

Wednesday, 31 May 2023

LICENSING SUB-COMMITTEE

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

Thursday, 8 June 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 Barbara Lewis

Councillor Tolchard

Councillor Virdee

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Minutes** (Pages 4 - 10)
To confirm as a correct record the Minutes of the meetings of a Sub-Committee held on 16 and 23 March 2023.
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. **Babbacombe Convenience Store, 476 Babbacombe Road, Torquay** (Pages 11 - 31)
To consider an application for a Premises Licence in respect of Babbacombe Convenience Store, 476 Babbacombe Road, Torquay.

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.

Minutes of the Licensing Sub-Committee

16 March 2023

-: Present :-

Councillors Brooks, Ellery and Barbara Lewis

12. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

13. Minutes

The Minutes of the meeting of the Sub-Committee held on 26 January 2023 were confirmed as a correct record and signed by the Chairman.

14. The John Bull, 68 - 70 Chatto Road, Torquay, TQ1 4HU

Members considered a report on an application for a Premises Licence in respect The John Bull, 68 – 70 Chatto Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	17 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	17 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance',	14 February 2023

	'Public Safety' and 'The Prevention of Crime and Disorder'.	
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	13 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	12 February 2023
Public Protection	Representation by Torbay Council as the Responsible Authority for Public	Undated

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Public Protection	The Public Protection Officer outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.

Decision

That the application for a Premises License for the John Bull, 68 – 70 Chatto Road, Torquay, TQ1 4HU, be refused.

Reasons for Decision:

Having carefully considered all the written and oral representations, Members unanimously resolved to refuse the application, as they could not be satisfied on the evidence before them, that to grant the application as submitted, with the additional condition proposed in respect of signage being erected at the premises exit points alone, would result in all the Licensing Objectives being promoted.

In coming to their decision, Members noted the Applicant's legal representative submissions, that the application before Members was a replicate of the previous premises licence which had lapsed, due to an administrative error on their part, and having noted the objections raised, removed live music to alleviate residents' concerns. However, Members noted that it was not a like for like replicate of the previous premises licence, and they were of the unanimous opinion, that the Applicant had failed to address the issues raised in respect of noise from patrons, in what is a high-density residential area. This was not only from the Applicant's proposed operating schedule which in Members opinion, was absent of the basics they would have expected to see for this type of premises in that location, but also, when asked by Members how noise from patrons would be managed, they determined that the response provided by the Applicant, fell woefully short of what they would have reasonably expected from a responsible Premises Licence Holder. Especially one, who set out from the onset of their submissions, that they currently had over 700 tenanted licensed premises.

Of great concern to Members, was the Applicant's repeated response to their questions of concern, which was, that an incoming tenant would be responsible, with no explanation as to how. This left Members at an absolute loss as to how they could reasonably be satisfied, that the premises intended operation, would not undermine the Licensing Objective, namely, The Prevention of Public Nuisance, when they nor the Applicant, knew who that tenant would be, whether that tenant had a proven track record for responsibly managing this type of premises, in that location, and what measures that tenant would implement to address the concerns of Members and nearby residents, who had made a representation objecting to this application.

Whilst the Applicant's legal representative advised Members from the onset, that the company's Asset Manager was here to answer any operational questions they may have, it was very apparent to Members, that the Asset Manager had very little, if any, knowledge of the premises, nor how it could be managed to ensure all the Licensing Objectives would be promoted.

Members noted also that the plan included within the application was out of date, in respect of regulated entertainment and the decking area used by patrons. This supported Members unanimous overall opinion too, that not enough detailed consideration had been given to this application.

Furthermore, Members noted the absence of an objecting representation received from any of the Responsible Authorities, and that provided by way of a neutral representation from a noise nuisance perspective, failed to reassure Members with regards to noise from patrons.

Members gave careful consideration to what, if any, conditions could be placed on the licence in respect of noise from patrons, as opposed to an outright refusal, but resolved that such conditions may be contrary to the premises intended operations and fall short of what the Applicant wanted. Therefore, determining unanimously, that in their opinion, it necessary and appropriate to refuse this application outright.

In concluding, and whilst a matter for the Applicant to decide which did not form part of Members consideration in determining this application, Members are of the

subsequent opinion, that the Applicant could use this opportunity to take on board that set out in this decision notice, and to consider and reflect proportionately, those concerns raised by nearby residents also, and to resubmit an application with an operating schedule which addressed and alleviated these concerns. Also allowing the company an opportunity to attend a subsequent hearing, if required, with either the new tenant in place or a representative who was better placed to answer subsequent Members questions, and to provide the assurances to those Members, that all Licensing Objectives would be upheld.

