



Wednesday, 20 March 2013

LICENSING SUB-COMMITTEE

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

Thursday, 28 March 2013

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 Addis

Councillor Parrott

Councillor Bent

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk



LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 3 January 2013 and 24 January 2013.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ4 5DS** (Pages 6 - 27)
To consider a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay.
7. **Licensing Act 2003 – An application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay TQ1 2BB** (Pages 28 - 41)
To consider an application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay.



Minutes of the Licensing Sub-Committee

3 January 2013

-: Present :-

Councillor

Councillors Addis, Faulkner (A) and Stocks

29. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

30. Taxi Driver Report

Members considered a report on the suspension of a Torbay Council Licensed Driver whose Medical Certificate expired on 12 November 2012.

Written Representations:

None received

Oral Representations received from:

Licensing Authority	Details
	Senior Licensing Officer outlined the matter, as set out in the Committee Report and responded to Members questions.

Members of the Licensing Sub-Committee noted that despite being notified of the hearing, the Licensed Driver failed to attend. It was therefore agreed that to continue the hearing in her absence was in the public interest to do so.

Decision:

That Miss Whates' Drivers Licence be revoked, as in accordance with section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 because Members could not be satisfied that she remained a fit and proper person to hold such a licence. In addition Members of the Sub-Committee resolved that this revocation shall have immediate effect in the interest of public safety, as in accordance with 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision:

Having carefully considered the Licensing Sub-Committee report, the attached appendices and the oral Representation by the Council's Environmental Health Manager (Commercial), Members resolved that Miss Whates had been given sufficient opportunity to provide the necessary Medical Certificate, having been advised in writing on two separate occasions. Despite this, Members noted to date that Miss Whates has still not provided this certificate.

In concluding, Members noted that Miss Whates had not taken the opportunity to appear before them to explain her circumstances and therefore felt that they were left with no option but to revoke her Driver's Licence to ensure public safety.

Chairman/woman

Minutes of the Licensing Sub-Committee

24 January 2013

-: Present :-

Councillors Addis, Parrott and Bent

31. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

32. Minutes

The Minutes of the meeting of the Licensing Sub-Committee held on 20 December 2012 were confirmed as a correct record and signed by the Chairman.

33. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton TQ4 5DS

Members considered a report on an application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation suggesting additional conditions should the application for a Variation to a Premises Licence be granted.	19 December 2012
Applicants Solicitor	Representation proposing amendments to the additional conditions suggested by the Police.	20 December 2012
Torbay Safeguarding Children Board	Representation objecting to the application on the ground of 'The Protection of Children from Harm'. The Representation also suggests additional conditions should the application be granted.	21 December 2012

Oral Representations received from:

Name	Details
Applicants Solicitor	The Applicants Solicitor outlined the application and responded to Members questions.
Police	The Police Representative confirmed that they were satisfied with the amended conditions set out in the Representation from the Applicants Solicitor, dated 20 December 2012. The Police Representative also responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton be granted as applied for, subject to the inclusion of the conditions proposed and agreed by the Police and the Applicants Solicitor.

Reason for Decision:

Having carefully considered the Applicant and Police's written and oral Representations, Members resolved to grant the licence as applied for, subject to the agreed conditions which they believe would address the issue of concern in respect of consuming drinks within the designated smoking area.

In respect of the proposal put forward in the written Representation of Torbay Safeguarding Children Board, Members after careful consideration resolved that given the current licence does have conditions in place with regards to the Protection of Children from Harm and the fact that there is no evidence before them either orally or in writing to support such a modification of the licence, they could not be satisfied that to impose the proposed conditions were appropriate.

34. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Tapas Bar, 11 -13 Abbey Road, Torquay TQ2 5HE

Members considered a report on an application for a Variation to a Premises Licence in respect of Tapas Bar, 11-13 Abbey Road, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation suggesting additional conditions should the application for a Variation to a Premises Licence be granted.	5 December 2012

Additional Information:

Members were informed that the Applicant had not returned their Notice, as in accordance with section 8(1)(a) and (2) of The Licensing Act 2003 (Hearings) Regulations 2005. Members' permission was sought and granted for the Applicant to proceed with the Application.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Public Protection	The Senior Environmental Health Officer outlined the reasons for the suggested conditions, as set out in Appendix 3 to the submitted report, and responded to Members questions.

Applicant's response to Representations:

The Applicant confirmed that he agreed with the proposed conditions set out in Appendix 3 to the submitted report.

Decision:

That the application for a Variation to a Premises Licence in respect of Tapas Bar, 11-13 Abbey Road, Torquay be granted as applied for, subject to the inclusion of the conditions set in Appendix 3 to the submitted report with an amendment to the fifth condition which shall now read:

'Customers exhibiting noisy behaviour will be either asked to return inside or leave the *premises*'.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence having been satisfied that the application will not add to public nuisance in light of the agreed conditions and therefore saw reason to depart from the Council's Licensing Policy, in respect of the premises being within the Cumulative Impact Area.

