

Wednesday, 11 August 2021

**LICENSING SUB-COMMITTEE**

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

**Thursday, 19 August 2021**

commencing at **9.30 am**

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

**Members of the Committee**

Councillor Ellery

Councillor Barbara Lewis

Councillor Douglas-Dunbar

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# 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 4 - 23)  
To confirm as a correct record the Minutes of the meetings of a Sub-Committee held on 17 and 24 June and 1 and 8 July 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. **Licensing Act 2003 - An application for a Premises Licence in respect of Flour Flower, 40 Middle Street, Brixham, TQ5 8ER** (Pages 24 - 45)  
To consider and determine an application for a new Premises Licence, in respect of the Premise detailed above.

**Meeting Attendance**

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

**Minutes of the Licensing Sub-Committee**

**17 June 2021**

**-: Present :-**

Councillors Dart, Douglas-Dunbar and Mills

**4. Election of Chairman/woman**

Councillor Dart was elected as Chairman for the meeting.

**5. Minutes**

The Minutes of the meeting of the Sub-Committee held on 20 May 2021 were confirmed as a correct record and signed by the Chairman.

**6. Quay Nightclub 26 Victoria Parade, Torquay TQ21 2BD**

Members considered a report on an application for a variation to the Premises Licence in respect of Quay Nightclub, 26 Victoria Parade, Torquay.

Written Representations received from:

<b>Name</b>	<b>Details</b>	<b>Date of Representation</b>
Police	Representation in relation to the Licensing Objective The Prevention Crime and Disorder and The Prevention of Public Nuisance.	17 May 2021
Public Protection	Representation in relation to the Licensing Objective Public Safety and The Prevention of Public Nuisance.	18 May 2021

Members of the Public	Two letters public who are objecting to this application. The Representations relate to the Licensing Objective "The Prevention of Public Nuisance	18 May 2021
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### Additional Information:

Prior to the Hearing commencing, the Applicant requested document titled 'ER Global Securing Your Future – Comprehensive Safety and Security plan' be circulated. All other parties present, unanimously determined that that this not be permitted, due to it only being available on the morning of the hearing and the reasonable time it would take to fully consider its contents. Applicants advised accordingly.

Name	Details
The Applicant	The Applicant's representative presented their application and responded to Members questions.
Police.	The Police Representative presented their objection to the application and responded to Members questions
Public Protection Officer	The Public Protection Officer presented their representation in respect of the application and responded to Members questions.

### Decision

That the application for a variation to the Premises Licence in respect of The Quay, 26 Victoria Parade, Torquay be refused.

### Reasons for Decision

Having carefully considered all the written and oral submissions, Members determined unanimously to refuse the application, as they could not be satisfied on the evidence before them, that Licensing Objectives would be promoted and in accordance with the Authority's Licensing Statement of Principles – Cumulative Impact Policy 2021`-2024, they could not be satisfied that in granting this application, the premises which are situated in the Cumulative Impact Area (CIA) would not add to crime and disorder and/or public nuisance in that area.

In coming to that decision, Members had careful regard to the submissions of the Responsible Authorities who unanimously stated that they had concerns with this application, due to the high volume of premises already permitted to sell alcohol in the CIA after midnight and the belief that this premises operation would add to

crime and disorder and public nuisance if granted an extended licence, the absence of a solid and ever changing business plan or professional approach required to run a high risk licensed premises, inexperience presented by the Applicants in their engagement to date, the reliance on Responsible Authority Officers opinions in respect of operational matters and being reactive in their decision making as opposed to being proactive, the absence of strong management and oversight required to operate a 4am premises licence; and despite the Applicants claiming that they will have an active role in the day to day management of the premises, the apparent reliance of others to operate their premises, with a hands off approach, especially at peak times, with one of the Applicants proposing to keep an eye on the premises from internal cameras which can be accessed remotely and neither proposing to be the premises Designated Premises Supervisor.

Members had careful regard to the responses provided by the Applicants and those present to support their application but found that there were discrepancies with what was contained in the report and supplementary papers to that given in oral representation. Members were particularly concerned by the changing approach to the premises operations, dependant on concerns raised by them in their questioning and determined that the application appeared to be premature and they could not be satisfied that all matters had been properly considered and scoped out, in a way that would ensure these premises were operated in a responsible manner which promoted the Licensing Objectives. This was also evident in the proposed chaperone scheme and whilst aspirational and commendable in approach, in Member's opinion, it lacked the required detail to ensure it was deliverable in a way which did not compromise the staffing requirements to operate a 4am licence. Members also noted that the required permission and practicalities to locate the proposed pick-up point for this scheme had not been fully considered. In addition, Members were concerned to learn that the Applicants had submitted a Temporary Event Notice (TEN), despite structural safety concerns being raised with them about the premises only one month earlier and notwithstanding the advice by the Responsible Authority Officer that the Applicants withdraw the submitted TEN, enabling safety matters to be resolved and the ceiling being certified as safe, it was only following an objection by that Responsible Authority Officer, that the TEN was withdrawn. In Members opinion, it did not appear to them that the TEN had been proactively withdrawn due to the safety concerns raised but instead in the belief that it would not be granted. It was also of concern to Members that the Applicants were not aware that opening the premises using the current premises licence until midnight was not permissible, due to the layout of the premises being altered to that shown on their current premises licence plan.

