

Wednesday, 6 March 2024

LICENSING SUB-COMMITTEE

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

Thursday, 14 March 2024

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Johns

Councillor Barbara Lewis

Councillor Virdee

Together Torbay will thrive

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, 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. **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. **29 Ilsham Road, Wellswood, Torquay, TQ1 2JG**
To determine an application for a Premises Licence in respect of 29 Ilsham Road, Wellswood, Torquay, TQ1 2JG

(Pages 3 - 27)

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of 29 Ilsham Road, Wellswood, Torquay, TQ1 2JG

Wards Affected: **Wellswood, Torquay**

To: **Licensing Sub Committee**

14 March 2024

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”, the “Promotion of Public Safety” and the “Protection of Children from Harm”.
- 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 off the premises from 0630 to 2400 hrs Mondays to Saturdays, and from 0700 to 2400 hrs on Sundays.

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 a Representation from Devon and Cornwall Police who have requested that additional conditions be added to the licence. The applicant has indicated that these conditions are acceptable to him.

We have received 10 Representations from Interested Parties in relation to the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm Objectives.

These Representations are shown in Appendix 3.

No Relevant 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.

Rachael Hind
Regulatory Services Manager
(Commercial)

Appendices

Appendix 1 Relevant sections of the application form

Appendix 2 Plan of the Premises

Appendix 3 Representations from Devon and Cornwall Police and 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

Not Currently In Use

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

Your reference

ilsham road

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

VSS Retail Ltd

* Family name

* E-mail

vssretailstore@gmail.com

Main telephone number

[REDACTED]

Include country code.

Other telephone number

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

15326114

Business name

vss retail ltd

If your business is registered, use its registered name.

VAT number

GB [REDACTED]

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

Legal status

Private Limited Company

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...

vss retail 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

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

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'.

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

Page 13
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.

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,Traning provided,

c) Public safety

24 hours CCTV monitoring, lighting outside.

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. consumption of alcohol off the premises.

e) The protection of children from harm

We strictly follow underage sale of alcohol.Refusal Register.

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

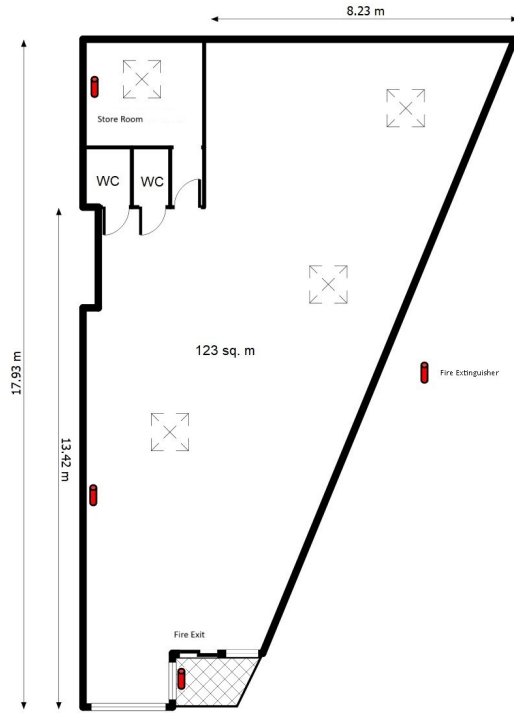
Once you're finished you need to do the following:

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



From: [GIFFORD Olivia 31386](#)
To: [Licensing](#)
Subject: RE: Torbay Council new premises licence application - 29 Ilsham Road, Torquay
Date: 05 February 2024 14:29:33
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Re: 29 Ilsham Road Premise Licence.msg](#)
[29 Ilsham Road - Suggested Conditions.docx](#)

Good Afternoon,

I wish to make a representation in the matter of the above application, on the basis that it did not provide conditions adequate enough to uphold the Licensing Objectives.