In addition, Members noted that the nature of the premises proposed by the Applicant was a considerable change to the previous operation and therefore anticipated that previous concerns would no longer exist.

Chairman/woman

Agenda Item 6



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ4 5DS**

Wards Affected: **Tormohun**

To: **Licensing Sub- Committee** On: **28th March 2013**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence. The Premises is situated in the Cumulative Impact Area.
- 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”, “Public Safety” and “The Protection of Children from Harm”.
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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

2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To change the opening time of the Premises to allow the sale of food and non-alcoholic drinks from 0800 7 days a week. The existing licence allows the Premises to open at 1000 7 days a week. The closing times are to remain the same as the existing licence.

To extend the area outside the front of the Premises for the consumption of alcohol to encompass the pavement areas as detailed in the Street Pavement Café Licence (if granted).

Refurbishment of the Premises. A new plan has been provided which is shown as Appendix 2.

- 2.2 The current Premises Licence is shown as Appendix 3.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as relevant Representations have been received from Responsible Authorities. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objectives "The Prevention of Crime and Disorder", "Public Safety" and "The Protection of Children from Harm". This is shown as Appendix 4.

We have received a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 5.

There have been no other Representations received from any other Responsible Authorities or any Interested Party.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 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.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-

- (a) The applicant for the variation of the licence against any decision to modify the conditions
- (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.

2.8 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.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Relevant sections of the application form Copy of new plan – to be circulated at meeting
Appendix 2	Copy of the current Premises Licence
Appendix 3	Representation from the Police
Appendix 4	Representation from Public Protection

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.
Torbay Council Licensing Policy 2011.



Application to vary a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Jam Leisure Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL595

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Park lane 1 Torwood street			
Post town	Torquay	Post code	TQ1 1ED

Telephone number at premises (if any)	01803 214446
Non-domestic rateable value of premises	£38400

Part 2 – Applicant details

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Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Change of the Opening time of the Premises to allow the sale of food and none alcoholic drinks from 08:00 Monday to Sunday

To extend the opening times of the premises to allow the sale of food and non-alcoholic drinks:

Monday to Sunday 08:00 - 03.30

To include additional conditions under licensing objective The Protection of Children from Harm (see attached Schedule 1)

To add conditions under the licensing objective (The Prevention of Crime and Disorder, to ensure the ground floor terrace area is properly managed (see attached Schedule 1)

To extend the area outside the front of the premises for the consumption of alcohol to encompass the pavement area as detailed in the Street Café Licence (if granted)

Refurbishment of premises (see attached Plan)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	0330	
Tue	0800	0330	
Wed	0800	0330	
Thur	0800	0330	
Fri	0800	0330	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) Xmas eve, Newyears eve , 0800-0330
Sat	0800	0400	
Sun	0800	0330	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

No conditions to be removed

Schedule 1 additional conditions

The Protection of Children from Harm

1. Persons under the age of 18 shall be required to vacate the bar by 21.00 hrs unless they are eating in which case they shall be required to vacate the bar by 21.30 hrs, or unless they are attending an under 18 event
2. Persons under the age of 18 shall not be allowed into the Nightclub on the first floor at anytime unless attend an under 18 event
3. Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.

The Prevention of Crime and Disorder

1. There shall be no consumption of drink (alcoholic or non-alcoholic) or food on the ground floor terrace area after 02:00.
2. At all times after 23:00 when the premises are open for licensable activities, an SIA registered door supervisor shall be employed at the entrance to the area to ensure compliance with the preceding restriction and to ensure that no unauthorized entrance to the premises takes place via the area.
3. Consumption of alcohol on the ground floor terrace shall be by persons seated no alcohol shall be served in glass bottles within those areas from which it is intended or likely that a person shall drink.

Licensing Act 2003
Premises Licence

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LOCAL AUTHORITY



Licensing Section
Torbay Council
Roebuck House
Abbey Road
TORQUAY
DEVON
TQ2 5EJ

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Park Lane

1 Torwood Street, Torquay, Devon, TQ1 1ED.

Telephone 01803 214446

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
E. Performance of live music (Indoors)	Monday	10:00am	3:00am	
	Tuesday	10:00am	3:00am	
	Wednesday	10:00am	3:00am	
	Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Saturday	10:00am	3:00am	
	Sunday	10:00am	3:00am	See below
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:00am	
	F. Playing of recorded music (Indoors)	Monday	10:00am	3:00am
Tuesday		10:00am	3:00am	
Wednesday		10:00am	3:00am	
Thursday		10:00am	3:00am	
Friday		10:00am	3:00am	
Saturday		10:00am	3:00am	
Sunday		10:00am	3:00am	See below

