

Wednesday, 15 March 2023

**LICENSING SUB-COMMITTEE**

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

**Thursday, 23 March 2023**

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

Councillor Ellery

Councillor Barbara Lewis

Councillor Chris Lewis

---

**Together Torbay will thrive**

---

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

3. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

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

5. **Café Rio, Maidencombe Beach Café, Steep Hill, Torquay, TQ1 4TS**

(Pages 4 - 31)

To consider an application for a new Premises Licence in respect of Café Rio, Maidencombe Beach Café, Steep Hill, Torquay, TQ1 4TS

**Meeting Attendance**

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

## **TORBAY COUNCIL**

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Café Rio, Maidencombe Beach Café, Steep Hill, Torquay, TQ1 4TS

Wards Affected: **St Marychurch, Torquay**

To: **Licensing Sub Committee**

**23 March 2023**

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ Email: **licensing@torbay.gov.uk**

---

### **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 Crime and Disorder, the “Prevention of Public Nuisance”, and the “Promotion of Public Safety”.

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, is as follows:-

The sale by retail of alcohol for consumption both on and off the premises from 0900 hrs to 2230 hrs Monday to Sunday, and on New Years Day from 0900 to 0100 hrs.

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

“This is a long established beach café that has enjoyed a significant redevelopment (re-opened April 21) into a quality beach restaurant and bar with al-fresco dining area (max 50 covers) offering continental style service. The aim is to sell alcohol with food within the premises and offer a picnic service to beach visitors.”

The plan accompanying the application is shown in 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 1 Representation from an Interested Party in support of the application. We have received 5 Representations from Interested Parties in relation to the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety Licensing Objectives. These are shown in Appendix 3.

No Representations have been received from any other Responsible Authority or any other Interested Party, other than that 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 Representations from Interested Parties

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

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2021-26

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

Your reference  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

\* Family name

\* E-mail

Main telephone number   country code.

Other telephone number

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

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

### Applicant Business

Is the applicant's business registered in the UK with Companies House?  Yes  No

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

Registration number

Business name

VAT number

Legal status

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

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

**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 private individual acting as an agent

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

**Agent Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status



*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 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...

PRIVATE LIMITED COMPANY

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**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

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.

This is a long established beach cafe that has enjoyed a significant redevelopment ( re-opened April 21) into a quality beach restaurant & bar with al-fresco dining area .( max 50 covers) offering continental style service. The aim is to sell alcohol with food within the premises & offer a picnic service to beach visitors .

*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

### 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

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

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

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**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

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 sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

New Years eve to 01.00 the next 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  /  /

Continued from previous page...

**Enter the contact's address**

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"/>
Personal Licence number (if known)	<input type="text" value="TBC"/>
Issuing licensing authority (if known)	<input type="text" value="TORBAY"/>

**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)

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.

**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.

Continued from previous page...

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

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.

NEW YEARS EVE TO 01.30 THE NEXT 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)



**Continued from previous page...**

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

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- Any incidents of disorder or of a violent or anti-social nature
- All crimes reported to the venue, or by the venue to the police
- All ejections of patrons
- Any complaints received
- Seizures of drugs or offensive weapons
- Any faults in the CCTV system

Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

The date and time of refusal, the reason for refusal, details of the person refusing the sale, description of the customer, any other relevant observations.

The refusals register will be made available for inspection and copying on the request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

10. Substantial food shall be available throughout the times the premises are open to the public.

11. A notice shall be displayed highlighting the dangers of alcohol as a contributing factor in many water related incidents.

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

**CCTV**

- i. The premises shall install, operate and maintain comprehensive digital colour CCTV.
- ii. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.
- iii. A monitor shall be located behind the bar for viewing by staff.
- iv. The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
- v. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- vi. All equipment must have a constant and accurate time and date generation.
- vii. All recordings will be stored for a minimum period of 31 days with date and time stamping.
- viii. Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation). A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).
- ix. The PLH/DPS shall be responsible for purchasing suitable storage devices and a quantity of these shall be kept on the premises at all times to ensure footage is provided with minimum delay.
- x. The CCTV system will be capable of downloading images to a recognisable viewable format.
- xi. There will be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images.
- xii. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify

**Continued from previous page...**

the situation and the time frame for such action within 24 hours of the defect being identified.