However, I have been able to reach a mutual agreement with the applicant as seen in the attached. Should these conditions be added to the premise licence, I would be happy to withdraw my representation.

Kind regards,

Olivia Gifford
Licensing Officer (Torbay) 31386
Alcohol Licensing Dept
Devon, Cornwall and Isles of Scilly
olivia.gifford@devonandcornwall.pnn.police.uk
Tel: [REDACTED]

From: Licensing <Licensing@torbay.gov.uk>
Sent: Tuesday, January 23, 2024 9:57 AM

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

Subject: Torbay Council new premises licence application - 29 Ilsham Road, Torquay

Dear all

Please find attached application with supporting information for a new premises licence for:

- **29 Ilsham Road, Torquay, TQ1 2JG**
-

The date to return any comments by is **Monday 19th February 2024**.

Kind regards

Joanne

Title: Torbay Council


This electronic email is confidential and may also be privileged. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately. The views in this message are personal; they are not necessarily those of Torbay Council.

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.....

For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

From: [Sivarasa Suresh](#)
To: [GIFFORD Olivia 31386](#)
Subject: Re: 29 Ilsham Road, Premise Licence
Date: 05 February 2024 14:21:27
Attachments: [image006.jpg](#)
[image005.png](#)

Hi Olivia,

I have read the suggestions and they are good to go. We can follow them and implement the controls and procedures outlined.

Thank you,
Suresh

On Mon, 29 Jan 2024 at 14:35, GIFFORD Olivia 31386
<Olivia.Gifford@devonandcornwall.pnn.police.uk> wrote:

Good Afternoon,

I have received your application for a premise licence for [29 Ilsham Road](#), Torquay.

There are some additional/reworded conditions that I would like to see on the licence for the premise to meet the national licensing objectives. I have attached a document for your attention. If you could please review this and let me know your thoughts, I would be grateful.

Should you be happy to accept these conditions onto the licence, then I will inform Torbay Council as such. If we are unable to come to an agreement, then I may need to consider objecting to the licence.

Please respond to this email at your earliest convenience.

Kind regards,

29 Ilsham Road – Suggested Conditions.

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) No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

- 5) 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).
- 6) 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).
- 7) 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.

Public Nuisance

- 1) Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

Representations from Interested Parties in respect of an application for the grant of a premises licence at 29 Ilsham Road, Torquay

Interested Party 1:

The Co-op up the road operate a strict 'Challenge 25' policy in order to prevent the sale of alcohol to minors and this is detailed in their alcohol sale license. They have several staff working there who are able to support each other in refusing sales to those who are intoxicated or appear underage. This business does not mention this scheme and its justification that it will be protecting children from harm seems very weak to me. The statement in the license application: 'We strictly follow underage sale of alcohol.' doesn't even make sense. As a result I am really concerned this retailer will not enforce the law robustly and granting of this license will see young people purchasing alcohol illegally. Litter is already a problem in the area - cans and bottles left in the streets. I am concerned another retailer will further contribute to this issue. Anti-social behaviour is also an issue in this area. With a grave lack of policing I have felt unsafe when walking due to intoxicated persons hanging around on the street. Later opening than the co-op will further compound this problem, especially with the Torbay Council's proposal to move these issues out of the town centre.

Interested Party 2:

It is a well acknowledged fact that we have a serious alcohol problem within Torbay. We do not need yet another licensed premise in Ilsham Road as we already have the COOP and Kents Cavern Pub. At our Wellswood Community Partnership the Police have repeatedly advised us that drugs, alcohol and shoplifting are major blights within our society today.

1. Protect our children: we have a primary school directly opposite
2. Public safety: having a licensed premise open between 7am and till midnight will attract people who want to drink outside licensing hours. Too much alcohol is a blight to our Society today. It leads to domestic abuse, road safety issues and general disorder. In Geneva where i lived previously they ban the sale of alcohol by convenience stores after 9pm.
3. General disorder: it will not help the litter issues we experience locally. Beer cans are often found thrown on the green, under the bench and in the hedge outside Kents Pub.
4. Prevention of crime: Our police advised us at our Wellswood Community Partnership not to engage with shoplifters. They further advised their resources are focused on risk and that this often means shoplifting cannot be addressed. Having another convenience store selling alcohol is likely to increase the risk of shoplifting in Wellswood as it is another place to target.