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To	
F. Playing of recorded music (Indoors) continued ...	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
	Bank Holiday Sunday - 02.00 am finish			
	British Summer Time - allow for additional hour when clocks move forward.			
G. Performance of dance (Indoors)	Sunday to Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:00am	
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	New Year's Eve	11:00am	3:30am	
	Christmas Eve	11:00am	3:30am	
I. Provision of facilities for making music (Indoors)	Monday	10:00am	3:00am	
	Tuesday	10:00am	3:00am	
	Wednesday	10:00am	3:00am	
	Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Saturday	10:00am	3:00am	
	Sunday	10:00am	3:00am	See below
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
J. Provision of facilities for dancing (Indoors)	Monday	10:00am	3:00am	
	Tuesday	10:00am	3:00am	
	Wednesday	10:00am	3:00am	
	Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Saturday	10:00am	3:00am	
	Sunday	10:00am	3:00am	See below
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Thursday	10:00am	3:00am	
	Friday	10:00am	3:00am	
	Sunday	10:00am	3:00am	
	Christmas Eve	11:00am	3:30am	
	New Year's Eve	11:00am	3:30am	
L. Late night refreshment (Indoors)	Monday	11:00pm	2:00am	
	Tuesday	11:00pm	2:00am	
	Wednesday	11:00pm	2:00am	
	Thursday	11:00pm	2:00am	
	Friday	11:00pm	2:00am	
	Saturday	11:00pm	2:00am	
	Sunday	11:00pm	2:00am	
	Christmas Eve	11:00pm	Midnight	
	New Year's Eve	11:00pm	Midnight	

Licensing Act 2003
Premises Licence

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued...

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday	10:00am	3:00am
	Tuesday	10:00am	3:00am
	Wednesday	10:00am	3:00am
	Thursday	10:00am	3:00am
	Friday	10:00am	3:00am
	Saturday	10:00am	3:30am
	Sunday	10:00am	3:00am
	Christmas Eve	11:00am	3:30am
	New Year's Eve	11:00am	3:30am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	10:00am	3:30am
Tuesday	10:00am	3:30am
Wednesday	10:00am	3:30am
Thursday	10:00am	3:30am
Friday	10:00am	3:30am
Saturday	10:00am	4:00am
Sunday	10:00am	3:30am
Christmas Eve	11:00am	3:30am
New Year's Eve	11:00am	3:30am
Bank Holiday Sunday - 03.30am finish.		

British Summer Time - allow for additional hour when clocks move forward.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jam Leisure Ltd
 info@clairesnightclub.co.uk

39-41 Torwood Street, Torquay, Devon, TQ1 1DZ.
 Telephone 01803 292079

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Jam Leisure Ltd

3177210

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Louise SIMS

Flat 2, 42 St James Road, Torquay, Devon, TQ1 4AY.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2402

Issued by Torbay



Stephen Cox

Steve Cox
Environmental Health Manager (Commercial)
25 April 2012

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3)
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEXES continued ...

- 7). The responsible person shall ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

MANDATORY CONDITION: DOOR SUPERVISION

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.
 - (b) In respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:-
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Prevention of Crime and Disorder

1. Warning notices shall also be placed at the entrance door indicating conditions of entry including regular identification checks, random searches and the use of metal detectors.
2. The Licensees shall carry on working with the local authority and support any seasonal and other advertising campaigns.
3. The number of persons admitted to the premises on any one occasion shall not exceed a safe occupancy. This is in agreement with the responsible authorities notably Devon Fire and Rescue and the Health and Safety team.
4. Persons leaving the premises shall be reminded to conduct themselves in an orderly manner and not cause annoyance to other members of the public or nearby residents.

ANNEXES continued ...

5. A CCTV System must cover both inside and outside the premises in positions agreed with the Council and Police. All cameras are recorded to a high standard and kept for a minimum of 14 days and shall be made available to the police on demand.
6. All the door staff must be Security Industry Authority licensed.
7. Each accredited door steward when on duty must wear distinctive dress, are all over the age of 18 and are trained to vet customers and keep public order.
8. A Night Net Radio must also be held at the Head Door Steward at the entrance and all instances of crime and disorder shall be reported to the police.
9. There must be a zero tolerance with drugs and have a drugs policy in force on the premises, with the objective of securing, as far as reasonably practical, the safety of others attending the premises.
10. A secure drug deposit bag approved by Devon & Cornwall Police shall be located on the premises for the safe storage of any drugs found or seized.
11. There must be provision of toughened safety glasses and plastic bottles. All glasses are stamped in accordance with Weights and Measures Legislation. No drinks, whether in glasses or bottles must be removed from the premises.
12. All the staff must be fully trained and at least one competent manager shall be on the premises whilst open to the public. All bar staff will be suitably trained to prevent the sale of alcohol to under 18's.
13. Adequate glass and bottle collection shall be undertaken throughout the premises.
14. Premises must join and maintain membership of the Torquay Night Time Economy Forum attending at least 2 meetings in each calendar year.
15. On every operational day when door supervision is required, then those SIA door supervisors employed in front of house duties must wear high visibility reflective jackets for the entirety of their duty.
16. There must be no entry or re-entry after 2am.
17. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 14 days and the police to have access to recordings at any reasonable time.
18. Every door steward and member of management must carry effective two way radios with earpieces. This equipment is kept in good working order and is used at all times when the premises is open to the public.