Furthermore, Members were concerned to see on the evidence before them that the Applicants had informed the Responsible Authorities that they were hoping to purchase a second hand CCTV system from ebay and whilst this is permissible, it was that the Applicants were seeking to rely not on an expert to advise them on what is a vital requirement to operate a late night licensed premises but instead, on someone who has some knowledge of systems. This again did not provide any reassurance to Members that the Applicant fully understood the level required of them to responsibly operate a late licence in the CIA.

Members were also alarmed to learn that the Applicants had used the premises to entertain friends and family, and on a separate occasion, DJ's doing a live stream event where people could be seen drinking, all in contravention of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 in place, at the time. This coupled with the Applicants belief that they had not done anything wrong, did not reassure Members that the premises would operate in accordance with the conditions on their premises licence and in a way that would ensure the Licensing Objectives would be promoted.

In concluding, Members considered what if any moderations could be made to the application by way of conditions, as opposed to a refusal but determined to do so, may materially affect the Applicants intended operation of these premises and that it was for the Applicant to properly put forward a comprehensively detailed application which in turn, considered all aspects of the premises intended operation in a way that would reassure the Responsible Authorities and where required, Members of a Licensing Committee that all of the licensing objectives would be promoted and that these premises intended operations would not add to crime and disorder and./or public nuisance in the CIA.

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Chairman

## Minutes of the Licensing Sub-Committee

24 June 2021

-: Present :-

Councillors Barnby, Ellery and Dart

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### 7. Election of Chairman

Councillor Ellery was elected as Chairman for the meeting.

### 8. Apologies

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

### 9. Licensing Act 2003 – An application for a Review of a Premises Licence for, Hennessey Cocktails, 2 King Street, Brixham

Members considered an application for a Review of a Premises Licence, in respect of the Premises detailed above.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in support of the application for a Review of a Premises Licence on the grounds of 'Public Safety', 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	28 May and 29 June 2021
Member of the Public	Representation in support of the application for a Review of a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	18 May 2021
Member of the Public	Representation in support of the application for a Review of a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	25 May 2021

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Review of a Premises Licence.	25 May 2021
Member of the Public	Representation objecting to the application for a Review of a Premises Licence.	26 May 2021
Member of the Public	Representation in support of the application for a Review of a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	29 May 2021
Member of the Public	Representation in support of the application for a Review of a Premises Licence on the ground of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	30 May 2021

Oral Representations received from:

Name	Details
Applicant (Police)	The Police Representative presented their application for the Review and responded to Members questions.
Public Protection	The Public Protection Officer outlined his representations and responded to Members questions.
Mr Perkes	Mr Perkes outlined his representation in support of the request of a Review of the Premises Licence and responded to Members questions.
Respondent (Mr Hennessey)	The Respondent submitted a response to the Review and answered Members questions.

The following additional information was submitted by the Respondent and circulated on 23 June 2021:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'	Undated
Public Protection	Copy of an extract of an email from Karl Martin regarding recorded music not being a concern due to a well-designed	8 October 2018

Name	Details	Date of Representation
	PA system backed up with a limiter.	
Estimate from FTS	Estimate for sound system.	Undated
Police	Extract of an email regarding providing CCTV.	21 December 2020
Respondent	Extract of an email response from Mr Hennessey to the Police email dated 21 December.	21 December 2020
Respondent	Extract from an email from Mr Hennessey to the Police and Public Protection regarding providing CCTV on a memory stick.	23 December 2020
Ms Cottell	Email regarding recent visit to the Premises.	12 May 2021
Respondent	Statement in response to events referred to in the Review documentation and advising of additional procedures and policies.	Undated

## Decision:

That the Premises Licence in respect of Hennessey Cocktails, 2 King Street, Brixham be revoked.

## Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved unanimously to revoke the Premises Licence, as they could not be satisfied on the evidence before them that the Premises Licence Holder, Mr Hennessey, would comply with all the conditions of his premises licence and with that, ensure the Licensing Objectives would be promoted.

In coming to that decision, Members noted the concerns raised by the Police and Public Protection Officers in respect of Mr Hennessey's management of these Premises, the previous advice and guidance given to him by them and his subsequent non-compliance with conditions of his Premises Licence, particularly in respect of CCTV and the requirement to make the recordings available within 14 days, in a standard and appropriate format subsequently requested by the Police. In this regard, Members noted that Mr Hennessey had only made available to the Police the hard drive, believed to contain the recordings some three months later, at which time it was reported that there was nothing of evidential value found.

In Members opinion, they found Mr Hennessey had acted in an obstructive manner for the sole purpose of attempting to avoid a prosecution, in accordance with The Health Protection (Coronavirus, Restrictions) (All Tiers) (England)

Regulations 2020 Regulation 8 and Schedule 2, Part 3 paragraph 14 (-1). In forming this opinion, Members, had regard to the oral evidence of the Responsible Authority Officers and the Police's legal representative; and that set out in the Licensing Authority's Public Protection Officer's representation, at paragraph 16, page 92 of the report before them which referenced an email sent by Mr Hennessey to the Council in February 2021 which states that Mr Hennessey posed the question ' if the Council do not have a copy of the CCTV then they have no evidence of the Covid Breaches'.