Interested Party 3:

1) Ilsham Primary School faces the shop that will be selling alcohol throughout the day. Children should be guarded from any such potential danger or witnessing of any such disorder. 2) We had an issue with a person hanging around the school play ground area / fence approx 5 years ago in 2018 which was not very pleasant for the children , teachers or the community. Many were very anxious about the situation. 3) This village street and location is very well represented if alcohol is needed. 4) It is not in the best interest of the community to attract individuals to sit on the bench / green next to the school and consume alcohol . 5) There are many shops very close by that cater for alcohol etc hence why encourage this addiction and health problems. 6) This could create public nuisance and a danger to young and elderly. 7) Homeless , searching for cheap alcohol may be attracted to locate close by if knowing about this new low cost provider of alcohol. 8) There is a co-op , pub , restaurants and shops that already provided alcohol etc so any new shops will reduce the financial ability of the little village shops to trade , which then creates less shops in the long run . Then we have empty shops as well as public disorder.

Interested Party 4:

The proposed licence to sell alcohol until midnight at a premises in a quiet residential area of Torquay will almost certainly attract a different demographic to the area, with the potential to cause crime and disorder as a result of late night anti-social drinking. The area is made up of c. 7200 people of which the majority c. 68% are aged over 50 and the area is generally safe, quiet and peaceful during the day, and also at night. We often walk home from Wellswood after going out for dinner but I am not sure how comfortable we would feel if the area was taken over by people late night drinking on the streets, on benches near the church or in the numerous open spaces (Ilsham Green and Stoodley Knowle). Wellswood is a conservation area known for its green open spaces and it would be a tragedy if these areas were spoiled by litter, used bottles, cans, and all the other accompaniments associated with anti-social drinking. I am also concerned as a local resident how I would feel walking my dog at night. We only have to look at the situation at Kilmorie car park to see the nuisance caused by gangs of anti social people late at night - which still hasn't been resolved. There is a primary school located virtually opposite the proposed premises which has a bench and other seating areas nearby by the church, it is wholly inappropriate to grant a licence to sell alcohol so close to where children congregate. Children need to be protected from witnessing the effects and behaviour that certain individuals may display during and after drinking - you only need to see the issues in certain areas of town with vomiting and urinating in the street, shouting and fights. I would urge you to strongly reconsider and reject this application.

Interested Party 5:

Prevention of Crime and Disorder Crime and disorder are prompted by alcohol-fuelled anti-social behaviour. Torquay already has alcohol-fuelled antisocial behaviour problems. Torbay Council is consulting on introducing alcohol-free zones in Torquay. However, this will likely lead to a re-location of street drinking to areas outside of the alcohol-free zone, and Wellswood abuts the town centre. There are already plenty of outlets in Wellswood