The Promotion of Public Safety

1. The fire safety measures with which the premises are provided shall be maintained in good working order, and their adequacy shall be determined on a regular basis, by the carrying out of a fire risk assessment as required by and in accordance with the Fire Precautions Regulations.
2. The premises shall undertake to maintain a safe occupancy level.
3. A log book shall be kept upon the premises in which shall be entered particulars of inspections made: those required to be made by Statute, and information compiled to comply with any public safety condition attached to the premises licence that required the recording of such information. The log book shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
4. Adequate access must be provided for emergency vehicles.
5. Where crowd management measures are needed all reasonable steps shall be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps and that portable barriers shall be provided to prevent crushing and keep queues in an orderly fashion.
6. Suitable and clearly identifiable areas for dancing must be set aside, and separate from the dance area suitable means of providing cool air/ventilation and adequate seating must be provided.

ANNEXES continued ...

7. All fire exits, gangways, escapes, extinguishers, fire points etc shall remain free of obstruction and will be tested and assessed on a regular basis. All exits are fitted with fixed automatic catches. Weekly fire alarm tests and fire certification as required by Fire Authority shall be carried out.
8. A Fire Risk Assessment shall be carried out monthly and Risk Assessments shall be carried out regularly.
9. Regular testing and certification of appliances and systems shall be carried out, including PAT and Electrical Testing.
10. All parts of the premises must be adequately illuminated from two independent sources and in the event of general lighting failure emergency lighting shall be immediately fully illuminated and the public shall be required to leave the premises forthwith.
11. In the event of evacuation caused by failure of general lighting, the public shall not be readmitted until the general lighting is fully restored.
12. Suitable and sufficient sanitary accommodation must be provided, clearly marked and in good order at all times.
13. The implementation of correct disposal of waste must be carried out on the premises at all times.
14. There must be provision of sufficient number of people on site to secure the safety of the premises at all times.
15. There must be use of toughened glasses and plastic bottles which reduces the risk of harm to the public.
16. Air management system within the premises shall be used during entertainment.
17. No explosive or highly inflammable material shall be brought into the premises.
18. No pyrotechnics shall be used on the premises.
19. Smoke machines shall be in a fixed position, protected against interference and manned by a competent operator at all times when in use. Non-toxic, non-flammable smoke shall be used and will be limited to areas where the public are admitted and not obscure exit signs.
20. Lasers must not be used on the premises without prior consultation with the Licensing Authority and compliance with HS(G) 95.
21. Staff shall be trained in first aid
22. The ratio of stewards to customers on the premises shall be no less than 1:100.

Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
3. Two noise limitation devices shall be installed to control both areas which have amplification equipment fitted. These devices shall be regularly maintained.
4. There shall be no use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.
5. The placing of refuse such as bottles into skips outside the premises shall take place at times that will prevent disturbance to nearby properties and the movement of bins and rubbish outside the premises shall be kept to a minimum after 11pm.
6. Quieter/Mellower music shall be played towards the end of the evening to encourage calmness and an announcement shall be made prior to closing requesting patrons to leave the premises as quietly and quickly as possible.

ANNEXES continued ...

8. Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
9. Door staff must be positioned at exits at closing times to ensure noise from patrons leaving is minimized.
10. Taxi operators shall be nominated for staff and customer use. The companies telephone numbers shall be advertised to customers.
11. The licensee shall ensure that staff leaving the premises after a late night shift will conduct themselves in a manner as not to disturb nearby residents.
12. Deliveries of kegs, bottles, food and other materials shall be carried out between the hours of 09.30am - 05.30pm weekdays.

The Protection of Children from Harm

1. Proof of Identity (passport etc) shall be requested from everyone who appears to be under the age of 18.
2. No persons under the age of 18 shall be employed in connection with the sale of and supply of alcohol.
3. All bar staff shall be suitably trained to prevent the sale of alcohol to under 18's.

Under 18 events may take place to which the following conditions shall apply:

1. These events shall finish no later than 23.00 hours, after which there will be 30 minute period before reopening to over 18's.
2. The police shall be notified in writing or email at least 14 days prior to the event.
3. SIA door stewards must be employed throughout the event, which shall include at least one female steward. All stewards shall have undergone a criminal records bureau check.
4. All alcohol shall be locked and or obscured from view.
5. All gaming machines with prizes and cigarette machines shall be unplugged and locked.
6. All promotional material relating to alcohol shall be removed.
7. Any person refusing to be searched shall be refused entry.
8. Metal detectors shall be used random on entry .
9. The event shall be promoted to ages 14 years and above.
10. Foreign student events shall be restricted to foreign students only.
11. Throughout under 18 events, The DPS or personal licence holder must be present.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Crime and Disorder

1. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.
2. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is

ANNEXES continued ...

intended or likely that a person shall drink.