**c) Public safety**

The dining area is external with many exits  
A full fire risk assessment will be available for visiting officials to view

**d) The prevention of public nuisance**

The site will be closed & all customers left by 23.00  
Customers will be advised of keeping noise levels respectable after 9pm  
All bins & bottle skips will only be emptied between 8am and 9pm to avoid unnecessary noise. Notices shall be displayed at All all exits requesting customers to respect the needs of local residents by ensuring they do not cause noise outside the premises or when leaving.  
All off sales of alcohol shall be provided in original sealed containers

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

. All staff engaged in licensable activity at the premises will receive training and information in relation to the following prior to being authorised to sell/supply alcohol at the premises:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- vii. Staff shall be fully trained in the requirement of the Licensing Act 2003 including that in relation to persons under 16 and 18.
- viii. Staff shall receive training in the safe guarding of children.
- ix. All staff are trained in the operation of the CCTV.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals.  
Training records shall be retained on the premises for a period of 12 months and made available to Responsible Authorities on demand.

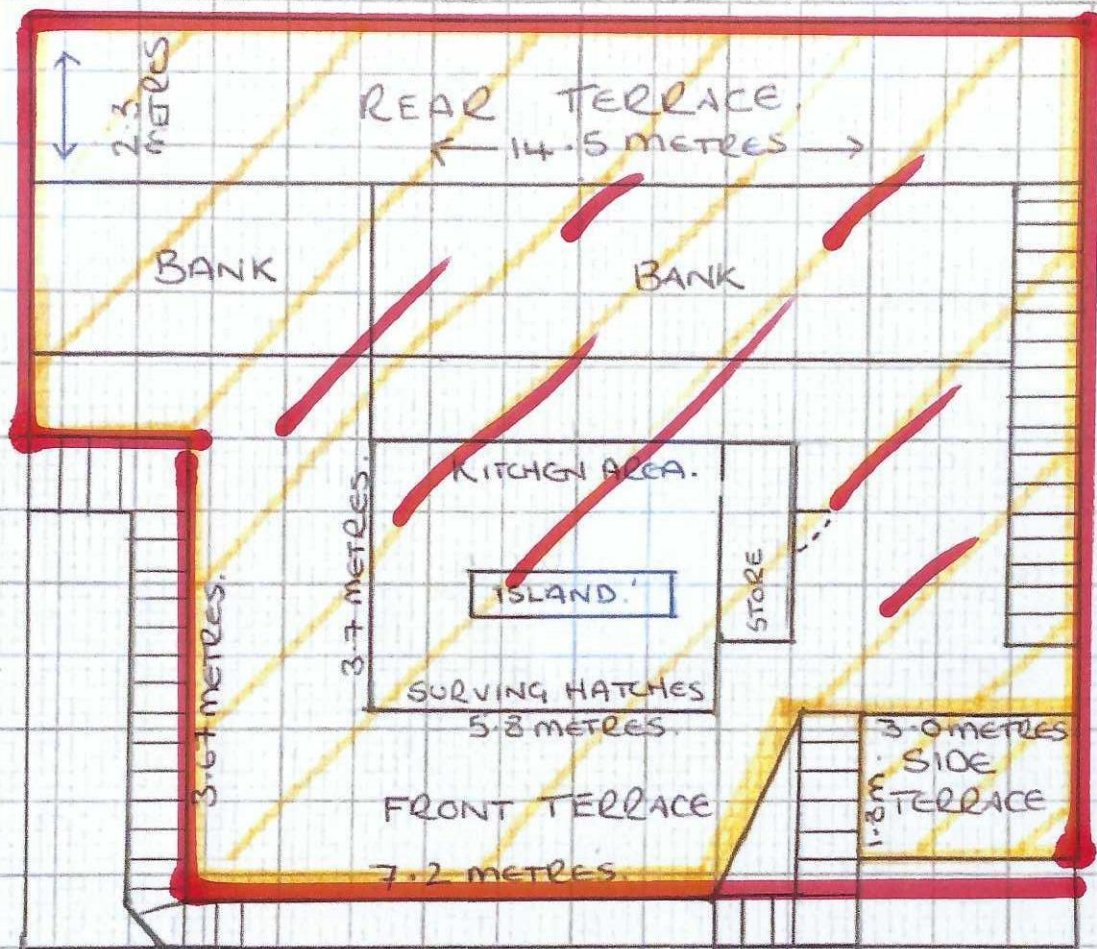
3. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.