Whilst these Regulations are not specifically a licensing matter, Members noted Mr Hennessey's submissions that he was aware of the requirements in this regard, that he had also read the additional guidance provided by the Responsible Authority and had spoken with one of the Licensing Authority's Officers about this. It was following these submissions that Members had serious concern of Mr Hennessey's suitability to remain a Premises Licence Holder, in the knowledge that there was a global pandemic, a significant number of persons had died as a direct result, what restrictions were in place at the time and despite this, Mr Hennessey actively chose to place people's lives at risk by ignoring these Regulations, in allowing his premises to be used for the sole purpose of a private party which in Members opinion, would not have been compliant with the restrictions in place at the time and Mr Hennessey would have known this; and furthermore, Mr Hennessey had on a separate occasion, sold alcohol to persons without providing food, as required by the Regulations. This was in addition of the attempt by Mr Hennessey to mislead Responsible Authority Officers in to believing that his premises were closed at the time, a position which Mr Hennessey chose to maintain to Members of the Sub-Committee.

Coupled together, Members found Mr Hennessey had acted recklessly with a poor attitude towards the Regulations in place and this caused them grave concerns about his ability, suitability and willingness to operate a licensed premises in a responsible manner, compliant with the conditions of that premises licence and to ensure promotion of the Licensing Objectives above all else, given the evidence before them. Members also found Mr Hennessey to be wholly dishonest in his account of the various events discussed.

Overall and unanimously, Members resolved that Mr Hennessey's conduct fell well below the standards reasonably expected by them of a responsible Premises Licence Holder and for the reasons given, they had no confidence in him operating this premises in the future and therefore determined that revocation was in their opinion, an appropriate and proportionate outcome of this Review.

In concluding, Members considered what if any modifications could be made to the premises licence, as opposed to a revocation but resolved on the evidence before them, that there were none. In addition, Members considered removing Mr Hennessey as the Designated Premises Supervisor but resolved that this would not be enough to alleviate their concerns, as Mr Hennessey would still have day to day control of the premises.

**10. Licensing Act 2003 – An application for a Transfer of the Premises Licence for Hennessey Late Lounge Bar, 2 New Road, Brixham, Devon, TQ5 8NE**

Members considered an application for a transfer of the Premises Licence for Hennessey Late Lounge Bar, 2 New Road, Brixham, TQ5 8NE.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the transfer on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	27 May 2021

Oral Representations received from:

Name	Details
Police	The Police Representative presented their objection to the application and responded to Members questions.
Applicant	The Applicant presented their application and responded to Members questions.

Decision:

That the application for a transfer of the Premises Licence in respect of Hennessey Late Lounge Bar, 2 New Road, Brixham be refused.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved unanimously to refuse the transfer of both Premises Licence to Mr Hennessey and to specify him as the Designated Premises Supervisor of those Premises in turn, as they could not be satisfied on the evidence before them, that the premises operations would be compliant with the conditions of its licence and that the Licensing Objectives would be promoted.

In coming to that decision, Members noted that Mr Hennessey had agreed for all four applications to be heard at the same time and that he did not wish to make any comment on these applications.

On hearing the submissions from the Police's legal representative, in simply wishing Members to consider that which they had heard in respect of Mr Hennessey's management of Hennessey Cocktails, 2 King Street, Brixham and; if Members could not be satisfied that Mr Hennessey was suitable to hold that premises licence, how could they be satisfied to grant these applications which were for later terminal hours and would naturally require firmer control.

Noting that these were separate applications and that due regard was needed to be given to each one in turn, Members determined that an outright refusal in respect of each application was both appropriate and proportionate, for the reasons given in their decision for the revocation of Premises Licence held by Mr Hennessey, in respect of Hennessey Cocktails, 2 King Street Brixham and; in the absence of any submissions by Mr Hennessey in respect of these applications to the contrary, Members found no reason to depart from their findings of Mr Hennessey's inability, unsuitability and apparent unwillingness to operate a licensed premises in a responsible manner.

**11. Licensing Act 2003 – An application for a Transfer of the Premises Licence for Hennessey Sports Bar, Parkham Road, Brixham, Devon, TQ5 9BU**

Members considered an application for a transfer of the Premises Licence for Hennessey Sports Bar, Parkham Road, Brixham, TQ5 9BU.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the transfer on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	27 May 2021

Name	Details
Police	The Police Representative presented their objection to the application and responded to Members questions.
Applicant	The Applicant presented their application and responded to Members questions.

Decision:

That the application for a transfer of the Premises Licence in respect of Hennessey Sports Bar, Parkham Road, Brixham be refused.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved unanimously to refuse the transfer of both Premises Licence to Mr Hennessey and to specify him as the Designated Premises Supervisor of those Premises in turn, as they could not be satisfied on the evidence before them, that the premises operations would be compliant with the conditions of its licence and that the Licensing Objectives would be promoted.

In coming to that decision, Members noted that Mr Hennessey had agreed for all four applications to be heard at the same time and that he did not wish to make any comment on these applications.

On hearing the submissions from the Police's legal representative, in simply wishing Members to consider that which they had heard in respect of Mr Hennessey's management of Hennessey Cocktails, 2 King Street, Brixham and; if Members could not be satisfied that Mr Hennessey was suitable to hold that premises licence, how could they be satisfied to grant these applications which were for later terminal hours and would naturally require firmer control.

