put forward that Mr Hassan was not aware of the Police and Licensing Authorities concerns in relation to compliance with conditions. Members resolved that by the very fact an action plan was in place and Mr Hassan was provided with support by Officers, Mr Hassan would have been fully aware of those concerns.

It was noted by Members that the transfer of the premises before them, was arranged through a friend and that within Mr Hassan's wider community, this was usual practice; and it was put forward by Mr Hassan's legal representative, that there were documents showing the transfer of shares. However this did not provide assurance to Members that Mr Hassan was not connected in some manner, to those who had carried out illegal activity at licensed premises. Noting also the Polices' submission, that this is a tactic used by organised crime groups who nominate a new Premises Licence Holder and Designated Premises Supervisor to obtain the licence and act as a front for their activities.

Members suspicions were raised in this regard, given Mr Hassan's oral submission that it was his girlfriend's idea to leave the premises in Wisbech, as there was too much competition in the area, but that he has now purchased an off licence in Market Street, Torquay, where there are two other European food shops selling similar products to those sold in Zakopane.

This coupled with the seizure of tobacco in Birmingham, which Mr Hassan's legal representative said Mr Hassan had no involvement in or knowledge of, despite being present and legally responsible for the premises at that time. It was also of concern to Members to learn that this premises also had a concealment, which is also similar to what occurred in Zakopane, in Torquay under previous ownership and led to that premises licence being revoked; and a significant quantity of goods being seized by Trading Standards.

Furthermore, Members noted with concern that on the 23<sup>rd</sup> March 2020, after Mr Hassan had sold Wisbech Mini Market, using the same friend arrangement to do so, he attended the premises to visit a friend and that it was put forward by Mr Hassan's legal representative that the fact Mr Hassan arrived at the Wisbech premises whilst a tobacco search was being carried out, is merely a coincidence and that it was in fact to be helpful that Mr Hassan asked if he could go behind the counter and serve customers and did so.

However, Members found this submission to contradict the evidence of Ms Bishop, as she thought Mr Hassan serving customers was unusual and that she intended to go back to the premises to speak to the Designated Premises Supervisor regarding this but hasn't been able to do so due to covid19.

Members gave careful consideration to the letter from the Border Force, dated 9 August 2018 which was submitted as part of the Police representation and the oral representations of Mr Hassan's legal representative, in this regard.

It was noted by Members that on the 2<sup>nd</sup> June 2018 whilst owning Wisbech which he was licensed to sell alcohol, Mr Hassan was stopped by an Officer of the Border Force, where it was disclosed he had imported a quantity of alcohol but was unsure how much had been purchased but that it was to be shared between him and a friend. The amount estimated to be spent by Mr Hassan, was less than the actual amount shown on receipts. It was said by Mr Hassan to the Border Force officer, that the alcohol was for gifts and a birthday party being held by him but at the time, Mr Hassan was unable to give a date when or where, that party would be held and how many people would attend. However during the hearing,

Mr Hassan's legal representative put forward that the alcohol was for Mr Hassan, his wife and a friend's birthday and gave Members the birth dates of Mr Hassan and his wife. Members could not understand why Mr Hassan did not supply this information to the Border Force at the time and in their opinion, questioned the honesty of his instruction now.

It was also of concern to learn from the Border Forces letter that the main reasons for them not concluding that the goods were for personal use, was the manner in which the goods were loaded in on commercial pallets, that Mr Hassan was vague about how the goods were to be split and that the claimed expenditure did not tally with the overall bill, that there were mixed brands of beer and wines, with no loyalty to a particular brand and that as he was engaged in the illicit trade of excise goods Border Force take a serious view to the improper importation of such goods and the vehicle itself, was seized at that time.

Whilst Members acknowledged Mr Hassan's legal representatives oral submission that costs to appeal such a decision may be prohibitive, it was a concern to Members that, as a personal licence and an operator of licenced premises, Mr Hassan would not think it cost effective, both financial and reputational to challenge this decision, in an attempt to maintain a reputation as a responsible licensee.

Notwithstanding the concerns already set out above, it was a concern to Members to learn from the Police's oral submission that three different Authorities across the Country, who have knowledge of Mr Hassan, have all indicated that Mr Hassan is linked to smuggled goods and for that reason too, Members determined to refuse this application was proportionate and appropriate, to ensure that the Licensing Objectives were upheld.

In concluding, Members gave careful consideration to what other options were available to them, as an alternative to refusal but unanimously resolved, that an outright refusal was the only appropriate option, in this instance.

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Chairman/woman

## **Minutes of the Licensing Sub-Committee**

**3 December 2020**

**-: Present :-**

Councillors Barnby, Ellery and Kennedy

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### **3. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

### **4. 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 Driver's Licence. The Licensing Officer advised Members that Mr Calderbank had failed to meet specific requirements as set out in the Hackney Carriage and Private Hire Licensing Policy 2018, following a conviction of common assault and beating of an emergency worker.

At the hearing, Mr Calderbank set out the circumstances which led to him being convicted of common assault and beating of an emergency worker and responded to questions from Members.

#### **Decision**

That Mr Calderbank be formally warned in writing and that this warning shall remain in situ for a period of 18 months and that should any further issues of concern arise within that 18 month period which requires Mr Calderbank to appear again before a Licensing Committee, Members of that Committee shall be made aware of this written warning.

#### **Reasons for Decision**

In coming to that decision, Members carefully considered having been charged with the responsibility to determine Mr Calderbank's drivers' licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to them to get into a vehicle with the Respondent alone. The majority answer by Members to this question, was 'yes'.

Members take a dim view of any assault, especially those on emergency services personnel when carrying out their duties and gave serious consideration to suspending Mr Calderbank's drivers' licence. However, in this instance, Members noted the circumstances surrounding the incident itself which led to this assault

taking place, the genuine remorse demonstrated by Mr Calderbank, the lapse in time between the offence and subsequent conviction and that during this period, Mr Calderbank had continued to operate as licenced driver without any other complaints or incidents of concern.

Taking all of the above into consideration, Members resolved to depart from Torbay Council's Hackney Carriage and Private Hire Policy believing it to be reasonable and proportionate, in this instance but determined that the warning should remain in situ for 18 months to act as a reminder to Mr Calderbank of future conduct and reflect the seriousness of how Members view assaults on emergency services personnel.

#### **5. Exclusion of the Press and Public**

At the meeting Members resolved that the Hearing should be held in public as they did not consider the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

#### **6. Consideration of the fit and proper status of an applicant to hold a dual Hackney Carriage and Private Hire Drivers' Licence**

Members considered a report on an application for a Torbay Council Dual Hackney Carriage and Private Hire Driver's Licence. The Licensing Officer advised Members that Mr Chaku had failed to meet specific requirements as set out in the Hackney Carriage and Private Hire Licensing Policy 2018, by failing to declare relevant convictions.

At the hearing, Mr Chaku set out the circumstances which led to the convictions and him omitting to declare the convictions on his application form to become a holder of a Torbay Council Dual Hackney Carriage and Private Hire Driver's Licence.

#### **Decision**

That Mr Chaku's application for a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence be refused, on the grounds that he is not considered to be a 'fit and proper' person to hold such a licence.

#### **Reasons for Decision**

In coming to that decision, Members carefully considered having been charged with the responsibility to determine Mr Chaku's drivers' licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to them to get into a vehicle with Mr Chaku alone. An unequivocal and unanimous answer by Members to this question, was 'no'.

Members determined that the application question in relation to convictions to be clear and were concerned that Mr Chaku was not forthcoming in his response to

this question, resulting in his convictions only becoming known upon the submission of his advanced Disclosure and Barring Services disclosure. This, Members believed to be a deliberate attempt by Mr Chaku, to mislead the Licensing Authority.

Having heard of the Officers feedback to the Principal Licensing Officer regarding their concern of Mr Chaku's aggressive conduct towards them on the 9<sup>th</sup> October 2020 when undertaking the knowledge test which is required as part of his application, Members noted it to mirror the accounts given by Torbay Council's Food Officers during their investigation in March 2018. On hearing Mr Chaku's account of the events, Members found no reason to disbelieve the Officers account and this furthered their concerns to Mr Chaku's suitability to become a driver licensed by Torbay Council.

On the evidence before them, Members could not be satisfied that Mr Chaku had the right temperament to deal with what at times, could be challenging situations with some passengers, in a calm, controlled and professional manner, given his reaction to historic incidents involving Officers and more recently, that which occurred on the 9<sup>th</sup> October 2020.

In concluding, Members had careful regard to the convictions criteria set out in Torbay Council's Hackney Carriage and Private Hire Policy and resolved in this instance, that there was no justified reason to depart from the Policy. This, coupled with the concerns referred to above, resulted in what Members determined to be a proportionate and appropriate decision, in refusing Mr Chaku's application, at this time.

## **7. Adjournment**

At this juncture the meeting of the Licensing Sub-Committee adjourned until 11.25 a.m. (See separate agenda and minutes for further details.)

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Chairman/woman

## Minutes of the Licensing Sub-Committee

3 December 2020

-: Present :-

Councillors Barnby, Ellery and Kennedy

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### 8. Summary Review Application - The Sporty's, 80 Belgrave Road, Torquay

Members considered an application for a Summary Review of a Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Applicant (Police)	Application and supporting information for a Summary Review of a Premises Licence.	1 December 2020

Oral Representations received from:

Name	Details
Police	The Police outlined their Application for Summary Review and responded to Members questions.
Respondent	The Respondent outlined his representation in respect of the Application for a Summary Review and responded to Members questions.

#### **Decision**

That the Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay, be suspended with immediate effect until the 29 December 2020 and a Review of the Premises Licence shall take place on Monday, 21 December 2020 at 1pm, in accordance with the Licensing Act 2003.

#### **Reason for Decision**

Having carefully considered all the written and oral Representations, Members were unanimous, on the evidence before them, that the only appropriate decision in this instance, was to suspend the Premises Licence with immediate effect.

In coming to that decision, Members took into consideration that the Coronavirus Health Protection Regulations 2020 came into effect on 26 March 2020 and on 1 April 2020, Mr Lang was found by Police Officers to be at the premises with friends, contrary to those restrictions and had been playing pool, listening to music

and consuming alcohol. Mr Lang made admissions to Officers during this visit, that he, along with friends had played some 625 games of pool and that these games were taking place 3-4 times per week, since the beginning of lockdown. It was of concern to Members that Mr Lang, as a Premises Licence Holder, thought this to be acceptable. Members noted that Mr Lang was given words of advice in this regard and that this was followed up in writing, by a letter which had been delivered by Responsible Authority Officers on 23 April 2020.

Members further noted on the 4 July 2020, that when Police Officers attended the premises at 6pm, it was found to have inadequate Covid compliance measures in place and Mr Lang was again given words of advice in this regard. Notwithstanding this advice, when Responsible Officers visited the premises at 9.30pm later that day, it was apparent Mr Lang had taken no steps to ensure that his premises were Covid compliant and it was observed by those Officers, that there were further failings.

Whilst Mr Lang elected to close his premises on 6 July 2020, acknowledging that he could not control his customers to ensure that the premises remained Covid compliant, Members noted that at the time of taking this decision, Mr Lang had agreed to notify the Police prior to reopening his premises and that the Police Licensing Officer would assist him with a risk assessment and the measures required to ensure he was Covid compliant. Despite this offer of help and indicated notification, Mr Lang reopened the premises without contacting the Police.

On 23 September 2020, Members noted that a further inspection of the premises took place and those inspecting Officers found that several premises licence conditions were not being complied with which led to a Closure Notice being served. On that date, Mr Lang was warned by Officers about the potential review of his premises licence, due to ongoing concerns in respect of him and his premises.

Despite historical interventions, words of advice and warning given to Mr Lang, Members noted on the 11 November 2020 during the second lockdown, Police received intelligence that there were four persons on the premises. On arrival at the premises, Police Officers were told by Mr Lang that he and one other were on the premises which by his own admissions he acknowledged was against the rules. On inspection of the premises, Police located a further male which evidenced that Mr Lang had initially misled them. This in Members opinion, fell well below the standard reasonably expected by them of a responsible Premises Licence Holder.

For this breach, it was noted by Members Mr Lang was issued with a £1,000 fixed penalty notice.

Members considered alternative interim steps arising out of this Expedited Review, such as modifying the premises licence and/or removing Mr Lang as the Designated Premises Supervisor but they could not be satisfied that in taking these steps, further breach of the Regulations would not occur, risking further criminality in this regard and endangering the lives of others.



Chairman/woman

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## Minutes of the Licensing Sub-Committee

10 December 2020

-: Present :-

Councillors Ellery, Kavanagh and Barbara Lewis

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### 9. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 10. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Barbara Lewis instead of Councillor Barnby.

### 11. 5 Walls Hop House, 43 Winner Street, Paignton

Members considered a report on an application for a Premises Licence in respect of 5 Walls Hop House, 43 Winner Street, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	16 November 2020
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	17 November 2020

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to Members questions.
Member of the Public	A Member of the Public outlined his objection to the application and believed that his representation related to 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm'.

**Decision:**

That the application for 5 Walls Hop House, 43 Winner Street, Paignton be granted, as applied for.

**Reason for Decision:**

Having carefully considered all of the written and oral Representations, Members resolved to grant the Licence, having been reassured by the Applicant's detailed and thorough oral representation.

In coming to their decision, Members had regard to the concerns raised by two Members of the Public, and whilst sympathetic to those anticipated concerns, Members were mindful that their written and oral Representations were largely based upon assumptions, rather than being evidence based.

Members noted that there were no Representations from any of the Responsible Authorities and that the Applicant had engaged with Responsible Authorities, prior to submitting the application. Members therefore drew proportionate inference, that the Responsible Authorities did not have any concerns in respect of this application.