Chairman/woman

Minutes of the Licensing Sub-Committee

23 March 2023

-: Present :-

Councillors Ellery, Barbara Lewis and Chris Lewis

15. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

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

Members considered a report on an application for a Premises Licence in respect of Café Rio, Maidencombe Beach Café, Steep Hill, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation in support of the Application for a Premises Licence.	31 January 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	2 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	23 February 2023
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	25 February 2023
Member of the Public	Representation objecting to the Application for a Premises	23 February 2023

	Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	
Member of the Public	Representation objecting to the Application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance', 'Public Safety' and 'The Prevention of Crime and Disorder'.	23 February 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application.
Member of the Public representing the Maidencombe Residents Association	A Member of the Public representing the Maidencombe Residents Association outlined their representation objecting to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their representation objecting to the application for a Premises Licence and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Café Rio, Maidencombe Beach Café, Steep Hill, Torquay be approved as applied for.

Reason for Decision:

Having carefully considered all the written and oral representations, Members unanimously resolved to grant the application having been reassured by the Applicant's professional and committed approach as demonstrated in her oral representation, and the comprehensive list of conditions contained in the Application for a Premises Licence.

Members noted similar concerns raised by Interested Parties, however Members did not consider there to be any evidence before them which would cause them to consider refusing the application or applying additional conditions. It was confirmed by the Applicant that a composting toilet had been installed within the premises since the application was made which addressed the concerns raised by the residents in this regard.

Whilst oral representations from local residents and a local business raised concerns around public safety, potential excessive consumption of alcohol, increased littering, together with an increase in anti-social behaviour and vandalism, Members determined that there was no evidence before them that in granting the application, these affects were either foreseeable or likely to be attributable to the premises.

Members noted the close proximity of the nearest licensed premises and considered the concerns raised around excessive drinking of alcohol by beach users, determining that those persons were most likely to visit the beach, bringing with them their own alcohol, as opposed to purchasing from licensed premises nearby.

Through questioning, it was determined that the nearby car park, toilets within, and litter bins available in the surrounding area, were for use by all visitors to the area whether patrons of the premises or not.

No evidence was placed before Members that the historic parking issues within the village were attributable to the premises, which has been operating since April 2021 following its refurbishment, and that vandalism caused to the public toilets had either occurred prior to its opening or could not be linked to the patrons of the premises.

It was clear to Members that the Applicant had thoroughly considered and addressed any potential issues which may arise from the sale of alcohol, and Members were satisfied that the proposed conditions were sufficient to alleviate the concerns raised.

Members agreed that lighting of the public access to the beach could be improved upon, and suggest that the Applicant approach Torbay Coast and Countryside Trust to discuss improvements in this regard in the interest of public safety and for that of its patrons. However, this was not a factor in Members opinion which warranted a refusal of the application.

In concluding, Members further noted that there had been no representations received from any of the Responsible Authorities, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting this application.

Should any issues arise as a result of this grant, Members noted that a Review of the Premises Licence can be sought by any Interested party or Responsible Authority.

Chairman/woman

TORBAY COUNCIL

Public Agenda Item: **Yes**

Title: Babbacombe Convenience Store, 476 Babbacombe Road, Torquay, TQ1 1HN

Wards Affected: **Wellswood, Torquay**

To: **Licensing Sub Committee**

8 June 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”.

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 of alcohol by retail for consumption off the premises between 0630 and 2400 hours Monday to Saturday, and 0700 and 2400 hrs on Sunday.

Opening hours of the premises between 0630 and 2400 hrs Monday to Saturday, and 0700 and 2400 hrs on Sunday.

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

“Convenience store selling alcohol, cigarettes, newspapers and groceries”

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 one Responsible Authority, Devon and Cornwall Police, in relation to the Prevention of Crime and Disorder. This is shown at Appendix 3.

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

In respect of the representation received from the police, the applicant has confirmed that he agrees to the conditions proposed by the police. This is shown at Appendix 4.

- 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.

Rachael Hind
Regulatory Services Manager (Commercial)

Appendices

- Appendix 1 Relevant sections of the application form
- Appendix 2 Plan of the Premises
- Appendix 3 Representation from Devon and Cornwall Police
- Appendix 4 Confirmation that applicant has agreed to police conditions

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

Other telephone number

Include country code.