4. Challenge 25 posters shall be prominently displayed within the premises.

The premises shall operate a Challenge 25 Policy. Any individual who appears to be under the age of 25 will be required to produce an approved form of photographic ID in line with Torbay Council's Licensing Statement of Principles.  
All staff will be trained in its use , this training will be recorded & refreshed every 6 months  
No under 18's will be permitted to consume alcohol on the premises

**Section 19 of 21**

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

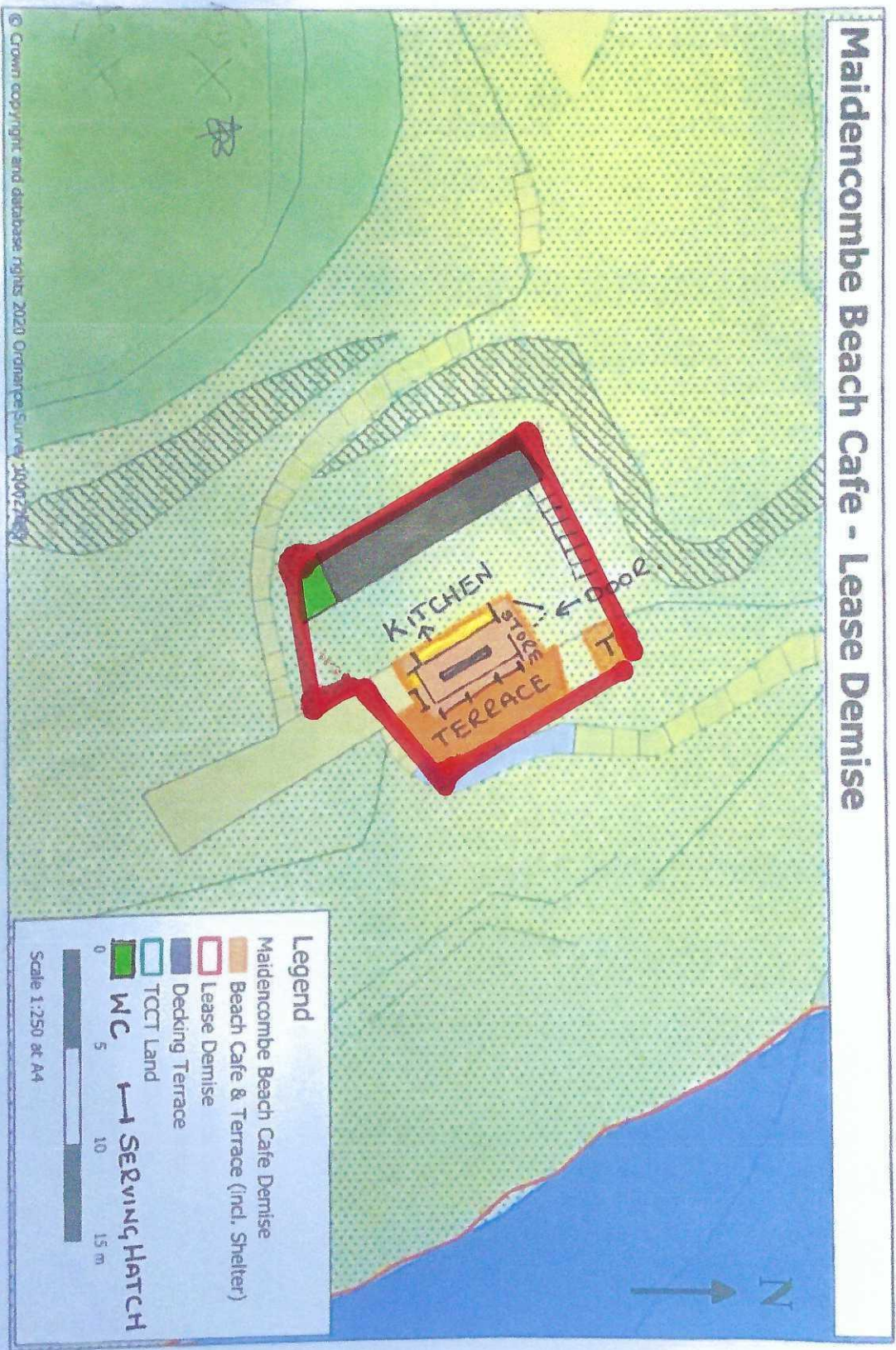


 AREA TO LICENCE.

SCALE 1 cm TO 1 METRE

CAFE RIO LTD  
MAIDENCOMBE

# Maidencombe Beach Cafe - Lease Demise



© Crown copyright and database rights 2020 Ordnance Survey 100027265

Torbay Coast & Countryside Trust

**Legend**

- Maidencombe Beach Cafe Demise
- Beach Cafe & Terrace (incl. Shelter)
- Lease Demise
- Decking Terrace
- TCCT Land
- WC
- SERVING HATCH

Scale 1:250 at A4

0 5 10 15 m

From: [Redacted]  
To: [Licensing](#)  
Subject: Re: Fw: Torbay Council premises licence application - Cafe Rio  
Date: 31 January 2023 12:03:53  
Attachments: [image001.png](#)

---

[Redacted]

Hi,

I am a resident of Maidencombe and I would like to express my support for this application.

Thank you,

[Redacted]

---

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[Redacted]



February 2<sup>nd</sup> 2023

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

Dear Sirs

Re Licensing Application – Café Rio - 063019

I am a resident of Maidencombe and would like to voice my objections to the above application.

I am aware that I am only able to object on the basis of the four specifications outlined, but I would like to add some other concerns relating to this matter, however I will address the following first.

1. Prevention of Public Nuisance

My property is situated [REDACTED] in Maidencombe and we already experience public nuisance caused by inconsiderate parking, vehicles playing loud music in the evening, littering and also, when the nearby toilets are closed, the car park is used a toilet facility with the all associated detritus left behind. I am concerned that if the licence is granted the noise and possible drunken behaviour will only exacerbate these problems.