In concluding, Members further noted that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

21 December 2020

-: Present :-

Councillors Barnby, Ellery and Kennedy

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### 12. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 13. Review, following an application made under section 53A for a Summary (Expedited) Review of a Premises Licence for The Sporty's, 80 Belgrave Road, Torquay

Members considered a report on an application for a Full Review of a Premises Licence, following an application made under section 53A for a Summary (Expedited) Review of The Sporty's, 80 Belgrave Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Applicant (Police)	Application for Summary Review from the Police.	1 December 2020
Police	Additional information including a chronology and witness statements.	Various
Public Protection Officer	Representation in support of the Application for a Review.	16 December 2020

Additional Information:

The Applicants (Police) requested an extension of time for oral submissions, the Chairman agreed to the extension and advised that all parties present would have 15 minutes for oral submissions.

Oral Representations received from:

Name	Details
Applicant (Police)	The Applicant outlined the Application for Review and responded to Members questions.
Respondent (Mr Lang)	The Respondent submitted a response to the Review and answered Members questions.

Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.
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### **Decision**

That the interim step to suspend the Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay, shall cease.

Mr Lang shall be removed as the Premises Designated Premises Supervisor, with immediate effect.

That the following two condition shall be added to the Premises Licence:

The Premises Licence Holder, Mr Lang shall not be permitted to consume alcohol on the Premises during his working hours.

The Premises Licence Holder, Mr Lang shall not be under the influence of alcohol on the Premises during his working hours.

### **Reasons for Decision**

Having carefully considered all of the written and oral Representations, Members of the Sub-Committee resolved that on the evidence before them, the appropriate option in this instance, is to remove Mr Lang as the premises Designated Premises Supervisor, with immediate effect and modify the premises licence with the two specified additional conditions.

In coming to that decision, Members noted the concerns raised by the Police and Public Protection Officers in respect of Mr Lang's management of these Premises and his subsequent non-compliance with conditions of his Premises Licence and Covid related Regulations, despite numerous advice and guidance being given to him by the Responsible Authorities.

Members noted the Responsible Authorities submissions that Mr Lang was capable of sustaining periods of time where he was able to operate the Premises without concern. However, in noting Mr Lang's description of the Premises, in that it was a locals pub where he knew everyone and everyone knew him, Members determined that when under the influence of alcohol, the standards reasonably expected by them of a responsible licensee slipped and the demarcation for Mr Lang of his professional and home life became blurred, to the extent that he was at times found to be operating the Premises whilst under the influence of alcohol. This was also evidenced by Mr Lang, in the company of friends, using the Premises and its facilities to drink and play pool, when in fact, the Premises should have been closed. Members determined that in modifying the Premises Licence with the two additional conditions, Mr Lang would have to operate the premises sober and this, in their opinion, would reduce the risk of such events reoccurring.

By removing Mr Lang as the Premises Designated Premises Supervisor, Members determined that the day to day responsibility of the Premises operations would be

designated to another Personal Licence Holder, taking away the risk of those lines becoming blurred and that the Premises would be operated in a more responsible and professional manner which ensured compliance of the Premises Licence conditions and maintained promotion of the Licensing Objectives.

Noting that their determination would still enable Mr Lang to remain as the Premises Licence Holder, Members were reassured that to appoint a new Designated Premises Supervisor, Mr Lang would require the approval of the Police and where there were grounds to object to such an appointment, the Police would do so.

Following advice and guidance by Responsible Authority Officers and the serving of a Closure Notice, Members were reassured that Mr Lang was receptive and had acted promptly, in putting the necessary measures in place to ensure compliance of the conditions on his Premises Licence.

Noting Mr Lang's remorse and willingness to work with the Responsible Authorities and that when sober, Mr Lang was polite, agreeable and receptive to those Officers requests, Members were satisfied that Mr Lang did appreciate the seriousness of the Expedited Review being called by the Police and the subsequent requirement for him to appear before them at a Licensing Sub-Committee hearing, which could have resulted in his Premises Licence being revoked. This, in Members opinion, would act as a stark reminder and warning to Mr Lang, that should he fail to take this opportunity and ensure that the future operations of his Premises are run in a professional and responsible manner, there remains a risk that any subsequent Licensing Sub-Committee hearing, could determine the revocation of his Premises Licence.

Members gave careful and serious consideration to revoking Mr Lang's Premises Licence, however determined in this instance on the evidence before them, that by removing Mr Lang as the Designated Premises Supervisor and ensuring that he was not under the influence of alcohol when carrying his working hours at the Premises, the Licensing Objectives would be promoted and to revoke the premises licence at this stage, would in Members opinion, have been disproportionate.

In concluding, Members noted that Mr Lang had been issued with a Fixed Penalty for breaching Covid Regulations and that the period between the Expedited Review and Full Review, the Premises Licence had been suspended.

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Chairman/woman

## **Minutes of the Licensing Sub-Committee**

**14 January 2021**

**-: Present :-**

Councillors Ellery, Kavanagh and Barbara Lewis

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### **14. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

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

The Sub-Committee considered the submitted report which requested consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' License. Representations were heard from the Licensing Officer and respondent, Mr Lawrence-Ball.

Resolved:

Having carefully considered all the written and oral representations, Members unanimously resolved at this time that they were unable to determine whether Mr Lawrence-Ball remained a fit and proper person to hold a Licence. Members therefore resolved to adjourn their decision to Thursday, 18 February 2021 to enable information to be provided to them by Mr Lawrence-Ball with regards to medical evidence and therefore his suitability to be a holder of a Hackney Carriage and Private Hire Drivers' Licence, as issued by Torbay Council. The Sub-Committee requested that the information required from Mr Lawrence-Ball must be submitted no later than Tuesday, 16 February 2021.

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Chairman

## **Minutes of the Licensing Sub-Committee**

**18 February 2021**

**-: Present :-**

Councillor Ellery (Chairman)

Councillors Kavanagh and Barbara Lewis

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

Prior to the start of the hearing and noting the absence of Mr Lawrence-Ball, Mr Rackley was asked by the Chairperson to telephone Mr Lawrence-Ball to confirm if he would be attending the hearing, having informed Members of his telephone call the day before with Mr Lawrence-Ball, where he had said he would be attending. Mr Lawrence-Ball did not answer the call and Mr Rackley left a message. Having been satisfied that Mr Lawrence-Ball was aware the hearing date and time, the Sub-Committee unanimously resolved to continue the hearing and would base their determination on the written information provided and the written and oral evidence received at the original hearing, on 14 January 2021. At the Chairpersons further request, Mr Rackley attempted again to contact Mr Lawrence-Ball prior to the Sub-Committee's deliberation, in order to give him a chance to put across his point of view and respond to questions but no response was received.

Further to the meeting of the Licensing Sub-Committee on 14 January 2021, Members reconvened and considered the report and additional medical evidence, which had been requested at the original hearing, on a review of a Torbay Council Dual Hackney Carriage and Private Hire Driver's Licence. The Licensing Officer advised Members that Mr Lawrence-Ball had failed to meet specific requirements as set out in the Hackney Carriage and Private Hire Licensing Policy 2018, by failing to declare relevant motoring offences.

At the original hearing, Mr Lawrence-Ball set out the circumstances which led to the 1 speeding offence and 1 motoring offence during a 2 year period which left him with 9 penalty points and the reasons for him omitting to declare the convictions to the Licensing Authority.

### **Decision**

That Mr Lawrence-Ball's Torbay Council issued Dual Hackney Carriage and Private Hire Drivers' Licence be suspended with immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976,



on the grounds that he is not considered to be a 'fit and proper' person to hold such a licence.

### **Reasons for Decision**

In coming to that decision, Members carefully considered having been charged with the responsibility to determine Mr Lawrence-Ball's Dual Hackney Carriage and Private Hire Drivers' Licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to them to get into a vehicle with Mr Lawrence-Ball alone. An unequivocal and unanimous answer by Members to this question, was 'no'.

Members determined that the failure to declare the speeding and motoring offences, whilst of great concern, had occurred during difficult and emotional times; and it was likely during this period, that Mr Lawrence-Ball may not have been in a fit and proper state, due to personal bereavements and the likelihood of this being compounded by his history of mental health, having disclosed this at the initial meeting on the 14 January 2021.

However, in the absence of Mr Lawrence-Ball presence at the meeting to provide evidence and assurances to the contrary, and noting their primary objective which is one of public safety, Members could not be satisfied on the evidence before them that Mr Lawrence-Ball remained a fit and proper person to hold a Drivers' licence. In addition, Members determined that the submitted GP letter dated 3 February 2021 was inconclusive on the current circumstance of Mr Lawrence-Ball's mental health, as it appeared that he had not spoken to the GP personally, despite the purpose of the adjournment being orally advocated to Mr Lawrence-Ball; and that the letter was based on historical events, with the most recent being in 2018.

In respect of failing to report the offences to the Licensing Authority, as required by the Policy, Members acknowledged that Mr Lawrence-Ball had notified the Operator of the offences but this in their opinion, showed a lack of professional awareness by Mr Lawrence-Ball to familiarise himself with the requirements of the Policy which is reasonably expect by them, of a driver licensed by Torbay Council. This coupled with him driving without due care and attention which by his own admission, led to the incidents occurring, was also of great concern to Members, when considering public safety.

In concluding, Members gave careful consideration to revoking Mr Lawrence-Ball's Drivers' licence but determined on the evidence before them, a suspension was appropriate and proportionate and that this suspension should be with immediate effect, given also the uncertainties before them and to ensure public safety.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

8 April 2021

-: Present :-

Councillors Ellery, Foster and Kennedy

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### 17. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

### 18. The Holiday Shop, Cliff Park Road, Goodrington, Paignton TQ4 6NB

Members considered a report on an application for The Holiday Shop, Cliff Park Road, Goodrington, Paignton TQ4 6NB.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public (in two parts)	Representation objecting on the grounds of 'The Prevention of Crime and Disorder', 'Public Safety'	25 February 2021 and 3 March 2021

Additional Information:

Appropriate notices were issued to all parties in accordance with regulations inviting them to attend the hearing. The interested party advised they would not be attending.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined their application and responded to Members questions.

Decision:

That the application for The Holiday Shop, Cliff Park Road, Goodrington, Paignton, TQ4 6NB be granted, as applied for.

Reason for Decision:

Having carefully considered all of the written and oral Representations, Members unanimously resolved to grant the Licence.

In coming to their decision, Members heard from the Applicant in person and considered the concerns raised by the Member of the Public in written submissions, noting that the Objector had chosen not to attend the hearing.

Whilst sympathetic to those anticipated concerns, Members were mindful that there was no evidence to support any current anti-social behaviour and were satisfied that the issues reported were historic having been resolved by a change of use for the problem area. It was noted that the Objector themselves stated that the problems were historical and had been solved.

In respect of the other matters raised concerning the potential for anti-social behaviour, smells, litter and noise emanating from the premises Members were reassured by the Applicant's confirmation that a CCTV system was in place covering inside and outside areas, which could be accessed live via mobile phone. Further no cooking would be undertaken on the premises as they would be serving salads, pasties, sausage rolls or similar. Alcohol would only be sold with food and by table service for consumption on the premises. In addition the Applicant confirmed that deliveries would not take place until after 9am.

Members were satisfied that the Applicant had put in appropriate measures which addressed the concerns raised and that the licensing objectives would not be undermined. Members further noted that no Representations had been received from any of the Responsible Authorities.

In concluding, Members further noted that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

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Chairman



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of No 18, 18 Esplanade Road, Paignton, TQ4 6BD

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee** **20<sup>th</sup> May 2021**

Contact Officer: **Amanda Turner**

☎ Telephone: **01803 208112**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

- 1.1 To consider and determine an application for a new Premises Licence, in respect of the Premise detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective the “Prevention of Crime and Disorder” and the “Prevention of Public Nuisance”.
- 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. 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.

*forward thinking, people orientated, adaptable - always with integrity.*

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

## **2. Application**

- 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.

Additional documentation submitted by the Applicant in relation to Policies they have in place relating to Dispersal, Door Supervisor, Drugs and Noise reports and plans can be seen in Appendix 2.

A brief description of the application, as follows:-

“No 18 is planned to operate as an entertainment venue, with a mix of live music, dance, disco and televised sports. No 18 forms the basement of Hyde Dendy with its own entrance, outside area and facilities”.

Indoor Sporting Events from 08:00 until 03:00 the following morning indoors 7 days a week.

Live Music from 10:00 until 03:00 the following morning indoors 7 days a week.

Recorded Music from 08:00 until 03:00 the following morning indoors 7 days a week.

Provision of Performance of Dance from 08:00 until 03:00 the following morning indoors 7 days a week.

Provision of anything of a similar description to live music/recorded music or Performance of Dance from 08:00 until 03:00 the following morning indoors 7 days a week.

Late Night Refreshment both indoors and outdoors 23:00 to 03:00 7 days a week.

The Supply of Alcohol on and off the premises from 08.00 until 03:00 the following morning 7 days a week.

To be open to the public from 08:00 until 03:00 the following morning 7 days a week.

- 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 relevant Representations have been received. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale and have not been subsequently withdrawn.

We have received 2 Responsible Authority Representations:

One from the Police in relation to the Licensing Objectives “Prevention of Crime and Disorder” and “Prevention of Public Nuisance”. This is shown in Appendix 3.

The second one from Torbay Councils Public Protection Officer responsible for public nuisance outlining his objections in relation to “The Prevention of Public Nuisance” and “Public Safety”. This is shown as Appendix 4

We have also received 5 Representations from Interested Parties; namely persons who live or operate a business in the vicinity. These relate to the Licensing Objectives “Prevention of Crime and Disorder” and “Prevention of Public Nuisance”. A copy of the Representations are attached at Appendix 5.

A previous application for this premises was refused by the Licensing Sub-Committee on 24 October 2019 and a copy of the decision notice is included in the Police’s Representation of Appendix 3.

- 2.3 The Authority is required to conduct a hearing under 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 Relevant sections of the application form

Appendix 2 Additional documentation submitted by Applicant

Appendix 3 Representation from the Police

Appendix 4 Representation from Public Protection Officer responsible for Public Nuisance

Appendix 5 Representations from Interested Parties

Appendix 6 Plan of the Premises

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

None

## **Background Papers:**

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

Torbay Council Licensing Policy 2021-26



Torbay  
Application for a premises licence  
Licensing Act 2003

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

\* required information

**Section 1 of 21**

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

No 18 March 2021

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

Stephen

\* Family name

Narvidge

\* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

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

920882

Business name

East Street Pub Company Limited

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

VAT number

-

194507193

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

Legal status

Public 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.