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.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

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...

Norbiton Food and Wine LTD

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.

Convenience Store Selling Alcohol, Cigarettes, Newspapers, Groceries.

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...

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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

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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

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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.

NO

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.

NO

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

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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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

Page 21
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	<input type="text" value="06:30"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:30"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:30"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:30"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:30"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

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.

24 hours CCTV monitoring ,employing well trained staff ,we conducting proper id check prevent sale of alcohol to underage customers ,our epos system has integrated id check future and maintaining acceptable lighting level outside the store.

b) The prevention of crime and disorder

24 hours CCTV monitoring. our epos system has integrated id check future and maintaining acceptable lighting level outside the store

c) Public safety

24 hours CCTV monitoring,

d) The prevention of public nuisance

24 hours CCTV monitoring ,employing well trained staff ,we conducting proper id check prevent sale of alcohol to underage customers ,our epos system has integrated id check future and maintaining acceptable lighting level outside the store.

e) The protection of children from harm

We strictly follow underage sale of alcohol, We are using beer cave .

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act, 1998. The information that you provide on this form will only be used in the processing of the application form, and will only be disclosed where necessary under any applicable legislation and certain circumstances should the application be successful such as publication of business details on a public register, it may also be shared for the purposes of enforcement

You have the right to access your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 207467. Further information can be found on the Information Governance pages on Torbay Council's internet pages at www.torbay.gov.uk

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

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

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Premier Space Analysis

Category	1500 SQFT	ACTUAL SPACE 1580 sq ft
Chilled Fresh	7 Bays	6 Bays
Ambient Fresh	8 Bays	6 Bays
Refresh & Deli	6 Units	5 Units
Soft Drinks Ambient	8 Bays	6 Bays
Frozen	8 Doors	4 Doors
Confectionery	8 Bays	8 Bays
Crisps & Snacks	4 Bays	4 Bays
Grocery	8 Bays	8 Bays
Grocery Non Food	9 Bays	9 Bays
BWS	9 Bays	18 Bays
Value	4 Bays	5 Bays
Kiosk / Vape	5 Bays 2 Units	4 Bays 3 Units
Total	86	86

Refrigeration Guide	ACTUAL SPACE 1500 SQ FT
Dairy Provisions 7 Bays	6 Bays
Soft Drinks 7 Bays	3 Bays
BWS 6 Bays	Beer Cave
Freezer 8 Door	4 Doors