Noting that these were separate applications and that due regard was needed to be given to each one in turn, Members determined that an outright refusal in respect of each application was both appropriate and proportionate, for the reasons given in their decision for the revocation of Premises Licence held by Mr Hennessey, in respect of Hennessey Cocktails, 2 King Street Brixham and; in the absence of any submissions by Mr Hennessey in respect of these applications to the contrary, Members found no reason to depart from their findings of Mr Hennessey's inability, unsuitability and apparent unwillingness to operate a licensed premises in a responsible manner.

**12. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Hennessey Late Lounge Bar, 2 New Road, Brixham, Devon, TQ5 8NE**

Members considered an application for a variation to a Premises Licence to specify an individual as the Designated Premises Supervisor at the Hennessey Late Lounge Bar, 2 New Road, Brixham, TQ5 8NE.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the transfer on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	27 May 2021

Oral Representations received from:

Name	Details
Police	The Police Representative presented their objection to the application and responded to Members questions.
Applicant	The Applicant presented their application and responded to Members questions.

Decision:

That the application for a variation of the Premises Licence to specify Mr Hennessey as the Designated Premises Supervisor in respect of Hennessey Late Lounge Bar, 2 New Road, Brixham be refused.

## Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved unanimously to refuse the transfer of both Premises Licence to Mr Hennessey and to specify him as the Designated Premises Supervisor of those Premises in turn, as they could not be satisfied on the evidence before them, that the premises operations would be compliant with the conditions of its licence and that the Licensing Objectives would be promoted.

In coming to that decision, Members noted that Mr Hennessey had agreed for all four applications to be heard at the same time and that he did not wish to make any comment on these applications.

On hearing the submissions from the Police's legal representative, in simply wishing Members to consider that which they had heard in respect of Mr Hennessey's management of Hennessey Cocktails, 2 King Street, Brixham and; if Members could not be satisfied that Mr Hennessey was suitable to hold that premises licence, how could they be satisfied to grant these applications which were for later terminal hours and would naturally require firmer control.

Noting that these were separate applications and that due regard was needed to be given to each one in turn, Members determined that an outright refusal in respect of each application was both appropriate and proportionate, for the reasons given in their decision for the revocation of Premises Licence held by Mr Hennessey, in respect of Hennessey Cocktails, 2 King Street Brixham and; in the absence of any submissions by Mr Hennessey in respect of these applications to the contrary, Members found no reason to depart from their findings of Mr Hennessey's inability, unsuitability and apparent unwillingness to operate a licensed premises in a responsible manner.

**13. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Hennessey Sports Bar, Parkham Road, Brixham, Devon, TQ5 9BU**

Members considered an application for a variation to specify an individual as the Designated Premises Supervisor at Hennessey Sports Bar, Parkham Road, Brixham, TQ5 9BU.

## Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the transfer on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	27 May 2021

Oral Representations received from:

Name	Details
Police	The Police Representative presented their objection to the application and responded to Members questions.
Applicant	The Applicant presented their application and responded to Members questions.

Decision:

That the application for a variation of the Premises Licence to specify Mr Hennessey as the Designated Premises Supervisor in respect of Hennessey Sports Bar, Parkham Road, Brixham be refused.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved unanimously to refuse the transfer of both Premises Licence to Mr Hennessey and to specify him as the Designated Premises Supervisor of those Premises in turn, as they could not be satisfied on the evidence before them, that the premises operations would be compliant with the conditions of its licence and that the Licensing Objectives would be promoted.

In coming to that decision, Members noted that Mr Hennessey had agreed for all four applications to be heard at the same time and that he did not wish to make any comment on these applications.

On hearing the submissions from the Police's legal representative, in simply wishing Members to consider that which they had heard in respect of Mr Hennessey's management of Hennessey Cocktails, 2 King Street, Brixham and; if Members could not be satisfied that Mr Hennessey was suitable to hold that premises licence, how could they be satisfied to grant these applications which were for later terminal hours and would naturally require firmer control.

Noting that these were separate applications and that due regard was needed to be given to each one in turn, Members determined that an outright refusal in respect of each application was both appropriate and proportionate, for the reasons given in their decision for the revocation of Premises Licence held by Mr Hennessey, in respect of Hennessey Cocktails, 2 King Street Brixham and; in the absence of any submissions by Mr Hennessey in respect of these applications to the contrary, Members found no reason to depart from their findings of Mr Hennessey's inability, unsuitability and apparent unwillingness to operate a licensed premises in a responsible manner.

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Chairman/woman

## Minutes of the Licensing Sub-Committee

1 July 2021

-: Present :-

Councillors Atiya-Alla, Barnby and Ellery

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### 9. Election of Chairman

Councillor Ellery was elected as Chairman for the meeting.