Is your business registered outside the UK?  Yes  No

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 Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

**Address**

Building number or name	No 18
Street	Esplanade Road
District	
City or town	Paignton
County or administrative area	Devon
Postcode	TQ4 6BD
Country	United Kingdom

**Contact Details**

E-mail	
Telephone number	
Other telephone number	
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	British

Documents that demonstrate entitlement to work in the UK

Add another applicant

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  17 /  05 /  2021  
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

No18 is planned to operate as an entertainment venue, with a mix of live music, dance, disco and televised sports. No18 forms the basement of Hyde Dendy with its own entrance, outside area and facilities.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

### Section 6 of 21

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

### Section 7 of 21

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give 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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for indoor sporting events

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 indoor sporting events at different times from those listed in the column on the left, list below

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

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Give 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

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

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

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

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

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Give 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...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

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 playing of recorded music at different times from those listed in the column on the left, list below

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

End of permitted hours on New Years Eve to the start of permitted hours on the following day

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give 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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of dance take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

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 performance of dance at different times from those listed in the column on the left, list below

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

End of permitted hours on New Years Eve to the start of permitted hours on the following day

Continued from previous page...

**Section 13 of 21**

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

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give 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

Give a description of the type of entertainment that will be provided

Continued from previous page...

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment

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 entertainment at different times from those listed in the column on the left, list below

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

End of permitted hours on New Years Eve to the start of permitted hours on the following day

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give 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...

THURSDAY

Start 23:00

End 03:00

Start

End

FRIDAY

Start 23:00

End 03:00

Start

End

SATURDAY

Start 23:00

End 03:00

Start

End

SUNDAY

Start 23:00

End 03:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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 late night refreshments at different times from those listed in the column on the left, list below

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

End of permitted hours on New Years Eve to the start of permitted hours on the following day

Continued from previous page...

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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

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.

Continued from previous page...

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

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

End of permitted hours on New Years Eve to the start of permitted hours on the following day

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

Continued from previous page...

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**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

Give 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.

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Give 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



Continued from previous page...

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 in the column on the left, list below

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

End of permitted hours on New Years Eve to the start of permitted hours on the following day

**Section 18 of 21**

**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.

There shall be no entry or re-entry to the premises after 2am except for those customers who have left to use the designated smoking area.

The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.

The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Training records will be retained for at least 12 months and made available for inspection by officers of both the licensing Authority and the Police.

b) The prevention of crime and disorder

Customers shall be encouraged to leave the premises in a quiet and orderly manner.

Premises must join and maintain membership of the Nitenet Radio Communications Scheme.

The external areas of the premises shall continue to be well lit.

Glasses will be regularly collected throughout the premises whilst trading.

A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with monitors and a recording system. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided within downloaded images within 7 days of any request.

On any nights that the premises remain open for the sale of alcohol after midnight and then close after 00.30 hrs, SIA door supervisors shall be employed on the premises from 22.00 until 30 minutes after the premises close, at a ratio of 2 stewards for the first 100 persons and one additional steward for each 100 persons thereafter. The Premises Licence Holder shall also carry out a risk assessment taking the layout of the premises and proposed activity to be carried out into consideration to determine whether any additional stewards are required. On all other occasions the Premises Licence Holder shall risk

*Continued from previous page...*

assess the requirement for door supervisors and employ such numbers, if at all, in such numbers and at such times determined by that risk assessment.

Written records of all SIA door stewards, including full name and full badge number, shall be kept on the premises for at least 12 months and be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

The premises maintains a Door supervisors policy. A copy of this policy shall be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

The DPS shall ensure that an incident book is kept on the premises and that all incidents are recorded therein on a daily basis. The record shall include the full names of all persons involved, if possible or practical to do so. The incident book shall be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

The premises licence holder will ensure that the DPS or other nominated person shall attend at least two meetings of the Torbay Licensing Forum per calender year, together with any other meetings arranged by the police in respect of high-risk events.

All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after 23.00 hours from which it is intended or likely that a person shall drink. All drinks will be served in plastic/polycarbonate after midnight.

The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

#### c) Public safety

The necessary fire safety precautions shall be installed and maintained.

#### d) The prevention of public nuisance

Any noise from the licensable activities provided shall be monitored in order to prevent nuisance.

The placing of refuse, such as bottles, in receptacles outside the premises must not take place between 22.00 and 07.00 hrs to prevent disturbance to nearby properties.

A noise limitation device installed within the premises must be used for all amplified live music and entertainment including karaoke. This device shall be regularly maintained to ensure the noise produced with the premises shall not be audible within any residential premises in the vicinity.

The volume of the 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.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

All doors and windows at the premises shall be kept closed during regulated entertainment to prevent noise breakout, except for access, egress and in cases of emergency.

Entrances with lobbies shall be fitted with automatic door closers. The lobbies shall be in use throughout the time of the entertainment.

Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.

Regular maintenance shall be carries out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

When the outside smoking area is used after midnight an SIA door steward shall be located in that area to ensure that patrons using the area do not behave in a manner which causes a nuisance to nearby residences.

A member of staff shall be designated to monitor the outside smoking area after midnight to ensure that any empty drinking vessels are cleared away promptly.

The smoking area is specifically for smokers after 01.00 hours and no drinks, glasses or bottles will be permitted in this area.

The premises shall have a written noise management plan, in consultation with and agreed by, the licensing authority's Public protection Officer.

The premises noise management plan must be kept at the premises and reviewed when appropriate to do so.

*Continued from previous page...*

The premises has a dispersal policy which will be reviewed regularly. A copy of this policy shall be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

e) The protection of children from harm

There will be in place a written age verification policy in relation to the sale and supply of alcohol, which will specify a Challenge 25 proof of age requirement. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

No persons under the age of 18 years shall be on the premises after 2100 hours except when attending a private party in a function room at the premises, when that part of the premises is not open to the general public. Including off duty staff

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **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:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

315.00

### DECLARATION



Continued from previous page...

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act, 1998. The information that you provide on this form will only be used in the processing of the application form, and will only be

\* disclosed where necessary under any applicable legislation and certain circumstances should the application be successful such as publication of business details on a public register, it may also be shared for the purposes of enforcement

You have the right to access your personal information. If you wish to access your personal information or exercise any of

\* your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 207467. Further information can be found on the Information Governance pages on Torbay Council's internet pages at [www.torbay.gov.uk](http://www.torbay.gov.uk)

\* Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise

\* I have gained permission from all licence holders in making this application

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I

\* understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or

\* her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/torbay/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**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 THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	No 18 March 2021
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >





Consent of individual to being specified as premises supervisor

I, Alexander Narvidge

Of



hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence application

By East Street Pub Company Ltd

relating to a premises licence New

For No18, Esplanade Road, Paignton TQ4 6BD

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

East Street Pub Company Ltd ..... [name of applicant]

concerning the supply of alcohol at No 18, Esplanade Road, Paignton TQ4 6BD ..... [name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number PA3261 ..... [insert personal licence number, if any]

Personal licence issuing authority Torbay District Council Torquay Town Hall, Castle Circus, Torquay TQ1 3DR

Signed ..... [Redacted signature]

Name (please print) XANDER NARVIDGE

Date 25.03.21



## DISPERSAL POLICY

### No. 18

#### 1. PURPOSE

This policy is designed to provide guidance for the management and employees and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps the premises will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

All staff are compelled by their contract of employment to comply with and actively implement this dispersal policy; where their job role includes these responsibilities.

It is the responsibility of the Designated Premises Supervisor to ensure that this policy is enforced at the premises and to regularly update the policy to meet the requirements of the business.

#### 2. LOCAL CO-OPERATION

The premises will work in co-operation, where appropriate, with other premises in the area to ensure that local policies are co-ordinated.

The premises will, where practicable, work in partnership with Responsible Authorities to share information and best practice.

Where reasonably possible, the Premises will actively enrol in schemes such as area wide joint-radio systems, with the Police or other Responsible Authorities.

#### 3. DISPERSAL

Dispersal shall take place through the front door of the premises onto Esplanade Road.

All conditions relating to dispersal included in the Premises licence will be enforced and relevant staff will be trained in these conditions, as well as the terminal hours and operating hours outlined on the premises licence.

Monday to Sunday 03.00 hours

Allocation of staff in the last 30 minutes prior to closing will be reviewed, to ensure that the collecting of glasses and the clearing of other waste is prioritised; this provides a message to customers that the premises is in the process of closing and encourages them to finish their drinks and prepare for departure.

When the cloakroom is in operation and additional staff will also be allocated there to ensure people can collect their belongings as efficiently as possible as they are leaving the premises.

Any time the premises is open after midnight a Door Supervisor will be visible at the exit to control the dispersal, remind people to leave quietly and prevent patrons from re-entering the premises.

An announcement will be made at the end of the evening to encourage patrons to disperse gradually and to leave the area quietly.

Signage will be at each exit asking people to leave quietly and not to congregate outside or in the local area

Patrons attention will be directed to these signs as they leave.

#### 4. DOOR SUPERVISORS

Door Supervisors Licensed by the Security Industry Authority will be employed by the premises.

Door Supervisors will be tasked with:

On entry

Management of the queue to enter the premises.

Where a queue forms, they will monitor to ensure the behaviour of those queuing is conducive with the entry policy. Any person who appears to be drunk or intoxicated will, where possible, be removed from the queue prior to them reaching the front.

While monitoring the queue the Door Supervisor should remove alcohol from anyone consuming alcohol while queuing or if they are unwilling to give up their alcohol remove them from the queue and advise that they will be refused entry as a result.

Door Supervisors must seek to control the noise from any person queuing outside the premises in order to reduce the potential for noise to disturb people living and working in the local community. This is achieved by politely reminding customers that anyone not complying with the request will be refused entry to the premises.

On dispersal

During the 'soft closure' period and once the premises is closed, the Door Supervisors shall assist with the dispersal of customers from the area. The purpose of an effective dispersal is to ensure that patrons leave the area quickly, quietly and in an orderly manner.

Door Supervisors will assist patrons leaving by advising them if they require information in a friendly and helpful manner. For example, where to get a Taxi, where they can get food or where the train station is. By providing this information it can encourage them to leave the immediate area more quickly.

Local taxi numbers will be available at the exit and taxi companies will be encouraged to pick up customers from the layby opposite the Hyde Dendy across Esplanade Road in front of the cinema. This location is away from residential streets.

Door Supervisors will be easily identifiable. High visibility jackets will be worn providing greater awareness of their presence.

Patrons will be asked not to assemble or loiter outside the premises once they have left and will politely be reminded that those who do not comply may be refused entrance in the future if they fail to disperse.

All persons leaving will be directed to disperse along Esplanade Road or Torbay Road.

After 01.00 hours the gate will be closed at the exit from the beer garden to the car parking area leading onto Kernou Road.

## 5. LIGHTING

Lighting (Internal) – The premises will turn on the House Lights 30 minutes prior to closing time, this coincides with the closing time of the bar.

Turning the house lights on is a clear indication to patrons that the premises is in the process of closing and generally encourages patrons to leave gradually over the following 30 minutes. There is a distinct advantage to patrons leaving of their own free will as they are much more likely to leave and disperse, then if they are asked to do so.

Lighting (External) – External lighting should be sufficient for patrons to leave the premises safely. External lighting will be regularly reviewed to ensure it is not a cause of nuisance to neighbours.

## 6. SMOKING AREA

The Premises operates a controlled smoking area (Retaining Area) at the front of the property.

The maximum number of patrons permitted in the smoking area at any one time is restricted to 60, after midnight. The number of people using the smoking area will be controlled by a Door Supervisor to ensure that the maximum number is not exceeded at any time.

The smoking area is specifically for smokers after 01.00 hours and no drinks, glasses or bottles will be permitted in this area. Once patrons have finished smoking they should be directed back inside the premises to reduce the noise generated outside the premises.

The smoking area will be closed 30 minutes prior to the closure of the premises and at the same time the bar is closed. This will mean that anyone wishing to smoke must leave the premises and no re-entry is permitted after this time. Patrons leaving the premise to use the smoking area within 45 minutes of the closure of the premises will be advised of this and a notice will be displayed in the smoking area.

## 7. CLOAKROOM



Patrons shall be reminded by way of notices that collecting items left in the cloakroom prior to the end of the night may allow them to avoid queues at the end of the night. This in turn will lead to some people dispersing in a more orderly way and being less frustrated if they leave having had to queue for a period of time to retrieve their coats and bags.

Additional staff will be allocated to the cloakroom as appropriate at the end of the session to reduce waiting times.

## 8. MUSIC & ENTERTAINMENT

The music will be turned off 30 minutes prior to the premises closing. This advises patrons that the premises is closing and also allows them to finish their drinks in a quiet environment; this in turn will reduce the noise patrons make when they leave. Patrons who leave a loud premises will naturally talk more loudly once they leave, thus the potential for nuisance is greater.

1. Patrons will be notified by announcement of 'Last Orders' giving the 15 minutes to purchase a last drink if they wish to do so.

2. 'Time' will then be announced when the bar closes.

3. Once 'Time' has been announced the smoking area will be closed, people still smoking should be allowed to finish their cigarette, but no further people should be admitted to the area.

4. After 'time' has been called, staff cleaning and collecting glasses will start politely asking people to finish their drinks. Doing this in a polite individual manner, rather than shouting at the whole bar, is likely to have a more positive effect.

5. 30 Minutes after 'Time' has been called, everyone should have left and dispersal as described earlier in this policy should be underway.

The music will not be turned back on by staff for their own entertainment while cleaning the premises, once customers have left the premises.

## Door Supervisors Policy and Staff Guide

All door supervisors and staff are expected to be friendly, professional and welcoming to all customers as they enter and exit the premises. i.e no hands in pockets, on phones, smoking / vaping.

On every operational day that SIA door supervisors are required, then those stewards who are employed for front of house duties must wear yellow high visibility jackets for the entirety of their duty.