2. Public Safety

The café is situated down some very steep, narrow steps which can be difficult to navigate in the daytime. The steps are unlit, so they could certainly be hazardous in the dark, especially if the person using them has consumed alcohol in any quantity. As I understand it, the steps are in the remit of Torbay Council so who would be responsible for any injury that might occur, would the café have to have insurance to cover them for any claim and is this a requirement of the licence?

### 3. Prevention of Crime and Disorder

Whilst I have no real concerns as to any crime being committed, there is always the possibility of disorder where alcohol is involved and petty crime, such as graffiti, damage to property etc., has to be a consideration.

I would also like to make the following points.

1. The licence is for consumption on and off the premises. Does this mean the beach? What are the implications of littering? Who will be responsible for making sure that any litter will be disposed of correctly? Again, the beach is under the remit of Torbay Council but would the terms of the licence mean that the licensee would be responsible?
2. At the moment the café's bins are not really adequate for the amount of refuse created by the café and the bins in the car park sometimes struggle with the amount of litter placed in them. Is there a requirement for the café to have much larger bins to cope with all the extra items caused by the sale of alcohol as I presume the all the 'glasses;' will be plastic or board.
3. The café does not currently have toilet facilities for its staff and customers and whilst I note that on the plans a WC is indicated it is not clear what kind of toilet this will be. Maidencombe is not on mains sewerage and all properties have to use septic tanks, including the toilet facilities by the beach. Is the proposed WC going to have to use the tank that is already in existence? If not, where will the sewage go?