village where alcohol can be purchased: in the Kents pub; village restaurants and Co-op store. There is no shortage of places selling alcohol across Wellswood, especially as there is already a Premier Convenience store only 0.4 miles away on Babbacombe Road. As Dr Lincoln Sargeant (Director of Public Health for Torbay Council) has reported (<https://www.torbay.gov.uk/council/policies/health/phar-2022/#Crime>), alcohol is a factor in approximately two of every five violent crimes committed in England. Furthermore, there is a strong, and well evidenced relationship between alcohol and domestic abuse and sexual violence with alcohol often consumed at the time of assault by a perpetrator. For 2021/22, 20% of recorded crimes in Torbay had alcohol recorded as a factor, this was up from 17% during 2020/21 and 15% during 2019/20. Public Safety Increased availability of low-cost alcohol is detrimental to health. This is why the Scottish Government has introduced Minimum Unit Pricing for alcohol, and this will be raised by 30% from September. The Public Health report "Wellswood Ward Profile" (<http://www.southdevonandtorbay.info/media/tixgmu4d/wellswood.pdf>) states: "Public Health England estimate that alcohol abuse costs approximately £21 billion a year (£11 billion in alcohol related crime, £7 billion from lost productivity, £3.5 billion to the NHS). The number of alcohol specific admissions over the previous five years have been significantly higher in Wellswood than Torbay as a whole. Compared to national figures they are significantly higher than England". As alcohol-related health problems are already a problem, Wellswood does not need to exacerbate the problem with a low-cost alcohol retailer. As Dr Lincoln Sargeant (Director of Public Health for Torbay Council) has reported (<https://www.torbay.gov.uk/council/policies/health/phar-2022/#Crime>), in England, alcohol misuse is the biggest risk factor contributing to early death, poor health and disability for people aged 15 to 49 years old. Torbay's level of hospital admissions related to alcohol is significantly above these national rates. Torbay consistently has higher rates of alcohol-related admissions than other places with those living in our most deprived communities being most affected. The nature of alcohol consumption in Torbay is having a more severe impact upon Torbay's residents' health than is being seen either regionally or nationally. Dr Sargeant also reports that Torbay is a premier tourist destination in the UK, with hospitality and leisure being integral to the tourist offer. With alcohol having a key role in the hospitality sector, by default it contributes to the economy of the Bay. When taken as a whole, Torbay has a significantly higher rate of licensed premises than almost all its comparators. Devon Live has reported that the applicant for this licence (Mr Suresh Sivarasa) has a criminal record for breaches of fire safety regulations at a convenience store in Cullompton, Devon. See <https://www.devonlive.com/news/devon-news/shop-owner-ordered-pay-6000-1387514>. A fire authority inspection by Devon & Somerset Fire & Rescue Service was made after fire safety concerns were raised by a local licensing officer. The inspection revealed several deficiencies which included a lack of emergency escape lighting, the lack of a suitable alternative fire exit, inadequate fire detection and warning systems and breaches in the fire separation between the shop and the home above. Because of the risk to people living above the shop an emergency prohibition notice was served. This was withdrawn the next day after the installation of a temporary interlinked fire alarm system. The owner was then issued with an enforcement notice specifying the works required to bring the premises up to the required standard and a timescale in which to complete them. A subsequent re-inspection of the premises found the fire separation between the shop and residential accommodation had not been addressed, despite being given an extension of time. As a result, he was prosecuted and pleaded guilty at Exeter magistrates' court. This premises in Wellswood is in a terrace of shops and in a conservation area so obeying fire legislation is of particular importance. Prevention of

Public Nuisance A convenience store selling low-cost alcohol and operating late opening hours until midnight will attract undesirable behaviour causing public nuisance including: Rowdy or inconsiderate behaviour Begging Littering Vandalism Street drinking Torquay already has alcohol-fuelled antisocial behaviour problems. This is why Torbay Council is consulting on introducing alcohol-free zones in Torquay. However, this will likely lead to a re-location of street drinking to areas outside of the alcohol-free zone, and Wellswood abuts the town centre. Protection of Children from Harm The proposed convenience store is sited immediately opposite Ilsham Primary School As Dr Lincoln Sargeant (Director of Public Health for Torbay Council) has reported, the proportion of children permanently excluded from school due to drug or alcohol use in Torbay is much higher than the national average. Torbay has a higher rate of Child in Need assessments where alcohol is a factor than the rest of England, the South West and other coastal areas. Whilst the store should not sell alcohol to persons under 18, the store will attract people likely to indulge in undesirable behaviour which young impressionable children at the school will witness and be influenced by in their future lives. I urge the Licensing Committee to refuse this application.