Written records of all SIA door stewards, including full name and full SIA badge number, shall be kept on the premises for at least 12 months and be available for inspection on demand by a police officer, a police licensing officer or officers of the local authority.

### Main Duties of a Door Supervisor

One of the main duties of a door supervisor is to check the suitability of people coming into the venue.

This will involve judging whether a person is too drunk and may be a danger to themselves or others. The door supervisor will also need to check whether people entering the premises are of the correct legal age, and whether they're carrying weapons or harmful substances.

In response to this, a door supervisor's job is to refuse entry to anyone considered unacceptable.

Other duties are;

- Dealing with any conflict between patrons
- Restraining and escorting people out of the venue if required
- Dealing with any emergencies
- Supervising people as they enter or leave the building
- Monitoring potential pinch points within the venue
- Co-operating with the police, first aiders and management.

Radio equipment is used so that each can keep in contact should assistance be required. No 18 is a member of the Nitenet Radio Communications Scheme.

Challenge 25 Policy and any person 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.

**No persons under the age of 18 years shall be on the premises after 2100 hours** except when attending a private party in a function room at the premises, when that part of the premises is not open to the general public. **Including off duty staff**

## Searching people and bags

Random searches will be carried out, it could be that a person is carrying a concealed weapon like a knife, so it is important to be as thorough as possible. Entry will be refused to anyone who refuses a search. Searches can only be outside clothes, pockets or bags.

Searches must be conducted in a decent manner and with respect to the individual.

If substances or weapons are found the door supervisor should;

Contact management

Confiscate the items found

Contact the police if deemed necessary, (although your manager will often make this decision)

Provide an incident report after the event

The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand.

All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after midnight from which it is intended or likely that a person shall drink. **WE ENFORCE 11PM NO BOTTLE POLICY**

# Drugs Policy

All customers and staff must follow the law when it comes to illegal drugs. This policy will apply to all users of the premises.

## Definition of Drugs:

For the purpose of this policy the term “drug” will include all mood-altering substances, both legal and illegal and involve substances such as:

- Tobacco
- “Over the counter” medicines such as paracetamol, anti-histamines, cough medicines etc.
- Prescribed drugs such as antibiotics, inhalers, painkillers etc.
- Volatile substances such as aerosols, glues, petrol, cigarette lighter fuels etc.
- Products and substances sold online and in “headshops” that cause intoxication.
- Controlled drugs such as cannabis, ecstasy, amphetamines, magic mushrooms, cocaine, heroin etc.

## Aims and Objectives:

The aim of this policy is to ensure that customers and staff are kept safe from drug-related harm when within the premise.

Our objectives are...

- To develop a consistent approach to drug-related problems.
- To develop procedures and rules related to drug-related problems within the premise.
- To establish clear procedures for managing specific incidents of suspected drug misuse.

## List of Actions

Managers, Bar staff and SIA (Security Industry Authority) Licensed Door Supervisor will ensure the following actions take place:

- Cigarette smoking and “Vaping” will only be allowed in the beer garden and premises designated smoking area.
- Any person who is drunk or believed to be incapacitated due to the misuse of any drug will not be allowed to enter the premises.
- Disorderly conduct will not be permitted on the premises.
- A drunk or disorderly person must leave the premises when requested to do so by staff or an SIA Licensed Door Supervisor.

- **Illegal drugs and “legal highs” are not permitted on the premises.**

All staff can help prevent drug-related harm from occurring within the premises.

#### **Staff**

- Will be made aware of the details of and must adhere to East Street Pub Company Drugs Policy (this document).
- Must report any deviance from this policy to the designated premises supervisor, manager or premises licence holder
- All relevant information, paraphernalia or suspected substances found or received will be forwarded to the Manager who will consult with the necessary parties before taking relevant action based upon this policy.

#### **Protocol for dealing with drug misuse**

East Street Pub Company will endeavour to respond to all drug-related incidents in a firm but fair manner, with due respect for the safety and welfare of individuals involved, other customers and the wider community and will also fulfil any legal obligations that might apply.

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#### **Outline of Restrictions**

The misuse or supply of illegal drugs and “legal highs” is viewed as unacceptable and is punishable by expulsion and barring.

#### **Reporting of Incidents**

Alleged or confirmed incidents in breach of this policy will be referred to the Manager, designated premises supervisor and premises licence holder.

---

#### **Recording of Information**

Information regarding alleged or confirmed incidents in breach of this policy will be recorded in writing. The recording of factual information is preferable and all opinions must be stated as such. Responses to cases must also be recorded in this way. Only in confirmed cases will the names of individuals be recorded.

#### **Confidentiality**

While it is not possible to guarantee, every effort will be made to respect confidentiality.

#### **Police Involvement**

Incidents that involve the illegal supply of drugs will require Police involvement. In all other drug-related incidents each case will be considered on an individual basis and

the decision will rest with the manager, designated premises supervisor or an SIA Licensed Door Supervisor as to whether or not the Police are involved.

### **Search**

Random searches of persons and bags will be conducted on entry to the premises by SIA licensed door supervisors. If illegal drugs and "legal highs" are found they will be seized and deposited in the drug safe.

Both the manager, designated premises supervisor and an SIA licensed Door Supervisor retain the right to direct a search of any part of premise if there is reasonable cause to believe a substance in breach of this policy is contained therein. Either the manager or the designated premises supervisor and an SIA licensed Door Supervisor will conduct the search. Where there is reasonable cause to believe a person has in their possession a substance in breach of this policy, whether he/she is in an inaccessible area (e.g. toilets) or not, he/she will be asked to volunteer the substance. If he/she refuses, the Police may be called in to conduct a search.

### **Disposing of suspected illegal substances**

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If a suspected illegal substance is found on premise it will be brought to the attention of the manager or designated premises supervisor. The substance will be stored securely in a drug safe. One key will be held by the Manager and the second by the Police. The safe can only be opened when both parties are present and the drugs are passed to the police for disposal. At no time will a suspected illegal substance be removed from premise without the knowledge of the Police.

### **Availability, use and storage of solvents and gases**

Many solvent based products have the potential to be abused (e.g. deodorants, paints, thinners, cleaning fluids etc). All solvent based materials and gases will be stored securely and safely away from public access.

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### **Monitoring and Evaluation**

This policy remains in force at all times and during all activities conducted with the support of the Police. This policy will be evaluated annually and after every drug-related incident. This policy will come into effect on the issue of the premises licence and will then be reviewed and if required updated annually.





Torre Station Yard  
Newton Road  
Torquay  
TQ2 5DD  
Tel: 01803 298208  
Email: neil@ftsemail.co.uk

07 October 2019

*Comment from Applicant dated 25 March 2021 - please note that the noise report refers to a stage in the DJ area. The stage is no longer proposed and is not shown on the plan.*

## Noise Report

### Proposed work to eliminate noise breakout from Venue "18"

**Report undertaken by:** Neil Carpenter, Future Technical Solutions Ltd

#### Main Walls

The main walls of the venues structure are nearly 1m thick and reduce sound levels by some 65db. The venue is situated in a basement which means the roof structure isn't an issue. There are other weaknesses observed and addressed below.

#### Fire Exit Doors

All fire exit doors will be incandescently lined with each exit having two sets of doors creating a "sound lobby". Each exit door will also have a programmable access lock linked to the fire alarm system to stop unwanted opening of these areas. This will maintain the sound lobby at all times removing the previous main weak link in the venue. Below are figures taken before this action taken and proposed figures after.

Internal measurement at 1m	98db LAeq
External measurement with only single fire door closed	67db LAeq
External measurement with both fire doors closed	58db LAeq

This level will be reduced again once the incandescent strips are installed but the main reduction will be in keeping both fire doors shut at all times.

#### Existing Extract System

All existing extract fans and ducting will be removed and replaced with a new air conditioning system. We measured 10db hotspots observed at the point where the extract ducting breaks through to the outside grill.

Page 1 of 4





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We proposed to have the below work carried out:

The existing grills will be removed both internally and externally.

### **Internal works**

The existing ducting hole will be filled with Acoustic mineral wool and then the ducting hole covered with firstly a layer of 15mm acoustic plasterboard with a layer of Technosound and another layer of 15mm acoustic plasterboard.

### **External works**

The existing ducting grill will be removed the hole will then again be filled with acoustic mineral wool. The external hole will then be filled with a layer of marine plywood sandwiching two layers of 15mm acoustic plasterboard with then another layer of marine plywood. This will reduce the noise levels emitting from here by 55db.

### **Stage/DJ Position**

The DJ box will be positioned behind the new stage area, which backs on to the office. This will direct the sound towards the internal services area in the rest of the basement including the cellar. This action will allow us to reduce sound levels exposed to the weaker rear area and thus reducing levels escaping from the venue.

### **Sound System**

The sound system will consist of two mid high speakers ceiling mounted at mid stage position. There will be two additional sub bass speakers fitted to the rear of these giving full control to the sound setup. These sub bass units will be fixed onto sound absorbing springs reducing resonance from the units and giving control.

There will also be two additional controlled zones acting as infill both consisting small 6" full range speakers. All speakers will be controlled via a DBX drive rack digital processor enable full control/limiting of the frequency spectrum as well as crossover, delays etc.

The processor will be installed in the amplifier rack which will be installed in the office area and locked with password protection.



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All entertainment will be routed through the in-house sound system via an audio patch panel, giving full control of all types of requirements via the in-house limiter. This limiter will be setup with the local EHO department and set and lock to the agreed levels.



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### **Results from proposed works**

It is always difficult to predict results on a schedule of works, but I have been involved with this building for over ten years. We have proposed these actions many times before to previous operators but none of the works were acted on. Parts were introduced, such as the sound limiter but this could not protect residents from fire exit doors being left open and such. If all actions are taken, then we would expect a reduction of leakage from 78db existing to 60db minimal.

Neil Carpenter  
Company Director  
Future Technical Solutions Ltd  
07740537607



Torre Station Yard  
Newton Road  
Torquay  
TQ2 5DD  
Tel: 01803 298208  
Email: neil@ftsemail.co.uk

07 October 2019

## **Noise Management Plan Venue 18, Paignton**

This will be listed and implemented once all procedures and precautions have been agreed. They will include the following but additional points will be added if deemed necessary.

### **Pre Opening Checks**

1. Check fire exit key pad door lock system is powered and working.
2. Check all external fire exit doors are closed.
3. Check entrance/exit fencing system is in place along with signage.
4. Check CCTV system and internal monitoring is active and working.
5. Test sound system processor is active with units pre test.
6. Communicate in-house procedures with entertainment staff ensuring all amplified music is routed via the audio patch panel.
7. Additional sound equipment will be tested with the noise monitoring system and entertainment staff will be instructed on procedures.

### **Trading Checks**

1. Monitor all pre opening checks
2. All noise levels are automatically monitored and limited but staff should be made aware of trading levels and report any issues.

### **Exit/End of night Procedures**

Customers will be instructed to leave the premises via the central main exit with security staff monitoring. They will be instructed to follow the front pathway towards town with security staff stationed at the main entrance.

There will be a proposed taxi pickup point with security staff monitoring all aspects including noise and behaviour.

Neil Carpenter  
Company Director  
Future Technical Solutions Ltd  
07740537607

Page 1 of 1

VAT REG NO: 997 4468 44 / COMPANY REG NO: 06564782 / REGISTERED IN ENGLAND & WALES,  
REGISTERED OFFICE: SIGMA HOUSE, OAK VIEW CLOSE, EDGINSWELL PARK, TORQUAY TQ2 7FF



**From:** SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>  
**Sent:** 22 April 2021 18:31  
**To:** Licensing; Clarke, Sarah; Cottell, Carrie  
**Subject:** REPRESENTATION FOR THE GRANT OF A PREMISES AT NO 18 THE ESPLANADE, PAIGNTON  
**Attachments:** No 18 Decision Notice.pdf; Hyde Dendy Crimes at Premises and in Kernou Road since 090218.docx

Good evening

I refer to an application for the grant of a premises licence in respect of the above named premises, made by the East Street Pub Company Ltd.

The application has been made in respect of the basement area of the premises known as the Hyde Dendy, 18 Esplanade Road, Paignton. Part of the premises covered within this application is already licensed for the sale of alcohol until 0100 hrs under the authority of the premises licence for the Hyde Dendy, Premises Licence No 1132, issued by Torbay Council.

This application requests the supply of alcohol between 0800 and 0300 hrs every day of the week, with the premises closing at 0330 hrs each day.

#### The Applicant

The applicant, East Street Pub Company Ltd, currently operates the Hyde Dendy, and has done so since the licence was transferred to them on 9 February 2018.

Since the East Street Pub Company Ltd became the Premises Licence Holders the following breaches of conditions and issues have been identified:

02/06/18 – Visit by myself and Mrs Mandy Guy during the Torbay Airshow. Mrs Guy noted that a large wooden TV viewing area/smoking shelter and an ice cream stall/bar had been erected and these structures were not shown on the approved plan of the premises visited the premises whilst the Torbay Airshow was taking place. During the airshow myself and Mrs Guy noticed some customers leaving the premises with glasses of drinks and Mr Narvidge was advised to ensure that no glasses are removed from his premises.

01/11/18 - Myself and Karl Martin (Public Protection Officer of Torbay Council) attended the Hyde Dendy where we met with Mr Stephen Narvidge, Mr Xander Narvidge and their solicitor, Mr James Cross. It was identified that the internal layout of this area had changed and a kitchen area had been built into the rear right hand corner. Advice was given that licensable activities were not taking in accordance with the licence and a variation was required to amend the plans.

At that meeting Mr Martin told Mr Narvidge that even if the building could satisfactorily prevent noise breakout he would still have concerns with the noise associated with people leaving the premises.

I can advise you that no variation application was received following the meeting at the Hyde Dendy in November 2018.

31/07/19 - I attended the Hyde Dendy with Mrs Carrie Cottell (Licensing Enforcement Officer of Torbay Council) in relation to a glassing incident that occurred at the premises on Sunday 28 July 2019. Mrs Cottell established that Mr Stephen Narvidge, the DPS, did not hold the BIIAB National Certificate for Designated Premises Supervisors as required by a condition on the licence. It was further established that Mr Narvidge should have completed this training by no later than 23 March 2018. On this date it was again brought to Mr Narvidge's attention that no variation had been received in relation to the layout changes identified in November 2018.