I appreciate that at the moment the amount of people who might take up the opportunity to consume alcohol at the café is unable to be calculated, but I do think that having alcohol available at a beach location, especially in the summer months, is a disaster waiting to happen. Maidencombe Beach is very difficult to access and there are no lifeguards at the location. Who knows how many people will decide, after a few drinks, that a dip in the ocean, especially at night, is a really good idea.

I hope you will give my concerns their due consideration.

Yours faithfully



Licensing Department Community & Customer Services

Torbay Council

Town Hall

Castle Circus

Torquay

TQ1 3DR



Dear Sirs

Re Licensing Application - Café Rio, Steep Hill, Maidencombe, TQ1 4TS (0630919)

I am aware of the above application being considered for the purpose of selling/consuming alcohol on the premises of Café Rio. I would like to put forward various objections for consideration to this application of which I am sure you have received many from your valued lifetime locals. Although I do not live in this beautiful part of our country, I visit many times throughout the year and take in this site often making use of the well kempt area and its divine, unspoilt and idyllic scenery. Whilst only being a short distance from the hustle and bustle of the city it keeps its charm and quietness quite marvellously. It is my understanding that Maidencombe is an area of preservation managed by Torbay Coast and Countryside Trust who value the nature, views, walks and country style of life on offer from this wonderful Hamlet. Is it then this Coast and Countryside Trust who is going to become responsible for all the extra disruption, pollution, noise and upkeep of this already sensitively eroding shore and cliff face?

This leads me on to areas of concern for objection of the application

- The Prevention of Crime and Disorder

Whilst this area has a low crime and disorder rate there is a valid concern for this to become at increased risk of rising where alcohol is widely available in an area to be consumed without careful consideration of policing (not in authoritative sense) Customers will be tempted to wander down to the beach area under the influence of drink taking bottles and glasses with them leading to breakages and spillage. What might start as harmless fun could turn into something worse if others are trying to enjoy a summer sunset not taking kindly to broken glass, unwanted drunken banter and additional ocean pollution. This could not only be something that may be isolated to the beach area but could present around the car park area and even worse in and around the private homes of the Hamlet leading to worse situations for the increasing population of Maidencombe. There is managed prevention (policing) in public houses as the management have it contained in the area of the establishment; this would not be the case for Café Rio unfortunately.



- **Public Safety**

There is a great risk for public safety where alcohol is involved and non-more so where there is added danger of water and then some dangerous steps. Is the Coast and Countryside Trust and the Council willing to upgrade and repair the already degraded and unsteady stairs and railing down to the café and the beach? Is the Coast and Countryside Trust and the Council willing to enlist and pay for a Lifeguard to be placed in situ? A little wander down to the beach for an ocean dip will be ok after a few beers won't it?! And yes, I know this can happen with or without a license being granted but where does the onus lie? The Council? Café Rio? No one to blame? Hmm, that's a tricky one but one which I'm sure has had extra consideration. Does Café Rio need to keep an eye on them so they don't wander down? Is the Coast and Countryside Trust and the Council willing to pay for upgrade to the waste disposal, more collections will be required or will the café be expected to take responsibility of disposal of such. Even so this would need stringent monitoring due to possible infestation of vermin should this lack in 100% daily disposal. The already overflowing bins cannot be expected to cope with the additional capacity and it can't be strewn down the stairs, into the sea, making an already precarious situation worse

- **Prevention of Public Nuisance**

It is my understanding that there is already a little public nuisance from this area in the summer months from inconsiderate parkers and lack of toilet facilities. The granting of this licence would only exacerbate this situation as more inconsiderate car parkers would be headed in that direction and there would be more people with no toilet facilities available. It doesn't end with just a few drinks, there has to be music too when drink is unloved and the more drink, the louder the music gets, and because they're near the beach it's ok!! Oh, and then there's the vaping and the smoking, OH and then it will be "Let's light a camp fire"!! Can you imagine! Please also consider the fact that they are mainly thatched dwellings in this area and it only takes a rogue ember or a drunken folly. This, (for now) unspoilt area is going to quickly become a toxic waste area with crumbling grounds and no one with any funds or passion to repair and care for it. Somewhere which is peacefully tranquil will soon become a noise polluted, all hellraising and unloved Hamlet if not carefully scrutinised and thought out.