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

Public Safety**The Prevention of Public Nuisance**

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:-
 - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Doors and windows must be kept shut during entertainment to reduce noise breakout. A management scheme will be in place to ensure this situation remains.
3. Entrances must be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.
4. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
5. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
6. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
7. The variation to the existing premises license shall not be permitted until such time that the levels of noise limiters are set and agreed between the premises license holder or a nominated person by them and the Environmental Health Department so as not to unreasonably disturb nearby residents.
8. These levels shall be set and agreed by within 1 month of the application being granted.
9. Before any further refurbishment is commenced an evaluation of any noise breakout must be undertaken and a report submitted to the Environmental Health Department. Agreement must be reached with the Environmental Health Department on the works to be undertaken to attenuate noise break out and those works must be implemented to their satisfaction.
10. The volume of any regulated entertainment will be under the control of the management at all times. Should monitoring indicate that the volume should be reduced, management shall take steps to ensure that levels are reduced to those agreed in condition 1.
11. No changes to the Public Address system shall be made without prior consultation with the local Environmental Health Department; this includes moving of speakers, addition or removal of any equipment and the use of guest acts/DJ's own equipment.
12. Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.
13. Door staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.
14. Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.

ANNEXES continued ...

15. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.

ANNEXE 4

PLANS

Copy attached to Licence.



DEVON & CORNWALL
CONSTABULARY



Licensing Department
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing East
Force Headquarters
Middlemoor
EXETER
EX2 7HQ

07 March 2013

Dear Sir/Madam

Re: Park Lane, 1 Torwood Street, Torquay, Devon, TQ1 1ED

I refer to the above premises and an application for the Variation of the existing Premises Licence.

This premises is situated within the Torbay Council Cumulative Impact Area, which has been identified as an area subject to high levels of alcohol related crime, disorder, anti-social behaviour and public nuisance, and is also within an area covered by the Torbay Council Alcohol Consumption in Designated Public Places 2003 Central Torquay Order. Furthermore, the police consider that the premises are located within an area which comprises of both commercial and residential properties.

Having considered the application, the police make the following representations:

- 1) Condition 15 within Annexe 2 of the Premises Licence, under the heading "The Prevention of Crime and Disorder" be amended to read "On every operational day when door supervision is required, then those SIA door supervisors employed in front of house duties must wear YELLOW high visibility jackets for the entirety of their duty".

This amendment is requested as when the initiative was first introduced in Torquay in June 2007 all premises were requested to wear yellow jackets. Since that time, however, some premises have started to wear navy jackets, which, whilst this complies with the wording of this condition, it does not assist the town centre CCTV operators in being able to instantly ascertain whether door stewards are dealing with incidents occurring within the streets, and police officers subsequently viewing CCTV footage to easily identify the different parties involved.

- 2) Condition 22 within Annexe 2, under the heading "The Promotion of Public Safety", be amended to read "The ratio of door stewards to customers on the premises shall be





DEVON & CORNWALL
CONSTABULARY

no less than 2:100 for the first 100 customers, and thereafter no less than 1:100 for additional customers.

This has been recently been raised as an issue within Torquay, and other parts of Devon and Cornwall. At the present time if less than 100 customers are within a licensed premises, only one door steward is required. The amendment of this will condition will ensure that should less than 100 customers be present, two door stewards would be on duty to ensure adequate supervision of the premises and those entering (for carrying out ID checks and refusing entrance), and also when dealing with any incidents.

- 3) Condition 1 within Annexe 2 under the heading "The Protection of Children from Harm" be removed and replaced with "The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 shall be requested to provide an approved form of identification bearing a photograph".

Challenge 25 is now nationally recognised and supported by Drink Aware, the Wine and Spirit Trade Association and the British Institute of Innkeepers. A policy of this nature would greatly assist the premises in identifying potential under age persons and ensuring their compliance with the applicants proposed condition contained within Schedule 1 of the application, ie no persons under the age of 18 to be allowed into the nightclub at any time, unless attending an under 18's event.

- 4) With regards to the outside terrace, whilst the police acknowledge that the applicant proposes that an SIA door steward be employed in this area and that persons consuming alcohol shall be seated, the police consider that persons drinking in this area until 2.00 am will have a negative impact on the licensing objective "The Prevention of Public Nuisance" and the application does not adequately deal with this matter.

Should you require any further information, please do not hesitate to contact my Licensing Officer, Julie Smart, on 01803 218900.

Yours faithfully

Superintendent J Nye
Geographic Commander – South Devon



Memorandum

To: Licensing	From :	Community Safety
c.c	Contact :	Mr Gareth Fudge
c.c.	Ext :	01803 208025
c.c	My Ref :	1ZV SRU No: 186639/GDF
For the attention of: Licensing Steve Cox	Your Ref :	
	Date :	12 February 2013

Subject: Premises– Licensing Act 2003
**Premises Name & Address: Park Lane, , 1 Torwood Street,
Torquay, Devon, TQ1 1ED**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

Park Lane currently operates as a night club, there have been numerous about this premises in the past and it is the subject of an abatement notice in relation to the playing of amplified music. Complaints have also been received in respect of crowds of people to the rear of the premises particularly when the venue holds under 18 events for foreign students.