As a result of that visit it is apparent that offences under Section 136 of the Licensing Act 2003 had been taking place every time that licensable activities took place on the premises since at least 23 March 2018.

22/04/21 – I attended the premises and spoke to Mr Narvidge concerning an incident at the premises on Monday 12 April 2021 where a male was assaulted by being hit with a glass bottle (CR/29844/21). Whilst discussing this incident I asked to see the entry in the incident book. Whilst Mr Narvidge did produce a folder containing incident reports, there was no report in relation to this incident.

The premises licence currently contains the below condition:

*The DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis. This record shall include the full names of all persons involved, if possible or practical to do so. The Incident Book shall be available for inspection by a police officer, a police licensing officer or officers of the local authority on demand, and such records shall be kept at the premises for a minimum of 12 months.*

It therefore appears that this condition was not complied with on this occasion, and this constitutes an offence under Section 136 of the Licensing Act 2003.

It is of further concern, that door stewards were not employed on this night, which was the first night that licensed premises were allowed to open for consumption outside only following over 3 months of lockdown due to the Coronavirus pandemic. Mr Narvidge assures me that door stewards will be employed for the foreseeable future, with 2 stewards on duty on Friday and Saturday evenings, and 1 steward on all other evenings.

#### History of Premises

There has been a Premises Licence at this premises since the introduction of the Licensing Act 2003 and it would be fair to say that the premises has history of being subject to noise and anti-social behaviour complaints from nearby residents and business owners.

In September 2017 the Premises Licence at 18 Esplanade Road, Paignton, then called Murphy's Roadhouse, lapsed due to the insolvency Premises Licence Holders. The management subsequently applied for the grant of a Premises Licence, to re-instate the lapsed licence, authorising the sale of alcohol until 3.00 am every day of the week, but the police, Mr Martin and various residents objected to that application.

At a hearing of the Licensing Authority, the Licensing Committee subsequently granted the application with the sale of alcohol until 1.00 am every day of the week.

In September 2019 the East Street Pub Company submitted an application for the grant of a new licence in respect of No 18, to allow the sale of alcohol until 0200 hrs on Sundays to Thursdays, and 0300 hrs on Friday and Saturday nights, with the premises closing 30 minutes after the last permitted sale. The application also sought various forms of regulated entertainment. The police, your Public Protection Officer and various local residents made representation, and a hearing was held on 24 October 2019 to consider the matter. As a result of that hearing your Licensing Sub-Committee refused the application and I have attached a copy of your decision notice for information.

#### The Application

I can advise you that since the previous application was submitted in 2019, the applicant has addressed many of the concerns identified by the police within their application, and to support their application they have submitted various policy documents. However, it is apparent that they have not taken into consideration a number of matters contained within the Torbay Council Licensing Statement of Principles 2021-2026 in relation to the prevention of crime and disorder. The police consider that the application is lacking detail in relation to the below matters:

Despite raising concerns in relation to the 2019 application that the application made no reference to staff completing the BIIAB Level 1 Award in Responsible Alcohol Retailing or whether there will be a personal

licence holder on duty when alcohol is sold after midnight, these matters again have not been considered by the applicant. Paragraphs (xiii) and (xvi) on page 20 of your Licensing Statement of Principles refer.

Page 18, paragraph (ii) recommends measures to improve security and public safety, such as setting a maximum bag size policy during ENTE periods and providing cloakroom facilities for bag and coat storage. A bag size policy is not referred to within the application or policy documents, and whilst there is mention of a cloakroom within one of the policies, this has not been included as a condition on the licence.

Page 18, paragraph (iii) of your policy recommends that licence holders have measures and procedures in place to check the SIA register of licensed door supervisors by the use of the SIA Company Licence Checker facility. No reference to conducting SIA licence checks on door stewards is mentioned within the application or policy documents.

Page 20, paragraph (xiv) requests licence holders to indicate how they will manage intoxicated customers, for example by using a breath box to randomly test and refuse entry to customers, and to randomly test customers within. As the applicant is seeking to extend the sale of alcohol for an additional 2 hrs every day of the week, it is likely that there will be increased levels of intoxication at the premises, and the identification of this has not been addressed. Concerns were raised in relation to drunkenness by the police in within our representation for the 2019 application.

Page 20, paragraph (xv) recommends that licence holders ensure there is a safe area for leaving drinks when leave customers leave the premises temporarily, eg to smoke, but the application contains no reference in relation to this matter.

Page 20, paragraph (xvii) recommends that the written authorisation of the DPS to all staff is kept on the premises but the applicant has not referred to this in the application.

Page 21, paragraphs (xviii) recommends the adoption of the Ask for Angela and Ask for Clive initiatives. Does the applicant intend to adopt these?

Page 21, paragraph (xix) recommends that premises situated within the designated area of the Special Saturation Policy meet the standards set by Best Bar None. Although this premises is not situated within this area, the police consider that it is appropriate for premises seeking the sale of alcohol until 0300 hrs to also ensure they meet the standards set by Best Bar None.

Page 21, paragraph (xx) recommends that applicants write policies regarding off sales to be supplied in sealed containers for premises situated within Designated Public Space Protection Orders, where it is believed that the alcohol will be consumed within that area, and further recommends the display of notices advising customers of the DPSP. This application makes no reference to off sales despite concerns being raised about this matter within the police representation in respect of the 2019 application.

Page 21, paragraph (xxiii) recommends that applicants ensure the even distribution of customers within a premises, to reducing crowding and pinch points which can lead to conflict. You will note within the attached decision notice that both the police and your licensing committee raised concerns regarding the layout of this premises, in particular to the narrow corridor between the two bar areas which would create a potential 'pinch point', particularly as the toilets are also located within this area. The police note that in relation the female toilets, the number of cubicles on the 2019 were shown as 4, and they have now been increased to 6.

Furthermore, evidence referred to in a book written by Kathryn Graham and Ross Homel, called "Raising the Bar, Preventing Aggression in and around bars, pubs and clubs", shows that there is an increased risk of violence where there are high levels of crowding, patron movement, noise and low level lighting. They state "Crowding and patron movement probably affect aggression by increasing environmental precipitators in the form of provocation, frustration and irritants through associated bumping and shoving." They further state that the Surfers Paradise crowding study found that crowding appeared to arise partly from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars, and toilets.

This application and the policy documents do not refer to the management of this area. The Decision Notice of 6 November 2019 states in relation to this matter "In their oral submissions, the applicant omitted to address how the flow of this area would be managed to avoid conflict between patrons which in members



opinion, could escalate to outside areas if not managed effectively. Again members found that more detailed consideration was needed in this regard and would need consulting on". It appears that the only consideration given to this matter has been to increase the cubicles within the ladies toilet, but there is no information on how this area will be managed. Whilst I was in the premises on 22 April 2021 I viewed this area with Mr Narvidge. It is my opinion that 2 people could walk shoulder to shoulder along the corridor, however the entrances at either end of the corridor can only be accessed by one person at a time. As the plan attached to the application does not contain a scale, I cannot advise you of the exact width of the corridor or entrance/exit points. I am still of the opinion that this area will cause a pinch point leading to pushing, shoving and drink spillage, which are likely to lead to frustration, aggression and violence. Furthermore, should door stewards need to go from one bar to the other, their route may be hindered by the volume of customers in this area.

I have attached to this email, a document showing the logs and crimes recorded at the premises and in Kernou Road between 9 February 2018 and 22 April 2021, this being the time that the East Street Pub Company has been responsible for the premises. Please note that the details of logs and crimes for Kernou Road are intended to give the Licensing Authority an idea of the levels and types of incidents that have been reported in that area and it is not known whether there are any links between these and the premises subject of this application.

### Conclusion

With regard to the licensing objective, the Prevention of Public Nuisance, I recognise that the Torbay Council Public Protection Officer is the responsible authority for noise issues. However, myself and police officers are frequently contacted by residents in relation to noise and anti-social behaviour issues, our call centres often receive noise complaints when the local authority staff are not on duty, and we strive to assist both the local authority and residents wherever possible. I therefore consider it appropriate to advise you that I am seriously concerned about the negative impact a 0300 hrs licence for entertainment and alcohol will have on public nuisance within the vicinity of this premises, which consists of a mixture of residential and business premises, including a large number of guest houses.

It is the opinion of the police from our vast experience of dealing with licensed premises that those premises where alcohol sales cease up to 2300 hrs or midnight occasionally come to the attention of the police but generally do not impact on the Licensing Objectives. Premises authorised to sell alcohol until 0100 hrs may impact on the licensing objectives, particularly the prevention of crime and disorder and prevention of public nuisance, but with suitable management and policies in place most of these concerns can be addressed. However in respect of premise which are authorised to sell alcohol until 0300 hrs the risks significantly increase and irrespective of any conditions imposed on the licence, there is an extremely high likelihood of crime, disorder, anti-social behaviour and public nuisance issues.

The police have considered this application together with the history of the premises and your licensing policy, and we object to the granting of this application as outlined, on the grounds that it is likely to have a negative impact on the licensing objectives the prevention of crime and disorder and the prevention of public nuisance.

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

Kind regards

*Julie Smart*

Alcohol Licensing – Torbay and South Hams

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

07921 933974

[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](#)

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**Please reply to: Ms Mandy Guy  
Community Safety, C/o Town Hall  
Castle Circus, Torquay, TQ1 3DR**

East Street Pub Company Ltd  
Hyde Dendy  
18 Esplanade Road  
Paignton  
TQ4 6BD

**My ref:** SRU/252540  
**Telephone:** 01803 208025  
**E-mail:**  
**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)  
**Date:** 6 November 2019

Dear Sirs

**Notice under section 23 (1) & (3) Licensing Act 2003 – Application for a Premises Licence  
No 18, 18 Esplanade Road, Paignton, TQ4 6BD**

I am writing to you with respect to the committee hearing on 24 October 2019 to consider an application for a premises licence for No. 18.

I can confirm that the committee decision and reasons are as follows:

**Decision**

That the application for a Premises Licence in respect of No.18, 18 Esplanade Road, Paignton be refused.

**Reasons for Decision**

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

~~In coming to that decision, Members considered the Independent Noise Report and Noise Management Plan submitted by the Applicant and were impressed and pleased to note that the Applicant had thoroughly addressed the issue of potential noise outbreak from inside the premises. Furthermore, Members were reassured by the Public Protection Officer's (PPO) submissions, that if implemented, the recommendations set out in the Noise Report would in his opinion, eliminate noise outbreak from inside the premises.~~

However, on the evidence before them, Members were not able to gain the same level of reassurance they required in respect of ensuring that 'the prevention of public nuisance' licensing objective was promoted when determining an application for a 3am licence. Members had careful regard to, what in their opinion, was the high likelihood of risk of residents being unreasonably disturbed by patrons leaving the premises and entering in to areas in the immediate vicinity of the premises which are residential, both commercially and private. As such, Members could not be satisfied than in granting the application, 'the prevention of public nuisance' licensing objective, would not be undermined.

Whilst Members noted the Applicants submission that a dispersal policy had been written, however without having sight of that policy as the Applicant had omitted to provide this at the hearing, Members were unable to determine for themselves whether the dispersal policy had been given

the same level of consideration and attention by the Applicant. This was particularly pertinent, given Members highly perceived risk of such disturbance and therefore found the application lacking in this regard.

Members heard oral evidence from one local resident as regards the effect of noise disturbance experienced when the premises, though under a different licence holder, held a 3am licence and were also mindful of the PPO's reservations in this regard. Notwithstanding that the Applicant before them was a different operator, Members noted that the fabric of the surrounding area had not changed and therefore assessed the risk still to be present. The provision of a comprehensive dispersal policy which addressed these concerns may have provided assurances to Members in this regard.

Additionally, Members were concerned to note that the plan forming part of the application did not provide a detailed representation or accurately reflect the internal layout, as shown by the plan that the Applicant presented at the hearing. Members noted that the plan presented at the hearing, was in fact that which the Applicant intended for the premises layout and had not been consulted on, thereby potentially placing members of the public and Responsible Authorities at a disadvantage. In that had the intended plan been included in the application and consulted on, additional representations could have been made.

Notwithstanding this, on examination of the intended plan, Members were concerned to note that the application lacked detail with regard to what they foresaw as a potential 'pinch point' at the premises in respect of the connecting corridor between the two bar areas. A concern which was also raised by the Police in their oral submissions. This in Members opinion had the potential to lead to an undermining of 'the prevention of crime and disorder' licensing objective and found that more detailed considerations was needed in this regard and would need consulting on.

Members were also concerned that the connecting corridor, off of which, the toilets were located could become an issue when patrons are queueing to use the toilets and passing between the bar areas, particularly given the Applicants proposed capacity of 400 persons. In their oral submissions, the Applicant omitted to address how the flow of this area would be managed to avoid conflict between patrons which in Members opinion, could escalate to outside areas if not managed effectively. Again Members found that more detailed consideration was needed in this regard and would need consulting on.

In concluding and notwithstanding the minor breaches of conditions highlighted by the Police in respect of the adjoining premises licence which is also held by the Applicant, Members gave careful consideration as to what if any conditions could be added by them, as an alternative to refusal. However, Members resolved that with the lack detail before them, they would in effect be determining the intended concept which may not be that intended by the Applicant and therefore maintained that a refusal was appropriate in these circumstances.

I enclose a sheet advising you of your appeal rights, if you are unhappy with the determination made by the Licensing Sub Committee.

If you have any queries then please do not hesitate to contact me.

Yours faithfully



Ms Mandy Guy  
Senior Licensing Officer

Encl – appeals schedule 7DL

c.c. Licensing Department, Devon & Cornwall Constabulary, Launceston Police Station,  
Moorland Road, Launceston, PL15 7HY  
Public Protection, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR

## Licensing Act 2003 – Appeals Guidance

### Guidance for Interested parties and applicants

#### Appealing Licensing Decisions

This guidance describes the process for appealing a licensing authority's decision about an application for a new premises licence or club premises certificates or for a variation to an existing licence or certificate, or a provisional statement. It also contains information about the court hearings process. Unless stated otherwise, references to 'licences' in this text also apply to club premises certificates.