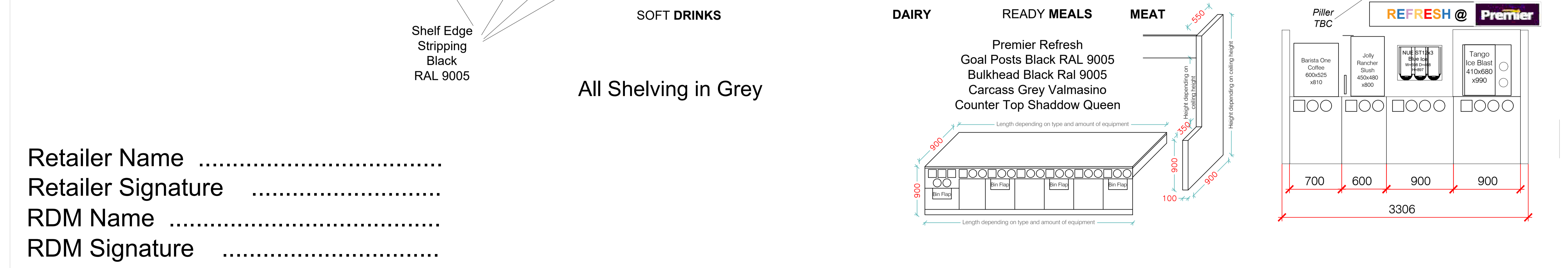
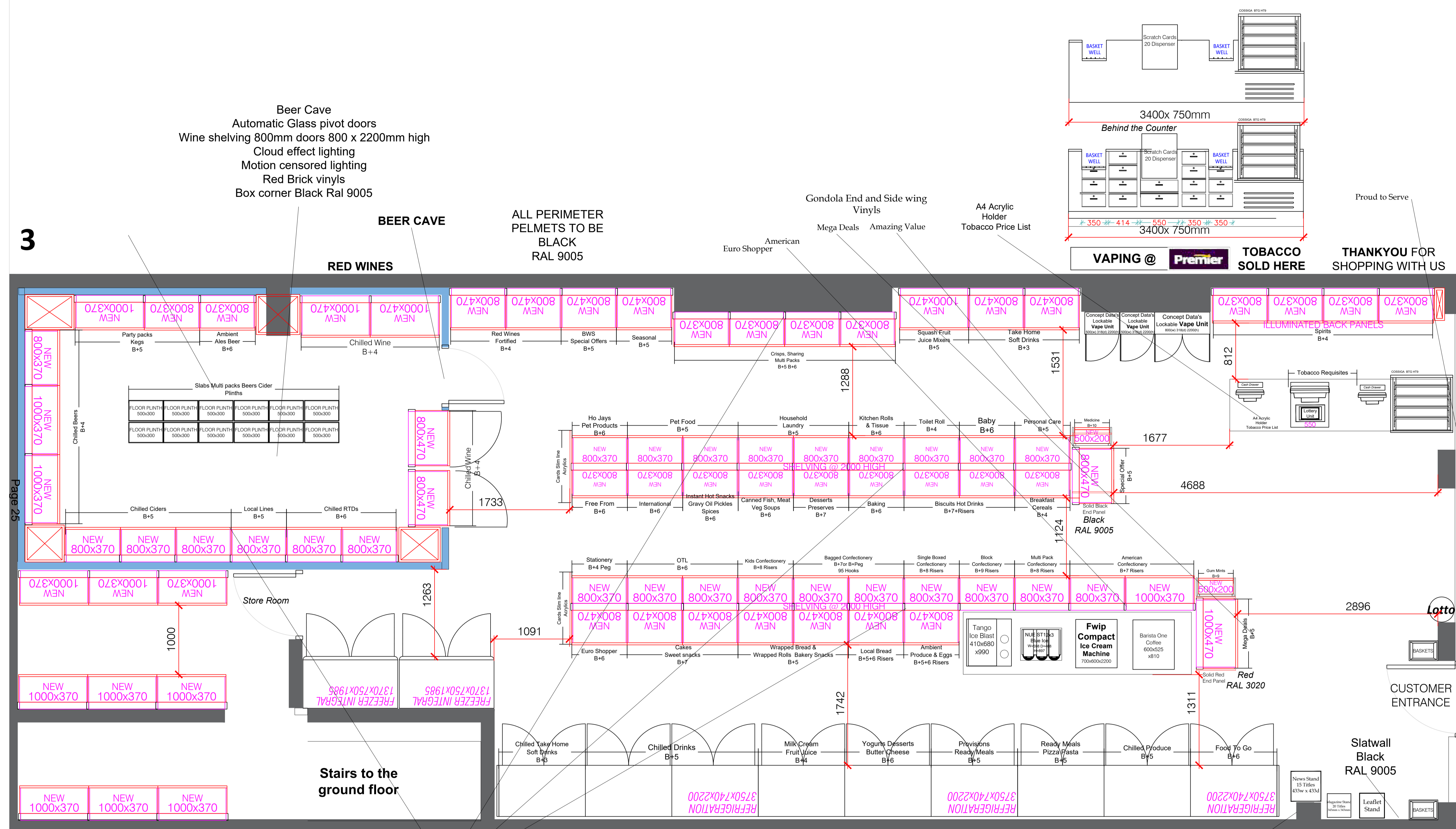
For requesting merchandising dates, please take a picture of the signed plan and attach it to the same email as the merchandising request paperwork.



This drawing is for illustrative purposes ONLY. All dimensions should be checked by a qualified Shop Fitter prior to any investment being undertaken. All investments made & compliance with building & licensing regulations are the sole responsibility of the Retailer

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Retailer Name
 Retailer Signature
 RDM Name
 RDM Signature

From: [KEMPTON Olivia 31386](#)
To: [Licensing](#)
Subject: RE: Torbay Council premises licence application - Babbacombe Convenience Store, Torquay
Date: 10 May 2023 11:28:43
Attachments: [image001.png](#)
[image002.png](#)
[image004.jpg](#)
[image006.png](#)
[image007.jpg](#)
[Babbacombe Stores - Suggested Conditions v2.pdf](#)

You don't often get email from olivia.kempton@devonandcornwall.pnn.police.uk. [Learn why this is important](#)

Good Morning,

Police Licencing have attended the above-mentioned premise due to concerns that the proposed "Beer Cave" could compromise the premise meeting the relevant licencing objectives, namely the Protection of Children from Harm. We are satisfied that the business will have measures in place to support the licencing objectives but would ask that these measures are reflected the Licence conditions.