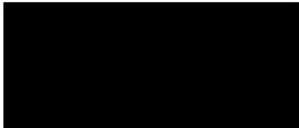
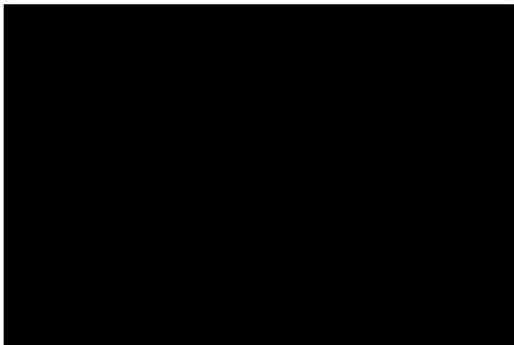
Whilst I appreciate, I have no hard evidence and no case studies to put forward that Café Rio would lend itself to falling victim to poor ways of alcohol infused nights there is enough in the everyday lives of the young ones of this day and age that goes on in and around our towns and cities that tells you it's highly probable that's the way it would go. It would be widely advertised and could potentially attract some unsavoury people to the area.

You have the power as a council not to allow this to happen to a beautiful sleepy Hamlet and coast. One that deserves to stay unspoilt for as long as you have those powers for it to remain that way. The walkers and the beachgoers deserve to drop in at Café Rio and get a coffee and a cake, a sandwich and a tea or an afternoon cream tea enroute to wherever life is taking them. They get to take in the views at a great little spot and then go home and tell everyone about that fabulous little

place they found with the great walks and the brilliantly looked after coastline we have in our Country thanks to our Heritage being looked after now.....and hopefully for centuries to come.

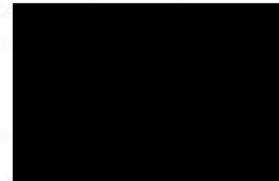
Thanking you in anticipation of careful consideration of my concerns

Yours faithfully

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering the name area.A large black rectangular redaction box covering the footer area.



**Maidencombe Residents' Association**



**Phone:** [Redacted]  
**Email:** [Redacted]

Licensing (by email)  
Torbay Council  
Castle Circus  
Torquay  
TQ1 3DR

Your Ref: 063019

25 February 2023

Dear Sir or Madam ,

**Premises License, Café Rio, Steep Hill, Maidencombe, Torquay, TQ1 4TS**

The Maidencombe Residents' Association (MRA) is a properly constituted body representing over 70 households in Maidencombe. A number of our members have expressed concerns about this proposed License Application, and have asked the MRA Committee to submit a response.

The MRA Committee has identified a number of issues and concerns.

**Toilet facilities and waste water**

There are no permanent toilet facilities available at the site. There are public toilets at the top of the >100 steps down to the beach, but these are seasonal, open from Easter to September, and only from 10:00 to 16:00. In addition, any waste water is discharged into the sea, which could affect the microbiological status of the beach. The MRA can foresee people relieving themselves on the beach or behind the rocks.

**Public safety**

The >100 steps to the beach could present a safety hazard to those under the influence of alcohol. Furthermore, the rocky nature of the beach encourages visitors to climb the rocks, which could be unsafe for those under the influence of alcohol.

There is no lighting for the access to the beach, which raises safety concerns for the hours of darkness. It is noted that the License is requested for sale of alcohol until 23:00, or 01:30 next day on New Year's Eve.