#### Who can appeal a licensing authority decision?

In relation to premises licences, "interested parties", that made relevant representations during the application stage, have the right to appeal against a licensing authority's decision in the courts, if they think:

- The licence should not have been granted
- The licensing authority should have imposed different or additional conditions on the licence
- A licensable activity should have been excluded from the licence
- The licensing authority should not have agreed to the named "premises supervisor" (not relevant for club premises certificate)
- There was a procedural irregularity, and this affected the decision (e.g. the licensing committee had failed to comply with the hearings regulations)

Any appeal must address the likely impact that granting the application may have on any of the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

#### How do I make an appeal?

Appeals should be made in writing to the designated officer for the magistrates' court for the area where the premises is situated. Appeals have to be made within **21 days** from the day the appellant is notified of the licensing authority decision about the application. Appellants may want to check the exact "cut-off" date with Torbay Councils Licensing Department. The court does charge a fee and it is recommended an appellant contacts the court directly of the current fee. For all general enquires please phone 01803 617880.

Please write to:

HMCTS South & West Devon  
Nicholson Road  
Torquay  
TQ2 7AZ

Alternatively you can email:

de-torquaymadmin@hmcourts-service.gsi.gov.uk

## Licensing Act 2003 – Appeals Guidance

### What happens once an appeal has been made?

On receiving an appeal, a magistrates' court has three options. It can:

- Dismiss the appeal
- Substitute the decision being appealed against for any other decision the licensing authority could have made
- Send the case back to the licensing authority and tell them how to deal with it in accordance with directions of the court.

The court may also make such costs orders as it considers fit.

There will normally be an "initial appeal hearing" at the magistrates' court at least 28 days after the '21-day' period for making appeals. This is when the court will decide whether there is a case to hear, and whether it will hear the case itself or send it back to the licensing authority to deal with. In doing this, the court will consider whether the appeal is valid and whether the case outlined in the appeal has been contested. Where a court decides to hear the matter itself, it will normally adjourn to a separate "full hearing" date to decide the case, when sufficient court time can be allowed.

As the licensing authority is always a party to an appeal, it is suggested that concerned interested parties should contact their licensing authority to establish whether another party or the applicant has lodged an appeal.

*[NB – If applicants appeal licensing authority's decisions, responsible authorities such as the police, and interested parties, such as local residents, that made representations about the application, will not, by the terms of the Licensing Act be "responding parties" at appeal hearings. However, in such cases, an interested party could request that the court make it a responding party, or the licensing authority could call upon them as a "witness" to back up the decision they made].*

### Procedure at an appeal hearing

Appeal hearings will take place at the magistrates' court for the area where the premises is situated. The licensing authority and the applicant will be the "responding parties" (respondents) to appeals from interested parties and will normally be present at appeal hearings. Interested parties should contact their court to find out whether they need to appear at a hearing. It may be possible in some cases for written evidence to be given to the court instead, however, magistrates courts aren't obliged to accept written evidence and can insist that parties attend in person, so prior agreement must be sought. At a hearing the person appealing would normally open the case and call his / her witnesses. However, in licensing cases the court may invite the respondents (i.e. the licence or certificate holder) to speak first, if everyone agrees, as this will enable the court to understand how the licensing authority came to its decision. All parties at an appeal hearing can call upon witnesses to provide evidence to support their position (e.g. other local residents or responsible authorities such as the police).

### Costs

If you appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against you if it sees fit. This would mean that you would have to pay other parties' legal costs as well as your own. However, the Magistrates

## Licensing Act 2003 – Appeals Guidance

Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an exception and not a rule, and any resident with reasonable grounds for appeal should not be penalised.

### **What happens after an appeal?**

After an appeal hearing, the court will normally notify the licensing authority and other parties of its decision, and the reasons for it, within three working days.

The Licensing Act 2003 does not provide for a further appeal against the decision of the magistrates' court. Accordingly, the usual rules for challenging decisions of magistrates' courts will apply.

*NB - Courts will not issue orders suspending the effects of any licensing authority decision, whilst an appeal is waiting to be heard. The licensing authority's decision will take effect immediately, until the outcome of any appeal is known.*

*This guidance does not detail matters such as the nature of the court hearing with regard to standard of evidence, role of licensing policy etc. Applicants should contact the relevant court for further advice.*

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**Schedule 5 to the Licensing Act 2003 and Chapter 10 of the Secretary of State's Guidance to licensing authorities deal with appeals. For further information about the appeals process, contact Torquay Magistrates Court.**





HYDE DENDY, ESPLANADE ROAD, PAIGNTON

LOGS AT THE PREMISES SINCE 9 FEBRUARY 2018

Date	Time	Log Ref	Incident
20/09/18	0122 hrs	0048	Staff requested a unit. No further details know. CCTV control room then advised that crowd had dispersed and officers no longer needed.
02/06/19	0149 hrs	0138	Doorstaff rang police as male and female arguing. Male abusive to female. Male then assaulted female and female screamed for him to leave her alone. Male is refusing to leave the premises and female is inside for her own safety. Male then left the area and premises called taxi for female.
02/07/19	1754 hrs	0738	Male is trying to assault female in the car park. He is hitting and punching the car as she is locked in it. Has been going on for 45 mins. Other people trying to stop the violence but it's on-going. Male is now walking away from the vehicle. Female drove off in vehicle. Staff assisted police in their enquiries.
28/07/19	0118 hrs	0090	Male has been assaulted. 4 males jumped on callers boyfriend for no reason, boyfriend is not hurt. Refused to give her details. Sounds of shouting in background. Call ended but police rang back and were no longer required.
15/08/19	2334 hrs	1017	Reporting person is at premises. Her brother has ripped her bag and stolen her glasses. Suspect is still on premises. Hard to understand female and obtain information as she is crying. Says she had an argument with her boyfriend and her brother got involved. CCTV monitored incident.
23/08/19	1831 hrs	0830	Female being attacked in the toilets by another female. Officers attended.
28/09/19	2224 hrs	0851	Male assaulting a female, arguing for a couple of minutes, heading towards cinema. CCTV monitored incident. Officers attended and dealt with it.
15/11/19	0015 hrs	0012	Two males refusing to leave, starting to fight. Officers attended. Two drunk males sent away from premises by taxi.
14/12/19	0119 hrs	0075	Male bottled. Officers attended and dealt with suspect. Ambulance required. Suspect has sustained cut on hand and another male was hit over the head and sustained a cut on his head and ear. Suspect spat at police. CCTV viewed and showed one male go up to another male and smash a glass on his head. Incident happened in busy area and several people had walked through the scene. Male was aggressive and it took 5 officers to control him.
31/12/19	0043 hrs	0035	Male causing problems for doorstaff. Officers attended and moved the male on.
06/09/20	1833 hrs	0902	3 males fighting, punches being thrown. Incident moved over to outside the Spinning Wheel. Officers arrived but door stewards had intervened and dispersed all parties.

Highlighted text indicates the incident occurred between 2300 hrs and 0130 hrs

Highlighted text indicates the incident occurred after 0130 hrs

03/10/20	1814 hrs	0675	Very few details of incident on log, but states officers attended to deal with a suspect
19/02/21	1920 hrs	0705	Male stating that he hadn't been paid for waste he removed from premises over 4 weeks ago so he had gone and dumped it back on their land.
19/04/21	2219 hrs	0961	Male refusing to leave. Getting more aggressive.

Highlighted text indicates the incident occurred between 2300 hrs and 0130 hrs

Highlighted text indicates the incident occurred after 0130 hrs

CRIMES AT THE PREMISES SINCE 9 FEBRUARY 2018

2018 x 5

CR/054716/18	20/06/2018 23:00	21/06/2018 00:25	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/056853/18	27/06/2018 11:45	27/06/2018 12:20	BREACH A CRIMINAL BEHAVIOUR ORDER
CR/056853/18	24/07/2018 00:00	24/07/2018 00:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/086615/18	20/09/2018 02:00	20/09/2018 02:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/101861/18	03/11/2018 00:50	03/11/2018 01:05	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

2019 x 4

CR/030747/19	05/04/2019 11:00	08/04/2019 09:00	ATTEMPT THEFT FROM METER / AUTOMATIC MACHINE
CR/067705/19	28/07/2019 00:15	28/07/2019 00:25	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076384/19	23/08/2019 18:15	23/08/2019 18:30	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS
CR/079980/19	28/08/2019 00:00	28/08/2019 23:59	COMMON ASSAULT
CR/111918/19	14/12/2019 01:00	14/12/2019 01:19	SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT

2021 x 1

CR/029844/21	12/04/2021 23:20	12/04/2021 23:50	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
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Highlighted text indicates the incident occurred between 2300 hrs and 0130 hrs

Highlighted text indicates the incident occurred after 0130 hrs

LOGS FOR KERNOU ROAD SINCE 9 FEBRUARY 2018

Date	Time	Log Ref	Incident
24/07/18	1247 hrs	0457	Female being abusive to caller.
10/09/18	1307 hrs	0411	Car damaged intentionally.
13/12/18	0944 hrs	0205	Male kicking off in the road. Kicking and punching a door. Officer attended.
08/04/19	0117 hrs	0035	Report of a male breaking into a parking meter. Officers attended and dealt with male.
26/04/19	1653 hrs	0552	Silent 999. Officers made further enquiries. Call made in error.
31/05/19	2107 hrs	0938	Vehicle has reversed out of the one way system into a motorbike. Female is being obstructive and refusing to get out of the car. Officers attended.
01/06/19	2005 hrs	0917	Caller's boyfriend has been knocked unconscious by a group of males who have made off. Boyfriend is bleeding from side of face. Male is starting to get up and walk off towards sea front. He is drunk.
02/08/19	1001 hrs	0255	Vehicle obstructing a garage, been there all night on double yellows.
17/08/19	0544 hrs	0216	Damage to vehicle. CCTV of premises in area being checked
20/08/19	0028 hrs	0032	Report of drink driver.
22/08/19	0024 hrs	0022	Report of drink driver.
01/09/19	1511 hrs	0576	Caller works at Spinning Wheel. Says that a male has been assaulted in the lane which runs along the back of the premises. The offenders are still there and although staff have calmed the situation they are concerned that it will escalate again. Officers attended.
28/10/19	1543 hrs	0474	Report of a car damaged whilst parked in the road. Nearby has CCTV of other vehicle possibly involved.
10/11/19	0115 hrs	0064	Caller said that a male has left the Hyde Dendy and gone over to a white Mercedes. There has been an argument over money. Male was seen to open the car, take something from it, conceal it in his jacket and walk off. Officers attended the male's home address. He said there had been an argument and 2 other males had got involved, all in drink.
15/07/20	1036 hrs	0250	Male and a female are having an argument. Male has taken ladies handbag and he says that she has taken his phone. Officers attended and dealt with female. Male had left area.
13/04/21	1552 hrs	0569	Vehicle engine been running for over an hour. Vehicle has keys in ignition with engine running. PCSO dealt with matter.

Highlighted text indicates the incident occurred between 2300 hrs and 0130 hrs

Highlighted text indicates the incident occurred after 0130 hrs

CRIMES IN KERNOU ROAD SINCE 9 FEBRUARY 2018

2018 x 9

CR/075433/18	11/08/2018 20:00	11/08/2018 21:44	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS
CR/083538/18	08/09/2018 20:00	09/09/2018 07:00	CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - VEHICLE
CR/017499/18	27/02/2018 12:50	27/02/2018 12:50	OWNER / PERSON IN CHARGE OF A DOG DANGEROUSLY OUT OF CONTROL - NO INJURY
CR/029237/18	06/04/2018 21:40	06/04/2018 21:40	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS
CR/038998/18	05/05/2018 00:00	06/05/2018 00:01	ROBBERY
CR/056289/18	25/06/2018 22:35	25/06/2018 22:40	DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT
CR/063125/18	09/07/2018 15:00	10/07/2018 16:00	THEFT IN DWELLING OTHER THAN AN AUTOMATIC MACHINE OR METER
CR/077158/18	21/08/2018 17:40	21/08/2018 18:15	BREACH A CRIMINAL BEHAVIOUR ORDER
CR/108864/18	24/11/2018 00:30	24/11/2018 00:50	FAIL TO PROVIDE SPECIMEN FOR ANALYSIS - VEHICLE DRIVER

2019 x 6

CR/000407/19	01/01/2019 00:01	01/01/2019 01:00	AFFRAY
CR/000828/19	01/01/2019 00:00	01/01/2019 01:00	RACIALLY / RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT / ALARM / DISTRESS - WORDS / WRITING
CR/048668/19	01/06/2019 20:00	01/06/2019 20:05	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/059887/19	06/07/2019 01:20	06/07/2019 01:40	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/079347/19	01/09/2019 15:00	01/09/2019 15:10	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/079528/19	01/09/2019 21:00	02/09/2019 10:15	THEFT FROM A MOTOR VEHICLE

2020 x 2

CR/013397/20	11/02/2020 00:01	13/02/2020 12:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/065025/20	08/08/2020 01:30	08/08/2020 03:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

Highlighted text indicates the incident occurred between 2300 hrs and 0130 hrs

Highlighted text indicates the incident occurred after 0130 hrs



## Memorandum

To:	From	:	Community Safety
c.c	Contact	:	Mr Karl Martin
c.c.	Ext	:	01803 208025
c.c	My Ref	:	No18REP
For the attention of: Sarah Clarke	Your Ref	:	
	Date	:	22 <sup>nd</sup> April 2021

Premises Name & Address: No 18, 18 Esplanade Road, Paignton

Subject: Variation application – Licensing Act 2003

- 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 | <input type="checkbox"/>            |
| ii)  | Protection of children from harm | <input type="checkbox"/>            |
| iii) | Public safety                    | <input checked="" type="checkbox"/> |
| iv)  | Prevention of public nuisance    | <input checked="" type="checkbox"/> |

- This application is the second variation application submitted by the applicant seeking to extend the terminal hour for the sale of alcohol from 1:00am until 3:00am.
- As the Responsible Authority for Public Nuisance I raised an objection to the first application as to grant as applied for would undermine the licensing objective rather than promote.
- At a licensing sub-committee hearing held in October 2019 I presented to members of the committee that I was reassured historical noise outbreak problems from within the premises had been addressed. However I was not satisfied the effect of noise from patrons leaving the premises after 3:00pm had been satisfactory addressed. Evidence was presented to the committee by residents and myself confirming the premises had for many years caused noise disturbance to the local community.
- Members of the Licensing Committee determined to refuse the application on a number of grounds, including concerns regarding the impact on the local community:-

*'However, on the evidence before them, Members were not able to gain the same level of reassurance they required in respect of ensuring that 'the prevention of public nuisance' licensing objective was promoted when determining an application for a 3am licence. Members had careful regard to, what in their opinion, was the high likelihood of risk of residents being unreasonably disturbed by patrons leaving the premises and entering in to*



*areas in the immediate vicinity of the premises which are residential, both commercially and private. As such, Members could not be satisfied that in granting the application, 'the prevention of public nuisance' licensing objective, would not be undermined.*

5. At the time of writing this report I am aware of several objections from residents expressing the same concerns.
6. The representation submitted in September 2019 is still appropriate and I include this with this representation as Appendix 1. Note, points numbered 9-12 are not relevant to this application and have been addressed by the applicant.
7. The applicant has provided a dispersal policy but the policy does not offer anything new that has not already been tried before and failed.