As such the Police would like to make a representation on the application. I have attached a list of conditions which have been agreed with the applicant, should these be included on the licence then Police would have no objection to the application moving forward.

Many thanks,

Olivia Kempton

Licensing Officer (Torbay) 31386
Alcohol Licensing Dept
Plymouth, Cornwall and Isles of Scilly
olivia.kempton@devonandcornwall.pnn.police.uk

Tel: [REDACTED]

From: Licensing <Licensing@torbay.gov.uk>

Sent: 13 April 2023 17:23

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Torbay Council premises licence application - Babbacombe Convenience Store, Torquay

Dear all

Babbacombe Stores – Suggested Conditions

Amended Operating hours – 0700-2300hrs.

Prevention of Crime and Disorder

- 1) All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - 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.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 6 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months

- 2) An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
 - i. Any incidents of disorder or of a violent or anti-social nature
 - ii. All crimes reported to the venue, or by the venue to the police
 - iii. Any complaints received
 - iv. Any faults in the CCTV system
 - v. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority

- 3) All alcohol on display will be in such a position so as not to be obscured from the constant view of the cashier/staff, either directly or via CCTV.
- 4) This premise will be operating with a Beer Cave which will have CCTV monitoring of the whole space and a lockable door. All staff must be trained to operate the Beer Cave door

and to take appropriate action should a person under the age of 18 attempt enter this space.

Further, should there be a fault with the Beer Cave door or CCTV in this area, this must be documented in the Premises Incident log and should be resolved as soon as practicable.

- 5) No super-strength beer, lagers, ciders or spirit mixtures of 6% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
- 6) The premises shall operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:
 - i. Cover all public areas of the licensed premises, including entry and exit points.
 - ii. 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.
 - iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
 - iv. Have a constant and accurate time and date generation.
 - v. Store recordings for a minimum period of 14 days with date and time stamping.
 - vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998.
 - vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
 - viii. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).
- 7) The CCTV system will be fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document <https://ico.org.uk/fororganisations/guide-to-data-protection/cctv/> (or any renewed equivalent guidance which is subsequently issued).
- 8) 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 minimal delay, or within 72 hours of the initial request.

Protection of Children from Harm

- 1) All staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol and then at least every 6 months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

- 2) There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
- A photo driving licence
 - A passport
 - An identification card carrying the PASS hologram
- Unless such identification is produced the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.
- 3) The premises shall display prominent signage indicating that a Challenge 25 scheme is in operation.
- 4) 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:
- i. the date and time of refusal
 - ii. the reason for refusal
 - iii. details of the person refusing the sale
 - iv. any known information about the customer
 - v. 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.

From: [sivarasa suresh](#)
To: [Smart, Julie](#)
Subject: Re: Application for the Grant of a Premise Licence
Date: 15 May 2023 18:42:56

Dear Julie,

Thank you for your email. Kindly request you to consider the earliest possible date to arrange the hearing on this matter. Since I had agreed to the conditions of the police, I committed myself to give priority to social security. But I am planning a grand opening of my Premier store and already recruited employees and they have given notice to their current employer. And with this situation I had placed orders for Chilled and frozen goods as well. We just started merchandising other products as well.

Look forward to hearing from you a positive response and thanks in advance.

Regards
S Suresh

On Mon, 15 May 2023 at 16:28, Smart, Julie <Julie.Smart@torbay.gov.uk> wrote:

Good afternoon Mr Suresh

A representation has been received from the police in respect of your application for a premises licence at Babbacombe Convenience Store, 276 Babbacombe Road, Torquay.

A hearing has been arranged for 9.30 am on Thursday 8 June 2023. Please find attached your invitation letter, a hearing information sheet, a copy of the police representation and a hearing notice which you need to complete and return to me at least 5 working days before 8 June 2023 indicating whether you are going to attend the hearing.

Kind regards

Julie

TORBAY COUNCIL

Julie Smart | Licensing Officer | Licensing and Public Protection Team

Torbay Council, Community & Customer Services, Lower Ground Floor, Town

Hall, Torquay TQ1 3DR

 07442 680389 | julie.smart@torbay.gov.uk

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