The proposed variation provides an external area for the consumption of alcohol on the premises. I am concerned that there is potential for the noise arising from patrons utilising the external drinking area to cause continued disturbance to residents in the adjacent flats above the nail bar and chip shop and slightly further afield at Queens Quay.

Whilst I recognise that the premises is in the centre of the night time economy and is surrounded by other licensed premises, there is significant risk that, unless effectively managed, having numbers of people outside the premises drinking could lead to significant increase in disturbance to local residents.

Should the premises be granted a pavement licence, I am concerned that noise from the use of the pavement by revellers until late at night would result in increased disturbance to residents. Furthermore, I am concerned that from a public safety point of view there is the potential for passers-by to be pushed on to the road by queuing customers and the tables etc.

In order to mitigate these issues, it would be appropriate to attach the following conditions to the licence.

A management scheme shall be put in place to prevent excessive queuing into the street and particularly into Park Lane.

From 00:00 (midnight) on to 07:00 access to the external areas shall be for smoking only.

From 23:00 on door staff shall monitor the external areas and ensure that patrons behaving in a noisy manner are either asked to leave or asked to return inside the building.

All regulated music should be played through a noise limiter which is to be set at a reasonable level as agreed with the local responsible authority for public nuisance; this is to be independently calibrated and copies of reports forwarded to the responsible authority for public nuisance within 21 days of any recalibration. It shall be sealed in a tamper proof box and adjustments shall only be made with the written permission of the responsible authority for public nuisance.

No changes shall be made to the public address system without prior written permission of the responsible authority for public nuisance.

Mr Gareth Fudge
Senior Environmental Health Officer

Agenda Item 7



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of Pasty ‘n’ More, 11 Victoria Parade, Torquay TQ1 2BB**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **28th March 2013**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence. The Premises is situated within the Cumulative Impact Area.
- 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” and “The Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. 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.

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

2. Introduction

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:

To provide Late Night Refreshment from 23.00 until 05.00 7 days a week both indoors and outdoors.

A copy of the plan of the Premises is shown as Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as relevant Representations have been received from Responsible Authorities. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received one Representation from the Police in relation to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". This is shown in Appendix 3.

We have received one Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 4.

There have been no additional Representations received from any other Responsible Authority or any Interested Party.

- 2.3 The Authority is required to conduct a hearing by 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.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Representation from the Police.

Appendix 4 Representation from Public Protection.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.



**Application for a Premises Licence to be granted
under the Licensing Act 2003**
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

FORM B

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Mr N Mead Miss E Benn
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Pasty `n` More 11 Victoria Parade TQ1 2BB			
Post town	Torquay	Post code	TQ1 2BB

Telephone number at premises (if any)	07584 372939
Non-domestic rateable value of premises	£11750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|--|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

Please give a general description of the premises (please read guidance note1)

Pasty N More is a Bakery Takeaway shop which serves hot and cold non alcoholic drinks, hot and cold pastys and pies, The premises is a double fronted building with a serving counter to the public inside and kitchens to the rear of the building.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0600 23:00	0600 05:00	Please give further details here (please read guidance note 3) provision of late night refreshment	Both	<input checked="" type="checkbox"/>
Tue	0600 23:00	0600 05:00			
Wed	0600 23:00	0600 05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	0600 23:00	0600 05:00			
Fri	0600 23:00	0600 05:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) 2300-0600		
Sat	0600 23:00	0600 05:00			
Sun	0600 23:00	0600 05:00			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	0600	0600
Tue	0600	0600
Wed	0600	0600
Thur	0600	0600
Fri	0600	0600
Sat	0600	0600
Sun	0600	0600

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

1. The premises shall consult with and work with local authorities such as the police to help identify potential hazards that they may be unaware of.
2. Employees working after 11pm shall be made aware of procedures and potential hazards so they can better prevent problems that can arise due to late night trading.
3. A contract with a refuse company will be in place to dispose of all waste.

b) The prevention of crime and disorder

1. A notice shall be displayed indicating normal hours under the terms of the premises licence during which licensable activities are permitted.
2. CCTV shall be installed and kept for a minimum of 14 days. People shall be made aware they are on it.
3. No alcohol shall be allowed on the premises.
4. Nearby the premises shall be monitored to avoid loiterers.
5. Customers are requested not to loiter in the area but make their way home
6. Employees shall wear a uniform.
7. Premises shall join and maintain membership of the Nitenet Radio Communications Scheme.
8. No drinks shall be sold in glass bottles from 9.00pm daily.
9. We will use licensed SIA Door supervisors for busy periods such as bank holidays and busy nights subject to requirement