Any licensed premises must work within the confines of its geographical and demographic area. The premises, though situated on the seafront is linked to the rest of the town center by streets containing a mix of residential accommodation and hotels. Kernou Road and adjacent streets offers the quickest route towards the town centers taxi ranks and late night refreshment venues.

For over ten years this premises operated with a 3:00am licence and subjected residents to noise disturbance from customers leaving the premises on a regular and sustained basis. Whilst it can be acknowledged some of these incidents related directly to poor management, the vast majority was due to the proximity of residential areas. Complaints about noise or anti-social behaviors have diminished since the terminal hours of 1:00am was installed by the Licensing Sub-Committee at a new application hearing held in January 2019.

The current 1:00am licence has achieved a balance of acceptability between the residential community, the hotelier community and licensed premises. 1:00am for this area of Paignton is working and this can be evidenced in the lack of complaints to the Council about noise or anti-social behavior. This is not to say the community is unaffected by noise issues before 1:00am but rather a reflection they accept the location they live in or operate a business from.

8. The applicant has not provided anything new that can reassure the community that the balance will remain to everyone's benefit. I would argue it is simply not possible to operate beyond 1:00am without causing a detrimental effect on the community surrounding the premises.
9. Torbay Councils Licensing Statement of Principles P22 Para 4 states:-

*'Where Applicants are completing Operating Schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.'*

I argue the application has failed to give appropriate weighting to the surrounding community and the impact the application, if granted, would have.

10. Torbay Councils Licensing Statement of Principles P22 Para 6 states:-

*'Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licenses in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the Applicant'*

I argue that twice the Licensing Sub-Committee have recognised that a 1:00am terminal hour for this premise is appropriate and proportionate when taking into account the proximity of residential areas, and the real effects this premises has on the community in the past. The applicant has not provided any evidence based assessment that a 3:00am licensed would not undermine the licensing objectives.

11. The operating schedule is silent on matter of managing those who consume alcohol above their tolerance levels. The applicant has a duty of care under the Health and Safety at Work Act 1974 to consider appropriate levels of First Aid provision. The relevance to a licensing application is the operator must consider how to manage the safety of patrons who are intoxicated and need some level of direct assistance from members of staff.

Are qualified first aiders on site at all times? How the premises deal with highly intoxicated customers, will they simply eject them from the premises and allow them to cause noise nuisance as they voyage through the residential areas? Will a taxi be called to get them home? What policies does the operator have to demonstrate this has been considered. The later the premise operates increases the risks such issues of drunkenness will arise.

12. I acknowledge the applicant has considered in the operating schedule and supporting documentation, notable the notice management plan dispersal policy, the effect a 3:00 terminal hour would have on the surrounding area.
13. However I maintain the current 1:00 am terminal is proportionate when taking into account the local area. I ascertain that it not within the power of any operators to manage Patrons once they have left the sphere of influence of the premises.
14. The evidence supports a 1:00 am licence works. For than 10 years the premises operated beyond 1:00am the Council and Police received sustained complaints of noise and anti-social behaviour. The Council has not received a single complaint about noise emanating from this premises since a 1:00am licence was granted.

15. I respectfully ask members of Licensing Sub-Committee to refuse the application as applied for as to grant would undermine the licensing objective the 'Prevention of Public Nuisance.

Mr Karl Martin  
Public Protection Officer  
Torbay Council



# Memorandum

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<b>To:</b>	<b>From</b> :	<b>Community Safety</b>
<b>c.c</b>	<b>Contact</b> :	Mr Karl Martin
<b>c.c.</b>	<b>Ext</b> :	01803 208025
<b>c.c</b>	<b>My Ref</b> :	No18REP
<b>For the attention of: Gary O'Shea</b>	<b>Your Ref</b> :	
	<b>Date</b> :	27 <sup>th</sup> September 2019

---

**Premises Name & Address:** No 18, 18 Esplande Road, Paignton

**Subject:** Variation application – Licensing Act 2003

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. The applicant seeks to licence the basement area of an existing licensed premise knows as Hyde Dendy.
2. One half of the basement is currently licensed until 1:00am (PL1132) and the second half in recent years has been used as storage.
3. In the past the basement area adjacent to Kernou Road has been a fully licensed premises with a terminal hour of 03:00hrs.
4. Due to insolvency the premise licensed lapsed in 2017 requiring a former operator to submit a new license application. At hearing in March 2018 representations put forward by members of the public and responsible Authorities for Public Nuisance and for Crime and disorder. Please see appendix 1 for the decision notice.
5. At this hearing oral submission were given explaining the historical problems with noise nuisance from live and recorded music and from general nuisance from customers leaving the premises. Evidence to support a Public Nuisance had and was occurring contributed to a premises license only be granted with a terminal hour of 1:00am.

6. In November 2018 a meeting was arranged at the request of Mr Steve Narvidge with his legal representative, Julie Smart, Police Licensing and myself. The aim of the meeting was to discuss proposals for reopening the basement area as a licensed area until 3:00am. During this meeting in respect of noise I outlined the two issues I believe the applicant needs to examine in more detail:-
  - Noise breakout- Historical problems of live and recorded music breaking out of the building disturbing nearby residents. Compounded by numerous changes to the buildings configuration, location of fire exits and lack of management.
  - Noise in the street- Despite numerous attempts, previous operators have never been successful in mitigating the impact of the community by customers leaving the area via Kernou Road.
7. In July 2019 a second meeting took place at the premises with Mr Steve Narvidge. Also present Mr Xander Narvidge, Neil Carpenter of Future Technical Solutions, Carrie Cottell, Torbay Council Licensing Officer and Julie Smart, Police Licensing Officer.
8. Mr Narvidge has commissioned Mr Carpenter to produce a noise impact assessment of the building. The report was not available to view at the meeting but a broad range of proposals was discussed. In relation to :-
  - Noise Breakout – A number of proposals were put forward to prevent noise breakout which included a combination of physical improvements to the building such as improvements to fire exits, windows etc and installing in house PA equipment with noise limiters.
  - Noise in the street – A proposal to barricade of an exit on to Kernou Road and use of door stewards was put forward as a suggestion to control the way customers leave.
9. The application accepted by the Council does not contain Mr Carpenters Noise impact assessment. This maybe because the operator at this stage does not want this to become a public document. However without it there is no fine detail to comment on.
10. The application does however by way of suggested conditions indicate the operators is installing noise limiters.
11. The application does not fully address the impact of customers leaving the premises and this remains the greater concern.

#### Conclusion and recommendations

12. At this time I fully expect to continue working with Mr Narvidge and therefore it is prudent to circulate an update with recommendations ahead of the committee hearing.

**Mr Karl Martin  
Public Protection Officer  
Torbay Council**

**Appendix 1 – Reason for decision – Committee hearing Thursday 23<sup>rd</sup> November 2017**  
**Reason for decision**

Having carefully considered all the oral and written Representations, Members resolved to grant the application with modifications, as they could not be satisfied that the mitigation put forward by the Applicant would ensure that The Prevention of Public Nuisance licensing objective would be promoted, due to the premises being in such close proximity to that of residential premises and commercial premises which offered guest accommodation.

Members noted the oral submissions of the Responsible Authorities in respect of the efforts and improvements made by the previous owners who are now the current managers to address noise nuisance emanating from the premises and its patrons but in the knowledge that these persons were imminently due to vacate the premises, they could not be satisfied at this stage that the new owners would maintain the same level of firm control and therefore had serious concerns that conditions alone would not ensure that The Prevention of Public Nuisance Licensing Objective would be promoted, if a 3am licence was granted.

In coming to that decision, Members noted from all the written and oral Representations, the impact such a late licence has had and would have on the nearby residential premises and commercial premises which offered guest accommodation, in what on some occasions had gone on until 4am.

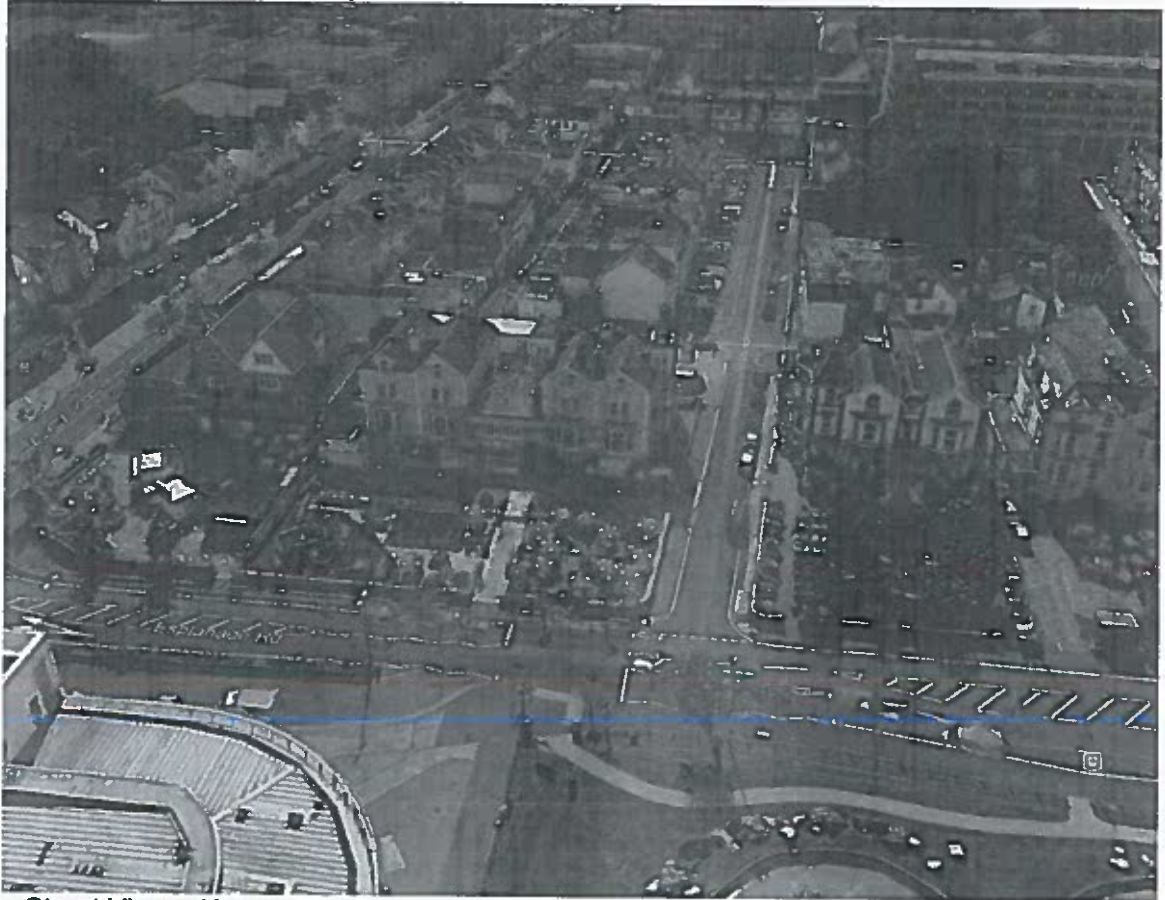
Given that this premise was the only premises operating a 3am licence in the direct vicinity, Members were satisfied that there was a causal link of noise attributable to patrons leaving this premises and to allow it to continue with such uncertainty, was in their opinion not appropriate or proportionate.

Notwithstanding the Licensing Authority's Statement of Principles which clearly sets out the expectations on Applicants where they seek licensable activities after 11pm in residential areas, Members determined that it was appropriate and proportionate to permit a 1am licence with a closing time of 1.30am, given the areas mixed use and the need for the area to have diversity of use and that other premises in the same location operated a 1am licence without significant impact of neighbouring residential premises. In coming to this decision, Members had regard to the written and oral representations from members of the public and the Responsible Authorities.

In concluding, it was disappointing to Members that despite this being the second attempt in hearing this application, it continued to lack specific detail and clarity in what was a request for a 3am licence. Only after oral submissions from the Applicant, Members questioning and consideration of proposed further amendments that Members were able to determine this application.