### 10. Licensing Act 2003 - An application for a Variation to a Premises Licence in respect of Brixham Gin Company, The Old Sail Loft, Overgang Road, Brixham, TQ5 8AR

Members considered an application for a Variation to a Premises Licence in respect of the Brixham Gin Company, The Old Sail Loft, Overgang Road, Brixham, TQ5 8AR.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Variation of the Premises Licence on the grounds of 'public nuisance'.	21 May 2021 – this objection was withdrawn prior to the hearing.
Member of the Public	Representation objecting to the application for a Variation of the Premises Licence on the grounds of 'public nuisance'.	27 May 2021

Oral Representations received from:

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

Decision:

That the application for Variation to Premises Licence in respect of Brixham Gin Company, The Old Sail Loft, Overgang Road, Brixham, TQ5 8AR be granted as applied for, subject to the following two additional conditions:

1. the outside area shall only be used between 9.00 am and 9.00 pm; and

2. a portable barrier shall be situated on the boundary of the premises outside area, when in use, to clearly mark the demarcation with the road, to ensure patrons are kept safe on the premises.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the variation application subject to the two additional conditions, as they were satisfied that with these conditions, the premises operation would not undermine the Licensing Objectives.

In respect of use of the premises outside area, Members noted that there was a lack of detail in the application as to how this area would be managed and having heard the oral representation from the Applicant in this regard, Members could not be satisfied that signage alone would reduce the risk of noise outbreak from this area and noting the proximity of nearby residential premises, determined that to limit the use of this area between 9am and 9pm only, was appropriate.

In coming to that decision, Members had regard to the concerns raised by the member of the public in respect of the prevention of public nuisance and were satisfied that these concerns should be alleviated by the additional condition to limit use of the outside area, noting also that the premises had limited capacity to accommodate patrons inside.

In concluding, Members noted that should issues of concern arise as a result of this grant, a Review of the Premises Licence is available to either members of the public or Responsible Authorities.

Chairman

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**Minutes of the Licensing Sub-Committee**

**8 July 2021**

**:- Present :-**

Councillors Ellery, Douglas-Dunbar and Mills

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**11. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

**12. Apologies**

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Douglas-Dunbar instead of Councillor Dart.

**13. Urgent items**

The Committee considered the items in Minutes 15 and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared.

**14. Licensing Act 2003 - An application for a Premises Licence in respect of Crab and Hammer South Quay, Paignton Harbour, TQ4 6DU**

Members considered a report on an application for a Premises Licence in respect of the Crab and Hammer, South Quay, Paignton Harbour, TQ4 6DU.

Written Representations received from:

Name	Details	Date of Representation
Public Protection Officer	Representation objecting to the application on the grounds of 'Prevention of Public Nuisance'.	15 June 2021
Member of the Public	Representation objecting to the application on the grounds of 'Prevention of Public Nuisance'	Received 24 May 2021
Member of the Public	Representation objecting to the application on the grounds of 'Prevention of Public Nuisance'	24 May 2021
Member of the Public	Representation objecting to the application on the grounds of 'Prevention of Public Nuisance'	25 May 2021
Applicant	Representation responding to	Undated

	Community Safety's representation	
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## Additional Information:

Prior to the Hearing additional information was received and circulated from a Member of the Public in respect of covenants on the building the proposed Premises would be located in, however, the Legal Advisor informed members this was not relevant to the promotion of the Licensing Objectives and should be disregarded.

Prior to the Hearing, further representation from the Public Prevention Officer dated 5 July 2021 was requested. All parties agreed this could be considered.

At the hearing, a Noise Management Plan from the Applicant was requested to be circulated. All parties agreed this could be considered.

## Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Public Protection Officer (via Zoom)	The Public Protection Officer presented their representation in respect of the application and responded to Members questions.
Members of the Public (3 in person, 1 via Zoom)	Four members of the public presented their objections to the application.

## Decision:

That the application for Crab and Hammer, South Quay, Paignton Harbour be granted as applied for, subject to the following conditions:

1. No more than 10 patrons shall be permitted to use the premises designated smoking area after 9pm.
2. The premises designated smoking area shall be monitored by staff after 9pm, to ensure noise nuisance does not emanate from this area so as to unreasonably disturb nearby residents.
3. No drinks shall be permitted In the premises designated smoking area after 9pm.
4. No more than 16 patrons at any one time, shall be permitted to use the premises outside licensed area, during opening times.
5. The premises outside licensed area shall only be permitted to be used between 8am and 9.30pm
6. The outside licensed area shall be clearly defined by the use of portable barriers, to ensure public safety.

7. Patrons using the outside area shall be seated at all times, except for access and egress.
8. The supply of alcohol shall only be permitted to persons consuming a table meal and that those persons shall be seated.
9. The supply of alcohol, inside and outside of the premises licensed areas, shall only be permitted by way of table service.
10. The premises plan shall be amended to accurately reflect the current authorisation of use.
11. The provisions outlined in the premises Noise Management Plan shall be adhered to throughout the premises opening times.
12. No recorded music shall be permitted in the premises outside area.

Reason for Decision:

Having carefully considered all the written and oral representations, Members were satisfied to grant the application as applied for, subject to the additional conditions which in their opinion, would ensure that the premises operation did not undermine the Licensing Objectives. Namely, Public Safety and The Prevention of Public Nuisance.

In coming to that decision, Members noted that set out in the operating schedule, the noise management plan circulated at the hearing and the submissions of the Public Protection Officer in respect of noise emanating from inside the premises and were satisfied that this premises internal operations, would not cause nearby residents to be unreasonably disturbed.