c) Public safety

1. CCTV shall be installed.
2. All drinks shall be served in plastic or cardboard, no glass.
3. All exits shall be kept clear of obstruction and clearly identifiable.
4. All public areas shall have fully operational lighting backed up by emergency lighting.
5. The entire shop shall be non-smoking.
6. An incident log book shall be kept.
7. We will use licensed SIA Door supervisors for busy periods such as bank holidays and busy nights subject to requirement
8. All tables and seating will be removed from the shop area by 11pm to provide clear excess and prevent extended loitering

d) The prevention of public nuisance

1. Deliveries and waste disposal activities shall not take place outside of the area between 23.00 hours - 07.00 hours.
2. In the vicinity of the premises litter directly related to sales shall be collected and disposed of at the end of each day.
3. Customers are requested to leave the area quietly after obtaining food
4. A suitable number of waste receptacles for refuse storage shall be provided and Customers are requested to dispose of food wrappings into the bins provided
5. A contract with a refuse company will be in place to dispose of all waste.
6. Public that are not ordering food will be asked not to Loiter in and around the area
7. A specific taxi company shall be nominated for staff and customers.

e) The protection of children from harm

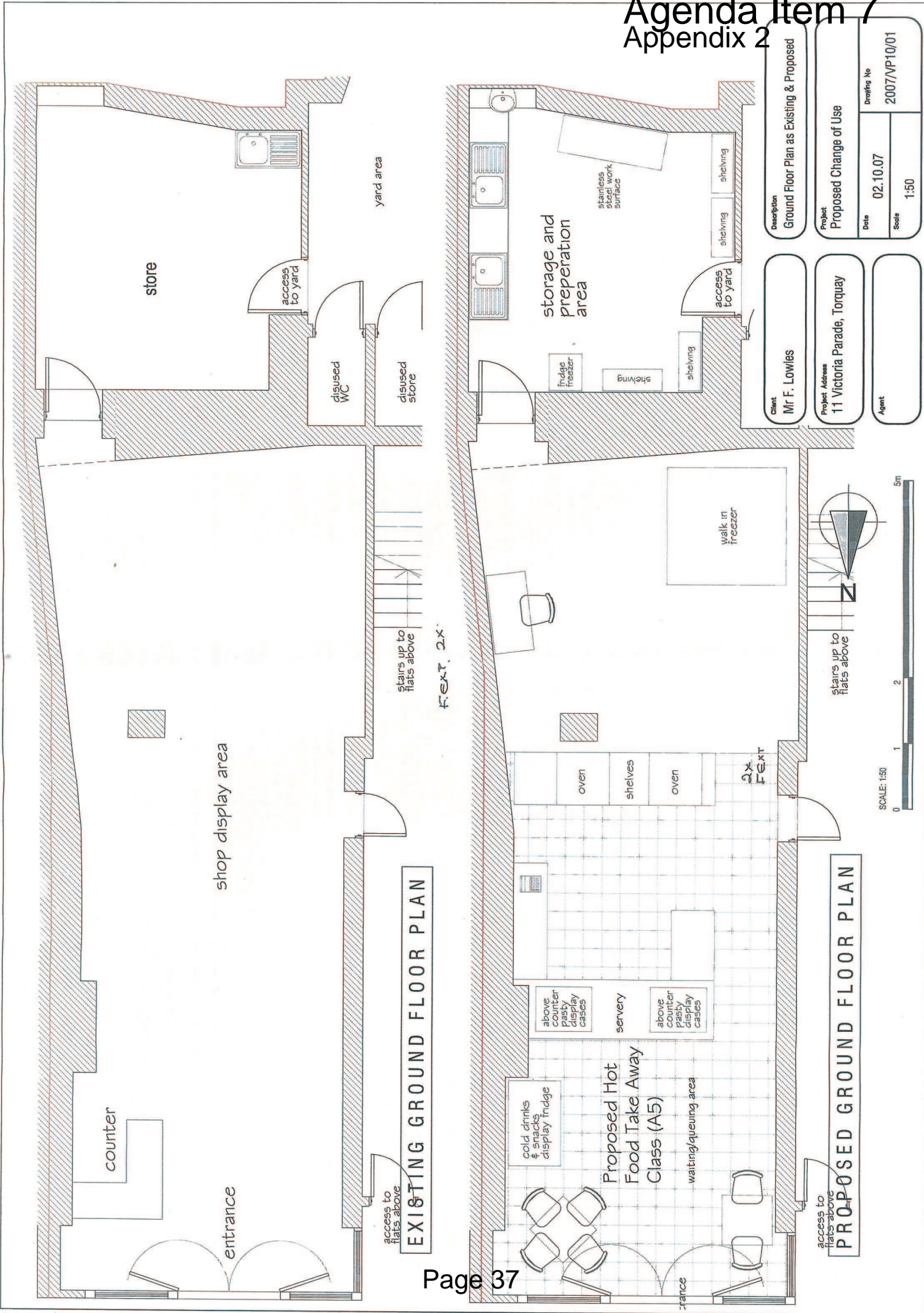
1. Children shall not be permitted after 23.00 hours.
2. Staff who are under 18 but over 16 shall not be permitted to work after midnight.
3. Staff under 16 shall not be permitted to work after 1900 hours.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)