There are no lifeguards at the beach. Alcohol consumption can lead to greater risk of adverse events while swimming, particularly from low water temperatures and rip currents.

**Antisocial behaviour**

Maidencombe Beach is recognised as a small peaceful beach. The availability of alcohol from 09:00 to 23:00 could result in excessive consumption. This level of drinking could lead to noise and antisocial activities, particularly as the size of the beach diminishes with the rising tide. This

Premises Licence Café Rio



could result in conflict between occupants as overcrowding develops. The sand is totally covered at high Spring Tides, which occur in the evenings. The MRA is also concerned about an increased potential for substance abuse, particularly in the evenings.

**Litter**

Discarded drinking vessels and containers would be unsightly and harmful to the environment. Glass and hard plastics would be a safety hazard for all users of the beach.


In conclusion, on the basis of these concerns, the MRA Committee Objects to the granting of this License.

Yours faithfully,



Maidencombe Residents' Association

Cc: Ward Councillors



Feb – 23rd , 2023

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

Dear Sir / Madam  
REF - Licensing Application. Cafe Rio 063019

I am a resident and business owner in Maidencombe and would like to voice my objections to the above application.

Prevention of Public Nuisance.

My property and many more local Maidencombe resident's properties are situated close to the car park. (The only access to Care Rio). We already experience inconsiderate parking (especially when the car park is full), Vehicles play loud music late into the evening over the summer months, littering is also a big problem in that area and when the nearby toilets are closed (Opening time Easter – September / 1000 – 1600) the surrounding area is used as a toilet with all the associated mess been left for the locals and carpark lease holder to clean up. I am extremely concerned that if an alcohol licence is permitted the noise and bad behaviour will only become worse adding to the already problematic behaviour experienced by locals and if people are drinking into the evening at the café where will they be going to the toilet? the café has no toilet facility for customers or staff already breaking HSE regulations.

Public Safety,

The Café is situated down a set of very steep narrow uneven steps which are difficult to navigate in the daytime the area from the carpark past toilets then to the Cafe down the steps are completely unlit of an evening and would be very hazardous in the dark, especially when a person has consumed alcohol.

As I understand, the responsibility for the steps lay with Torbay council so I ask the question would the Council be liable for any injuries occurring after issuing a licence and having been warned about the steps and lack of lighting, or would the Cafe be required have to adequate insurance to cover everything? Also, out sales and times of licence application 0900 – 2330 is this appropriate for a family beach or any beach for that matter with the dangers of drinking and entering the water.

Prevention of Crime and Disorder

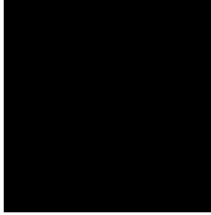
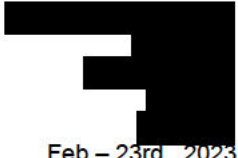
There is a greater risk of crime and disorder where alcohol is involved especially in a secluded out of the way area this must be considered. Please can you consider the following.

The parking in Maidencombe is a big Issue, as Torbay Council are aware adding an extra licensed facility will only add to the problem. The residents already suffer from inconsiderate and often confrontational vehicle owners, especially when the car park is full, leading to people parking on residents drives and on bends / passing areas so blocking access to resident's properties it is also a concern that emergency services could not access these properties if needed most of which are thatched!

The Cafe does not have its own parking facilities parking vehicles on the unlit streets at night has its own risks attached, that risk of possible damage is considerably increased by the introduction a number of extra Intoxicated people late at night in a secluded dark area this is not an acceptable risk to place on Maidencombe residents and their property, all in all it's a disaster waiting to happen!

Yours Faithfully





Feb – 23rd , 2023

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

Your ref: 063019

Dear sir or madam,

**premises License, Café' Rio, Steep Hill, Maidencombe, Torquay, TQ1 4TS**

As business managers of [REDACTED], Myself [REDACTED] and Partner [REDACTED] wish to express our concerns with regards to the proposed Licence Application.