Members could not however, be as assured by the premises intended external operations, given the immediate proximity of residential properties, the absence of any detailed plan to manage or monitor this area and the proposed ratio of staffing during operating hours. In forming this view, Members had careful regard to the written and oral submissions by the residents living immediately above the premises and the responses given by the Applicant which in Member's opinion, was based on what he expected, rather than carefully considered mitigating measures required of a premises located in the immediate vicinity of residential properties which intended to operate until 11.30pm.

In determining this opinion, Members noted that whilst the Applicant had gone to lengths to carry out the necessary refurbishments to open this premises, they were concerned to hear from interested parties that during these works, there had been a complete lack of engagement with them, by the Applicant. This coupled with the Applicants own submission, that he had never operated a licensed premises before, caused Members serious concern in what regard the Applicant would have to his immediate neighbours, if granted the application as applied..

Noting that the premises is located within a working harbour and in the absence of any mitigating measures, Members considered restricting use of the premises outside area beyond 6pm to ensure immediate residents were not unreasonably disturbed after this time but noting the willingness of the Applicant to engage with the Licensing Authority's Public Protection Officer, post application, Members resolved to permit use of the premises outside area from 8am – 9.30pm, with the

imposition of the additional conditions which they determined were both necessary and proportionate to promote the Licensing Objectives.

Being familiar with the area in which the premises are located, Members determined it appropriate to restrict the number of patrons using the premises outside area. Notwithstanding the intended changes to the area by the Harbour Authority, as submitted by the Applicant, in its current state, Members determined that the number of patrons proposed by the Applicant would not ensure patrons safety, given the size of the area on the premises plan and location in which it is situated. Members also determined a condition to install portable boundaries to delineate the premises outside area, from that of the activities of the working harbour and access and egress of vehicles using the through road which directly abuts the proposed area, would ensure patrons safety.

Noting that the premises internal proposed capacity was for fifty patrons, Members pointed out to the Applicant that he had not identified a designated smoking area for the premises use. Following discussions in this regard, the Applicant identified an area slightly away from the premises so that patrons did not congregate directly outside the front of the premises which is located directly under the windows of residential properties. Members determined that imposing conditions and restricting the use of this designated area would ensure that it did not become an extension of the premises after 9pm and cause unreasonable disturbance to residents in the immediate proximity.

In concluding, it was noted by Members that the Applicant could apply for a variation to his premises licence to increase the use of the premises outside area, once he was able to demonstrate that the premises could be managed in a responsible manner which was harmonious with its immediate neighbours and would ensure future operations of an extended use, would not undermine the Licensing Objectives.

**15. Licensing Act 2003 - An application for a Premises License in respect of Zakopane, 16 Market Street, Torquay, TQ1 3AQ**

Members considered a report on an application for a Premises Licence in respect of Zakopane, 16 Market Street, Torquay, TQ1 3AQ. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation requesting a slight alteration to one condition.	Unknown

Applicant's response to Representations:

Written representation confirming agreement to this condition.

Decision:

The application for Zakopane, 16 Market Street, Torquay, TQ1 3AQ be granted as applied for subject to the amended condition proposed by the Police and agreed by the Applicant.

Reason for Decision:

Having carefully considered all the written and oral representations, Members of the Sub-Committee were satisfied that with the amendment to the condition, the Licensing Objectives would not be undermined.

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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 Flour Flower, 40 Middle Street, Brixham, TQ5 8ER

Wards Affected: **Brixham**

To: **Licensing Sub Committee** **19 August 2021**

Contact Officer: **Lisa Wright**  
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 Objectives the “Prevention of Public Nuisance” and “Prevention of Crime and Disorder”.
- 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.

A brief description of the application, as follows:-

Recorded Music both indoors and outdoors from 09:00 until 00:00 Monday to Wednesday. 09:00 to 01:30 (the following day) Thursday to Sunday.

The Supply of Alcohol for consumption both on and off the premises from 09:00 until 00:00 Monday to Wednesday. 09:00 to 01:30 (the following day) Thursday to Sunday.

Late Night Refreshment from 23:00 until 00:00 Monday to Wednesday. 23:00 to 01:30 (the following day) Thursday to Sunday.

Premises opening hours from 08:00 until 00:30 Monday to Wednesday. 08:00 to 02:00 (the following day) Thursday to Sunday.

The Applicant has given the following description of the premises: -

“The Premises is a daytime café/restaurant & florist with occasional evening service & events. Located on a busy road with no residential accommodation on the floor directly above the shop. The floor above the shop is occupied by another business. The building is of concrete construction and noise does not travel excessively through the building. The site has been a restaurant or café since the 1960’s and previous businesses have been licensed. There is no rear access to the premises. The sale of alcohol for consumption on the premises will be when food is available to eat and is expected to be incidental to the main business. The sale of late-night refreshment will mainly be at ticketed or private events as opposed to an open door. The licence will also be useful to sell alcohol via our web shop where age confirmation will be required”.

The plan accompanying the application is shown as Appendix 2.

- 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 Representations. One from Brixham Town Council, outlining their objection in relation to “The Prevention of Public Nuisance”. This is shown as Appendix 3.

The second from Responsible Authority, Devon and Cornwall Police, outlining their objection in relation to "Prevention of Crime and Disorder". This is shown at Appendix 4.

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

- 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 Plan of the Premises

Appendix 3 Representation from Brixham Town Council

Appendix 4 Representation from Devon and Cornwall Police

**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

1/1

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

SIMON

\* Family name

WEBB

\* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

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

Are you:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

## Applicant 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

FLOUR FLOWER

If your business is registered, use its registered name.