EXISTING GROUND FLOOR PLAN

PROPOSED GROUND FLOOR PLAN

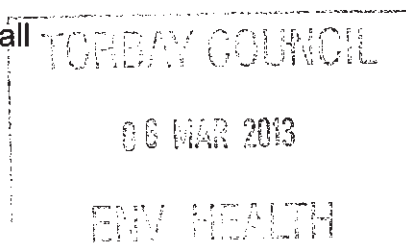
Description Ground Floor Plan as Existing & Proposed	
Client Mr F. Lowles	Project Proposed Change of Use
Date 02.10.07	Drawing No 2007/VP10/01
Scale 1:50	Agent
Project Address 11 Victoria Parade, Torquay	





DEVON & CORNWALL
CONSTABULARY

Licensing Department
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR



Licensing East
Force Headquarters
Middlemoor
EXETER
EX2 7HQ

06 March 2013

Dear Sir/Madam

Re: Pasty 'n' More, 11 Victoria Parade, Torquay, Devon, TQ1 2BB

I refer to the above premises and an application for the Grant of a Premises Licence.

This premises is situated within the Torbay Council Cumulative Impact Area, which has been identified as an area subject to high levels of alcohol related crime, disorder, anti-social behaviour and public nuisance. Furthermore, the premises are located within an area which comprises of both commercial and residential properties.

It is our contention that, if granted, a licence allowing for the sale of hot food and drink 24 hours per day in this area is likely to have a negative impact on the Licensing Objectives due to the volume of people who will gather in and around the area during the early hours of the morning, leading to an increase in levels of violence, disorder, anti-social behaviour and public nuisance issues.

Both the Licensing Act and the Torbay Council Licensing Policy require any application for the Grant of a Premises Licence within a Cumulative Impact Area to demonstrate how the applicant intends to ensure that the grant of the licence will not impact on the promotion of the four Licensing Objectives. This application does not provide sufficient detail to demonstrate how it will not have a negative impact on the Licensing Objectives.

I would draw your attention to the following areas where I consider the application is lacking in detail:

- 1) With regards to the Licensing Objective "The Prevention of Public Nuisance", late night takeaways frequently experience high volumes of persons congregating in and around the area, either to stand around and talk or consuming their purchases, together with queues of persons waiting to order food, and littering issues. The police consider that any new takeaway within the CIA will experience similar issues unless enforceable conditions and firm policies are in place to deal with these matters, and I





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consider that there is insufficient detail within the application to indicate how the premises intend to address these concerns.

- 2) With regards to the Licensing Objective "The Prevention of Crime and Disorder", the applicants have proposed that SIA door supervisors will be "used for busy periods such as bank holidays and busy nights subject to requirement", that CCTV will be installed and the Nitenet Radio Communications Scheme will be used. However the police consider that these proposed conditions do not provide sufficient information to assess their effect on the Licensing Objective.

I therefore object to the grant of this application.

Should you require any further information, please do not hesitate to contact my Licensing Officer, Julie Smart, on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be "J Nye", written over a horizontal line.

Superintendent J Nye
Geographic Commander – South Devon



Memorandum

To: Licensing	From : Community Safety
c.c	Contact : Mr Gareth Fudge
c.c.	Ext : 01803 208025
c.c	My Ref : 1ZV SRU No: 186767/GDF
For the attention of: Licensing Steve Cox	Your Ref :
	Date : 19 February 2013

Subject: Premises– Licensing Act 2003
**Premises Name & Address: Pasty 'n' More, , 11 Victoria Parade,
Torquay, Devon, TQ1 2BB**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

The proposed application sits within the Cumulative Impact area and is flanked by residential accommodation on either side. I remind the committee that there is a rebuttable presumption for refusal for any application in this area where there is potential for the prevention of crime and the prevention of public nuisance objectives to be compromised.

The proposed application is for a take away food outlet to operate on a 24hour basis. This would inevitably encourage a range of customers and I am concerned that the premises would encourage late night revellers to the area to get food at the end of their night out, as the premises has very little internal seating, it is anticipated that the customers would simply hang round outside causing disruption through their behaviour. They would be unable to leave the area via taxi's as the drivers will not let them into the taxi whilst eating.

As many of their customers will have been drinking there is clearly potential for disruption caused by drunkenness, shouting and screaming, fighting and general noise to affect residential accommodation nearby. This is known to occur at other late night takeaway venues within the cumulative impact area.

The premises is flanked by residential accommodation at first floor level and is situated fairly near to the residential site of Queens Quay. Complaints have been received in respect of noise from customers of other late night takeaway premises in the vicinity.

The application proposes no measures to prevent customers hanging round outside the premises, no measures to prevent any noise associated with customers outside the premises consuming their pasties or any measures to deal with any litter created.

I therefore wish to object to the above application on the grounds that it is in the cumulative impact area and is likely to undermine the objective of the prevention of public nuisance.

Mr Gareth Fudge
Senior Environmental Health Officer