Interested Party 6:

This application relates to the sale of alcohol between 6am to midnight. This will only serve to attract individuals who want to purchase alcohol late at night in a residential area (most of the shops have people living above them) with the usual after effects this brings eg. anti-social behaviour, noise, drugs, using Wellswood Green especially during the summer months, leaving litter etc. There's already been a recent case of vandalism to the Snelgrove Memorial in Wellswood Green late at night/early hours of the morning and Wellswood should not have to suffer a late night opening premises which will result in the aforementioned problems. This premises is situated almost directly opposite the Ilsham Academy for children. Traffic parking is already a problem with parking on zig-zag lines & on the pavement with very little being done about it and having this licensed premises will only exacerbate the problem & be a public nuisance with increased safety concerns.

Interested Party 7:

It is acknowledged by police, Torbay Council & other agencies that Torbay has a serious problem with anti-social behaviour, much of which is fuelled by the excessive consumption of alcohol. One only has to visit Castle Circus to witness the issues caused to both retailers and the public. Whilst powers exist under the Anti-Social Behaviour Crime and Police Act 2014, these are rarely enforced in the town centre, and so with the lack of police resources, especially in the surrounding villages, there is little chance of action being taken to prevent anti-social behaviour in Wellswood. There are numerous retailers including the Kents pub and Co-op which sell alcohol in Wellswood, and this application fails to provide any evidence of need for the sale of alcohol from 6.30am (7am Sunday) until midnight. Indeed, under the Licencing Act 2003 the sale of alcohol is prohibited until 10am on Sunday. This store is located opposite a primary school. The most recent statistics from Government sources show that in Torbay, "the rate per 100,000 young people being admitted to hospital due to alcohol consumption locally is 72, compared to the national average rate of 31". This is a very concerning statistic and

to offer an opportunity for the purchase of alcohol and these extended hours does nothing to combat this worrying situation. Whilst the applicant states that they will restrict sales age appropriately, it is probable that those who can offer ID (genuine or not) are likely to be young people, which will increase this problem on the streets of Wellswood. Given that there does not appear to be any benefit to the community for both residents and retail outlets, together with a lack of any argument for need for such a retail offering, I would urge the authority to reject this application.

Interested Party 8:

There are already a number of premises in Wellswood where alcohol can be bought, including a Co-op which is open daily from 7am to 11 pm and there is a clear link between the availability of alcohol and excess drinking leading to drunkenness, anti-social behaviour, violence against women, and public nuisance. Excess alcohol consumption is a high risk factor in some chronic illnesses and early death. Figures indicate that Torbay is above the national average for alcohol related illnesses. Current Council action on curbing drinking alcohol in public spaces is likely to lead to this behaviour merely moving to areas without these curbs and close to readily available and cheap sources of alcohol. The proposed premises are directly opposite a primary school. There is therefore the risk of young impressionable children encountering inappropriate role models on a daily basis, thus normalising excessive alcohol consumption for the next generation.

Interested Party 9:

Wellswood already has a licensed for the retail sale of alcohol. Sales at the existing Co-op site is limited by its opening hours and the proposed licensing until midnight represents a significant change increasing the likelihood of late night drinking in the area and the associated potential for anti social behaviour and crime. This is borne out by the applicants installation of CCTV and additional outside lighting.

Interested Party 10:

This ubiquitous franchise Premier Stores litters the Bay and Devon. In HELE there is a store which has unsightly banners offering cheap alcohol and food. This is a "PREMIER" RESORT according to the Conservative administration. Why is the gaudy purple and yellow signage being even considered for a Victorian row of independent shops? It is appalling. These stores are cheap low end and will encourage late night alcohol sales and vagrancy already seen at the CoOp in Wellswood. For goodness sake Councillors deliver on your promises of "regeneration" not descending into the lowest form of retailing possible. Premier is not this retailer we have to say NO NO NO...Leave Wellswood alone and let a quality independant approach this authority.