VAT number

- NONE

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

Legal status

Sole Trader

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**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**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/>
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
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

*Continued from previous page...*

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.

The business is a daytime cafe/restaurant & florist, with occasional evening service & events. Located on a busy road with no residential accommodation on the floor directly above the shop. The floor above the shop is occupied by another business. The building is of concrete construction and noise does not travel excessively through the building. The site has been a restaurant or cafe since the 1960's and previous businesses have been licensed. There is no rear access to the premises. The sale of alcohol for consumption on the premises will be when food is available to eat and is expected to be incidental to the main business. The sale of late night refreshments will mainly be at ticketed or private events as opposed to an open door. The license will also be use to sell alcohol via our web shop where age confirmation will be required.

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

**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?

Continued from previous page...

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

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 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.

PLAYING OF VINYL RECORDS & OTHER MUSIC MEDIA THROUGH AN AMPLIFIED STEREO SYSTEM.

Continued from previous page...

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.

BANK HOLIDAYS UNTIL 01:30HRS

CHRISTMAS EVE UNTIL 01:30HRS

NEW YEARS EVE : from the 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

#### 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

#### 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

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...

WEDNESDAY

Start 23:00

End 00:00

Start

End

THURSDAY

Start 23:00

End 01:30

Start

End

FRIDAY

Start 23:00

End 01:30

Start

End

SATURDAY

Start 23:00

End 01:30

Start

End

SUNDAY

Start 23:00

End 01:30

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.

Continued from previous page...

BANK HOLIDAYS UNTIL 01:30HRS

CHRISTMAS EVE UNTIL 01:30HRS

NEW YEARS EVE : from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

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

SUNDAY

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.

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.

Continued from previous page...

State any seasonal variations

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

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

BANK HOLIDAYS UNTIL 01:30HRS

CHRISTMAS EVE 01:30HRS

On New Years Eve from the 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  /  /

**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?

Continued from previous page...

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

Reference number for consent form (if known)

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.

N/A

**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

Continued from previous page...

SATURDAY

Start 08:00

End 02:00

Start

End

SUNDAY

Start 09:00

End 02:00

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.

BANK HOLIDAYS UNTIL 02:00HRS

CHRISTMAS EVE UNTIL 02:00HRS

NEW YEARS EVE : from the 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.

THE BUSINESS IS A DAYTIME CAFE THAT WILL HAVE OCCASIONAL EVENING EVENTS AND PRIVATE FUNCTIONS THAT ARE EITHER GENERALLY PRESOLD TICKETS OR PREBOOKED FUNCTIONS. ALL THE EVENTS WILL ALSO HAVE FOOD SERVED. Members of staff shall be trained so that they are aware of the conditions of the operating schedule and their responsibilities under the Licensing Act 2003  
NO HAPPY HOURS OR PROMOTIONS TO ENCOURAGE EXCESSIVE DRINKING  
A VERY FULL RANGE OF NON ALCOHOLIC DRINKS WILL BE AVAILABLE

b) The prevention of crime and disorder

TILLS ARE EMPTIED EVERYDAY AND NO CASH IS LEFT AT THE PREMISES  
CAMERAS WITH MOTION SENSOR ALERTS AND RECORDING STORAGE ARE INSTALLED AT THE SHOP FOR SECURITY PURPOSES  
ALL LOCKS ARE 5 LEVER  
PATRONS BELIEVED TO BE DRUNK WILL NOT BE SERVED FURTHER ALCOHOL  
DRUG USE AND ANTI SOCIAL BEHAVIOUR WILL NOT BE TOLERATED & WILL BE REPORTED TO POLICE  
THERE IS NO REAR ACCESS TO THE PREMISES

c) Public safety

*Continued from previous page...*

THE SHOP WILL BE KEPT IN GOOD ORDER  
THE ENTRANCE/EXIT IS VIA A LARGE DOOR TO THE FRONT OF THE PREMISES AND IS ALWAYS CLEAR  
A FULLY STOCKED FIRST AID KIT IS PRESENT  
A FIRE SAFETY RISK ASSESSMENT HAS BEEN CARRIED OUT AND WILL BE REGULARLY REVIEWED

d) The prevention of public nuisance

CUSTOMERS WILL BE REMINDED TO BE CONSIDERATE TO THE LOCAL COMMUNITY WHEN LEAVING THE PREMISES  
THE PLAYING OF RECORDED MUSIC OUTDOORS WILL BE VIA A SPEAKER SYSTEM AND WOULD BE NO LATER THAN 22:00HRS  
DELIVERIES WILL BE DURING NORMAL WORKING HOURS ONLY  
NO ACTIVITY THAT WILL CREATE EXCESSIVE NOISE FROM THE PREMISES WILL BE CARRIED OUT  
RUBBISH WILL ONLY BE REMOVED WHEN THIS CAN BE CARRIED OUT WITHOUT CAUSING ANY DISTURBANCE TO LOCAL RESIDENTS  
THERE ARE NO REAR DOORS OR WINDOWS TO THE PREMISES.  
STAFF WILL CALL A REPUTABLE LOCAL TAXI COMPANY FOR ANYONE WISHING TO USE ONE WHEN THEY LEAVE