### Litter

We worry that litter such as a bottles cans and wrappers may become even more of an issue, as a business we are already responsible for most of the waste collection for visitors to the village. We have 4 Bins which in the summer are emptied daily. We feel that should a Licence be granted things such as BBQs on the beach would become common and would run the risk of bin fires (something we already experience in the summer months) with people putting their lit BBQ's in our bins.

Glass and plastic on the beach is also a real concern, we have a large community of sea swimmers that visit the beach daily along with family's in the summer time, Glass in the sand would mean people would run the risk of cutting their feet. Plastic and cans would also be detrimental to the local wildlife, we have a colony of seals that live no more than 200 meters from the cove and often have seal pups with them, wrappers cans and bottles ending up on the beach or sea could be potentially dangerous to a naturally inquisitive seal pup!

### Toilet Facilities

We are currently responsible for the lease for the beach car park and toilets, we have already had to have the toilets repaired due to vandalism, The sinks have been ripped from the walls and smashed. We feel that this would come more common with the increased likelihood of intoxicated people hanging around the car park.

The toilet facilities shut at 16:00 so it would pose the question where would drunk people urinate and defecate after this time as the Café has none of its own toilet facilities! Surely this raises an environmental health concern of its own for a café let alone a licenced premises.

These toilets are public toilets, paid for and maintained by us. They are not business toilets and are not to be used as such. I would be interested to know where the Café's current toilet facilities are as being a café with more than 20 seats it is my understanding that that are legally obliged to provide toilet and hand washing facilities for their customers and staff. I would be interested to know how it is possible to apply for a licence without a toilet as it is also my understanding that all licenced premises must have one!

### Public Safety

A Large USP for Café Rio Is the fact that it rents paddle boards, this is a great idea! Less so when your clientele is Inebriated before going out in a cove full of rip tides and under currents on a beach with no lifeguard. This would also pose a risk for people swimming. People under the influence of alcohol would also be more likely to ignore the rock fall signs as the tide comes in and the beach becomes crowded sitting under the cliff where there are regular rock falls could realistically have potentially fatal consequences.

I have previously mentioned about the risk of broken glass to both swimmers and children and the increased litter as a risk to marine life, however I have not mentioned the risk of marine life to intoxicated swimmers, Seals are naturally inquisitive and friendly but should be respected. With a jaw full of infectious bacteria and more powerful than that of 4 Dobermans If a drunk swimmer comes too close to a seal or a seal with a pup feels threatened the risk of serious injury does not bare thinking about. This risk is heightened by the fact throughout the summer 90%

of the visitors are from outside the village and would be unaware of the possible danger, whilst drunk I am sure stroking a seal for a photo for their social media may seem like a great idea!

Lighting is also an issue with there being more than 100 steep, unlevel steps down to the beach and Café, a person under the influence of alcohol trying to navigate the steps with insufficient lighting is an accident waiting to happen. For there to be sufficient light for a business to operate in the hours of darkness I am certain a planning application would be needed of which I would also object to as this would be a huge source of light pollution and would be an issue for the large number of bat colonies we have living in and within proximity to the village, some of which are endangered!

### **Antisocial Behaviour**

As a business within the village we are considerate towards the population, we have a large and ever-increasing number of elderly neighbours. For this reason, we never have live music outside after 21:00 without consulting the neighbours first and we close at 22:00 to ensure there is limited movement in the village after this time. We feel that a licence until 23:30 would increase the risk of antisocial behaviour within the village and encourage noise and light pollution in the village effecting the older resident's quality of life. We have at large expense had to have reinforce gates fitted to our car park as we already have an ongoing issue with young adults smoking cannabis in the village car park, vandalising toilets, bins, and signage and have also had cars driving on the village green. The introduction of a Licence to the Café until late will only exacerbate a situation which due to the remote location, lack of lighting and lack of CCTV is already difficult to control.

In Conclusion, due to the location of the venue in conjunction with the concerns raised above we feel that the granting of a licence would be irresponsible, and we must strongly object.

Yours Faithfully.

[Redacted signature]

[Redacted signature]