Appendix 2 – Maps

1.1 – Aerial view of Hyde Dendy



1.2 – Street View – Kernou Road



1.3 Street view - Esplanade Road



1.4 Map View







Appendix 5  
TOWN COUNCIL  
31 MAR 2021  
COMMUNITY SAFETY

[Redacted]

Owner

[Redacted]

Contact

[Redacted]

Dear Sir/Madam

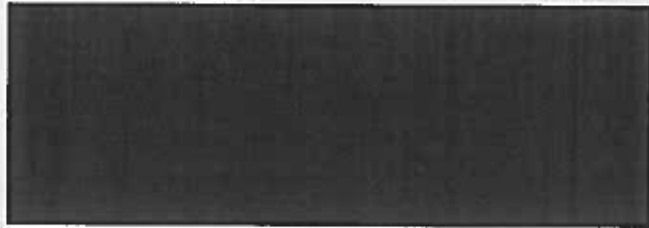
I strongly appose the granting of a 3am license to No18 Esplanade rd TQ46BD. the last time the premises at this location had a 3am license it caused major problems with the noise antisocial behavior fighting etc. as the patrons leave disturbing my guests along with the neighbors along kemou rd. it can be bad enough at 1am but 3am I feel would be much worse I'm sure you would not appreciate being woken up by drunken people shouting and fighting outside your house at that time of the morning, I'm sure I will not be the only person apposed to this and hope you take the concerns of the residents in the area seriously.

Regards

[Redacted]

27/3/2021





Telephone: [Redacted]

email: [Redacted]

6th April 2021

Executive Head of Community Safety  
Torbay Council  
Torquay Town Hall  
Castle Circus  
Torquay TQ12 3DR

TORBAY COUNCIL  
09 APR 2021  
COMMUNITY SAFETY

Dear Sirs

Re: East Street Pub Company Ltd, No 18 Esplanade Road, Paignton, TQ4 6BD

It was with great dismay that we learned of the application from the above company for sale of alcohol, late night refreshments and regulated entertainment between the hours of 08.00 and 03.00, Monday to Sunday.

Whilst the building in question is situated on Esplanade Road, the route of those leaving the premises most usually means the use of Kernou Road.

The properties on Kernou Road are a mixture of Residential, Holiday lets and Bed and Breakfasts, all of whom will be affected by those leaving the venue.

There is excessive noise generated by people leaving the premises at the end of Kernou Road already, even with the existing closing hours, causing a great deal of disturbance to those trying to relax or sleep, and any increase on the existing hours could easily mean the demise of hospitality businesses along the road, as guests would be unlikely to make a return visit. I'm sure access to Police records would soon verify the number of disturbances.

The last time there was late entertainment at the premises now owned by East Street Pub Company Ltd, there was excess indoor noise generated from said entertainment - audible for quite some distance, and whilst the gentle daytime and early evening outside entertainment is totally acceptable, by adding atmosphere to the resort, indoor, loud music late into the night does not have the same acceptable entertainment value.

We, the undersigned would appeal to the Committee not to grant this extended hours application on the grounds of one business benefitting at the expense of the entire neighbourhood.

Yours sincerely,



Paignton TQ4 6BA



Paignton TQ4 6BA

email: [Redacted]





Devon, TQ4 6AZ

Phone:

TORBAY COUNCIL  
19 APR 2021  
COMMUNITY SAFETY

15<sup>th</sup> April 2021

Dear Sir or Madam,

I write with respect to the licence application by the East Street Pub Company Ltd on Esplanade Road, Paignton.

I have lived at the above address since August 2007, and am a Senior Citizen aged 89 years.

Over the years there have been several operators of the club, the management of which has always seemed to me to completely disregard the fact that this is a residential area and as residents we have the right to the same level of quality of life as any other resident of Paignton.

We have been subject to disturbances such as:

Screaming and shouting including obscenities, any time of the early morning, particularly from 2.30am onwards sometimes continuing until as late as 4.30am.

Very loud live outdoor music at weekends, particularly on Sundays without any consideration being given to the fact that this is a residential area. This can start at 2.00pm and continue until 6.00pm or even later in some cases. Compare this with the Spinning Wheel, who generally keep their live music to between 2.00 and 4.00pm and who physically confirm that the volume is kept to a considerate level.

Music and noise escaping from the club through a fire escape that is being opened when it should be closed.

Additionally, we find that drinking vessels, cans, bottles and general waste is thrown into our garden regularly overnight at the weekend and we have had one instance where the garden furniture from our patio was removed and thrown down the garden, which is of course not a public area. Furthermore we find that bottles and glasses are regularly broken in the streets and at the entrance to Berry Square creating a public danger.

In summary, I disagree with the licence being granted as requested, as this is a residential area, I would have thought that it should be no later than that of the Spinning Wheel which ends at 1.00am. This would allow for all of us to expect a decent night's sleep without the public nuisance of the regular pattern of noise and antisocial behaviour causing me to be awoken practically every weekend from May to October by patrons of the club leaving at closing time. Since the current licence was issued, running only until 1.00am, I have slept far more soundly than I have at any time during the preceding years. This can only be due, surely, to the fact that there has been far less public nuisance, noise and antisocial behaviour during the period of the closure of the club.

Yours faithfully,







TORBAY COUNCIL  
19 APR 2021  
COMMUNITY SAFETY

Phone/Fax : [redacted]  
Website : [redacted]  
Email : [redacted]

16 April 2021

Dear Sir or Madam,

I write with reference to the current Licence application by East Street Pub Company Ltd for a licence to be granted at 18 Esplanade Road, Paignton, TQ4 6BD.

I have been the owner of the [redacted] since 17 August 2007, and over the years and over all the different operators of clubs or bars at the said premise, I can state that we have always been subject to an erosion of our quality of life due to noise, antisocial behaviour and general public nuisance. Having experience of the difference between a licence to 1.00am and 3.00am, I can say with certainty that it's definitely a case of the later the licence is granted for, that erosion is much more noticeable.

When the licence was previously granted until 3.00am, it caused loss of sleep and being woken up by patrons of the establishment leaving, running up and down the road, shouting, screaming or even singing any time between 3.00am and about 4.30am. We have also been impacted by excessive noise from the building itself. I will always remember lying in my bed at around 03.00 one Saturday or Sunday morning and hearing a death threat shouted by one individual to another. I still don't know whether I should have called the Police, who are massively understaffed and, from prior experience I know are unlikely to be able to attend.

Add to this the fact that we are also bombarded with live music outdoors from the establishment on a Sunday afternoon, which has been known to run from 02.00pm anywhere until around 06.30pm. Even with the windows closed, I can still hear the music. And this is after my sleep has been interrupted for the prior two nights.

The area is predominantly residential housing with a number of guest houses and bed and breakfasts who are in the business of providing accommodation and a good night's sleep to our customers, something that is directly impacted by those problems outlined above. A fair number of our guests over the years have been affected by these things and have mentioned it to me. I know of some guests from nearby properties who checked in on a Friday night for a



week and checked out again Saturday morning because of this antisocial behaviour.

Compare these things with how it has been for the last year or two, with the licence granted only until 1.00am, there have been no complaints, and on a personal level, I've managed to have uninterrupted sleep on a Friday and Saturday night without all the noise. public nuisance and antisocial behaviour.

Given the fact that The Spinning Wheel has a licence until 1.00am, I can see no reason for a licence for other premises to be granted any later than this.

One more point I would make is that some years ago local residents, the Police Licencing Officer and the Council Licencing Officer got together in the dining room of the [REDACTED] to discuss the problems that we have had to endure, only to be told that the Police have problems attending at the 03.00am closing time due to limited manpower and the fact that it is also the time of their shift changeover.

To sum up, I am strongly against the granting of the extended licence as it has been requested for the reasons stated above. I would also like to point out that history suggests that the owners and operators should be forced to consider the impact that an extended licence would have on local residents.

Finally, I would like to mention that there are other local residents, some senior citizens, who are affected by all of the matters covered above who are not prepared to identify themselves to the applicant of the license and so will not make any representation. I would like to think that the licencing authority could take their best interests into account as well.

I do not believe that licencing objectives will be promoted by granting this new application for an extended licence, as I believe there will be a return of the antisocial behaviour and public nuisance that we used to be subject to, particularly at the currently proposed closing times and as it is being requested for 7 days a week.

Yours faithfully,

[REDACTED]



TQ4 6AZ  
Apr18, 2021

Dear Sir,

Re: Licence application by The East Street Pub Company for 18, Esplanade Road TQ 4 6AZ

I am writing to express my concerns over this application, having lived here for nearly 14 years my family, including my elderly mother, have suffered tremendously from the noise, vandalism and anti-social behaviour, particularly at closing time. Our sleep is disturbed on many nights, particularly on Fridays and Saturdays. On some nights I have been awoken on more than one occasion. For the last year, due to lock down, we have all been sleeping so much better.

This is a small list of things I have witnessed over the years, in the small hours of the morning, after being awoken:

Extremely loud domestic disputes, often peppered with foul language and screaming.

Urinating against the side of our building, against our garden wall and even in our garden.

Pot plants have been destroyed, on many occasions.

Bottles, cans, broken glass and other general litter has been thrown on our lawn and garden.

(One Sunday morning I picked up over 60 items discarded in our garden over night.)

The dry stone wall was partially dismantled and the stones thrown all over our lawn.

Fights in the street.

I have been laying in bed and heard drugs being sold outside my bedroom window. (This happened again in the last week.)

Cars are revved up, horns sounded and doors slammed.

I have witnessed so much more.

We have our sleep disturbed, regularly and then have to tidy up the mess left behind. Just to add insult to injury, we have to endure 4 hours of very loud music on Sunday afternoon. Often there seems to be a battle to see which pub can play music the loudest.

Three o'clock closing, would mean disturbance at least until 4am.

I appreciate that like so many other businesses they are trying to recoup some of the losses of the past year. It is not fair that they should be allowed to inflict further distress and misery on other local residents, in an attempt to do this.

Therefore, I am firmly against the proposed license, and any extended trading hours.

Yours sincerely,

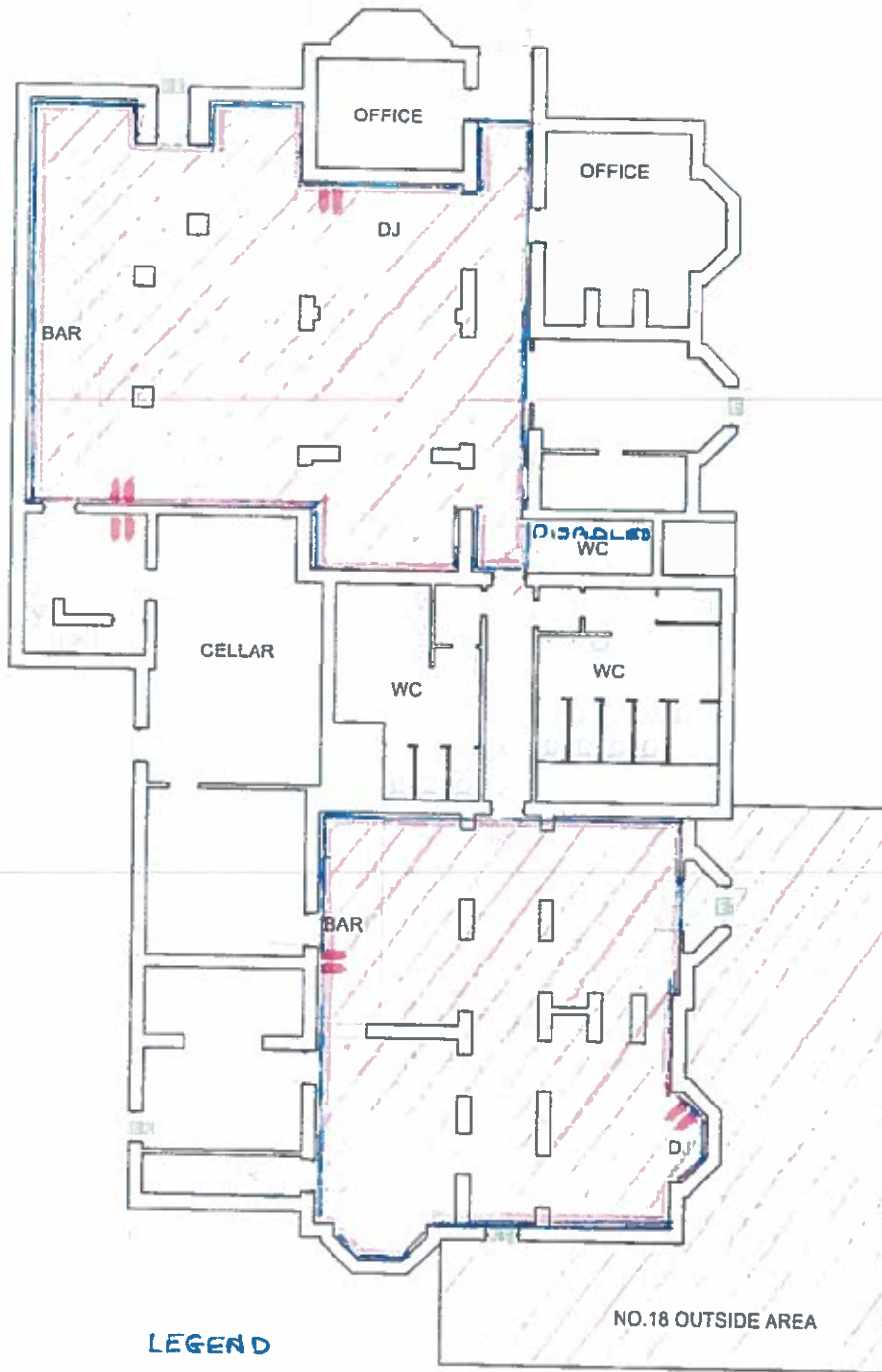
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**RGS**  
ARCHITECTURAL  
**DESIGN**  
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mob. 07793 007016

Drawing Title	GROUND & BASEMENT FLOOR PLANS
Drawing No.	1847 - 04
Client	East Street Pub Company
Project	The Hyde Dendy, Esplanade Road, Paignton, Devon.
Date - May '19	Scale NTS@A3



**LEGEND**

**KEY**

-  FIRE EXTINGUISHER
-  ENTRANCE/EXIT
-  EMERGENCY EXIT



- CONSUMPTION OF ALCOHOL
- SALE OF ALCOHOL
- REGULATED ENTERTAINMENT



LEGEND

CONSUMPTION OF ALCOHOL

Esplanade Road