e) The protection of children from harm

EVENING EVENTS WILL BE OVER 18's ONLY.  
NO PERSON UNDER THE AGE OF 18 WILL BE PERMITTED TO BE SERVED ALCOHOL  
THE PREMISES SHALL OPERATE A CHALLENGE 25 POLICY, ANY INDIVIDUAL WHO APPEARS TO BE UNDER THE AGE OF 25 WILL BE REQUIRED TO PROVIDE AN APPROVED FORM OF PHOTOGRAPHIC ID AS OUTLINED WITHIN THE TORBAY COUNCILS LICENSING STATEMENT OF PRINCIPLES  
CHALLENGE 25 POSTERS WILL BE ON DISPLAY WITHIN THE PREMISES  
OUR WEBSITE WILL STATE THAT IT IS ILLEGAL FOR ANYONE UNDER THE AGE OF 18 TO PURCHASE ALCOHOL  
ALL PURCHASERS WILL BE REQUIRED TO CONFIRM THEY ARE OVER 18.  
STAFF WILL BE ASKED TO NOTIFY THE OWNERS AS SOON AS THEY SUSPECT ANY ISSUES THAT MAY LEAD TO HARM TO CHILDREN.

#### **Section 19 of 21**

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





[REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 July 2021 12:30  
**To:** Licensing  
**Subject:** Flour Flower, 40 Middle Street, Brixham, TQ5 8ER

Good afternoon

During last night's Planning & Regeneration committee meeting, members considered the licence application for Flour Flower, 40 Middle Street, Brixham, TQ5 8ER.

Concerns were raised about amplified outdoor music and extended opening hours to 2am negatively impacting the surrounding residents and causing a public nuisance. Members requested the opening hours are restricted to 12:30 with no amplified music after 11pm due to the residential location.

Kind Regards

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Brixham Town Council, First Floor, Town Hall, New Road, Brixham TQ5 8TA  
01803 859678  
[info@brixhamtowncouncil.gov.uk](mailto:info@brixhamtowncouncil.gov.uk)  
[www.brixhamtowncouncil.gov.uk](http://www.brixhamtowncouncil.gov.uk)

Our offices are currently closed to the general public. However, you can still contact the Town Council daily between 9:00am and 3:00pm.

My normal working hours are Monday to Thursday 08:00 to 15:30 and Friday 08:00 to 15:00

***Email disclaimer***

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**From:** [REDACTED]  
**Sent:** 27 July 2021 12:05  
**To:** [REDACTED]  
**Subject:** FLOUR FLOWER, 40 MIDDLE STREET, BRIXHAM, TQ5 8ER

Good morning

I refer to an application for the grant of a premises licence in respect of the above named premises (SRU/264270), submitted by the applicant, Mr Simon Webb.

I have given this application consideration and can advise you that the police object to the granting of the sale of alcohol until 0130 hrs on Thursdays, Fridays, Saturdays and Sundays, with the premises closing at 0200 hrs on those days.

My reasons for this are as follows:

1. The premises are situated in an area densely populated with a mixture of commercial and residential properties.
2. The application is lacking in sufficient appropriate measures to ensure that the licensing objective the Prevention of Crime and Disorder is promoted, as recommended within your Licensing Statement of Principles. These being:
  - (a) A written drugs policy
  - (b) CCTV
  - (c) The provision of SIA door stewards
  - (d) The use of plastic/polycarbonate vessels and the prohibition of drinks being sold in glass bottles after 2300 hrs.
  - (e) An incident book
  - (f) Staff training records to be kept on the premises for inspection by Responsible Authorities.
  - (g) Staff serving alcohol to be trained to the BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.
  - (h) A Personal Licence Holder to be on duty whenever alcohol is sold after midnight.
  - (i) The adoption of Ask for Angela and Ask for Clive.
  - (j) Attendance at local licensing forums and high risk event meetings.
  - (k) Prohibiting attendance of under 18's at appropriate times, eg after 2200 hrs unless attending a private function at the premises.

In addition to the above, the application is lacking in suitable measures to ensure there is no anti-social behaviour or public nuisance in the vicinity, particularly during the early hours of the morning when customers leave.

I would draw your attention to paragraph 6 (page 42) and paragraph 9 (page 43) of your Licensing Statement of Principles which specifically refer to licensed premises situated in residential areas, the latter of which indicates that licensable activities will only be permitted until 2300 hrs unless detailed consideration and mitigation measures have been proposed to address concerns.

For your information, many other licensed premises within Brixham Town Centre are licensed for the sale of alcohol until 0000 hrs and these do not generally cause any concern for the police. However, throughout Torbay, premises where alcohol is sold until 0130 hrs often come to police attention due to crime, disorder, anti-social behaviour and public nuisance issues.

In conclusion, although the police do not support the sale of alcohol until 0130 hrs at this premises, we do not have any objection to the application being granted with the sale of alcohol until 0000 hrs daily. As the applicant has indicated within the application that he intends only occasional use of the premises during evenings for ticketed

events or pre-booked functions, he will, of course, still have the opportunity to submit Temporary Event Notices for such occasions.

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

Kind regards



[Redacted signature]

World Class Sustainable Policing

Prevention Department

Devon and Cornwall Police, Police Station, South Street, Torquay, TQ2 5EF

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