



Tuesday, 31 December 2013

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 9 January 2014**

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 Barnby

Councillor Stocks

---

**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:

**Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR**

**01803 207026**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the 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. **Licensing Act 2003 – An application for a Premises Licence in respect of Taj India, 47 Abbey Road, Torquay TQ2 5NQ**  
To consider an application for a Premises Licence in respect of Taj India, 47 Abbey Road, Torquay TQ2 5NQ.

(Pages 1 - 13)



Briefing Report Public Agenda Item: Yes  
No:

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Taj India, 47 Abbey Road, Torquay TQ2 5NQ

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **9<sup>th</sup> January 2014**

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 Premise is 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” 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 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:

The sale of Alcohol on and off the premises from 17.30 until 23.00 Monday to Sunday.

To provide Late Night Refreshment on and off the premises from 23.00 until 23.30 Monday to Sunday.

To be open to the public from 17.30 until 23.30 Monday to Sunday.

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 a relevant Representation has been received from a Responsible Authority. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received one Representation from the Police in relation to the following Licensing Objectives: "The Prevention of Crime and Disorder "The Protection of Children from Harm". This is shown as Appendix 3.

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.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton or Brixham and Torquay, Paignton, Churston or Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

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

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2011.

# Agenda Item 5

## Appendix 1

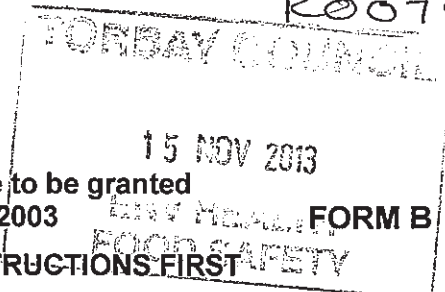
197186

R007973

032800



Application for a Premises Licence to be granted  
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 TOP SWAR  
(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			
TAJ INDIA 47 ABBEY ROAD			
Post town	TORQUAY	Post code	TQ2 5NQ

Telephone number at premises (if any)	01803 213011
Non-domestic rateable value of premises	£ 6400.

### Part 2 - Applicant Details

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

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

Tables to accomodate about 40 people in Restaurant  
Premises situated on Abbey Road which is  
fairly busy with passerby (traffic).

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)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

**Provision of entertainment facilities:**

- |   |                          |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I)   | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

**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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	23:30	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23:00	23:30			
Wed	23:00	23:30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	23:30			
Fri	23:00	23:30	<b>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</b> (please read guidance note 5)		
Sat	23:00	23:30			
Sun	23:00	23:30			



M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	17:30	23:00						
Tue	17:30	23:00						
Wed	17:30	23:00						
Thur	17:30	23:00						
Fri	17:30	23:00						
Sat	17:30	23:00						
Sun	17:30	23:00						
						<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name		DANIEL SWAR TOP SWAR	
Address		FLAT 1, 377 TORQUAY ROAD PAIGNTON	
Postcode	TQ3 2BT		
Personal Licence number (if known)	<del>0812529</del> PA2727		
Issuing licensing authority (if known)	TORBAY-COUNCIL - <del>PAIGNTON</del>		

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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	17.30	23.30	<b>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</b> (please read guidance note 5)
Tue	17.30	23.30	
Wed	17.30	23.30	
Thur	17.30	23.30	
Fri	17.30	23.30	
Sat	17.30	23.30	
Sun	17.30	23.30	

**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)**

BOTTLES & GLASSES will be removed from Public area when finished. Proof of age Policy will be in operation. An Anti drug Policy agreed by Police will be in Place. Violent & drunk People will not be allowed in Premises.

**C** **b) ~~The prevention of crime and disorder~~ Public safety**

Open BOTTLES & GLASS of ALCOHOL will not be allowed to take outside the premises.

**(B)** **b) ~~Public safety~~ The Prevention of crime & disorders**

A Policy will be in force for the management of large groups. A secure area for customers belongings will be made available. No ALCOHOL served to under 18 years. An Incident Book will be kept to record details of all instances of Public disorder

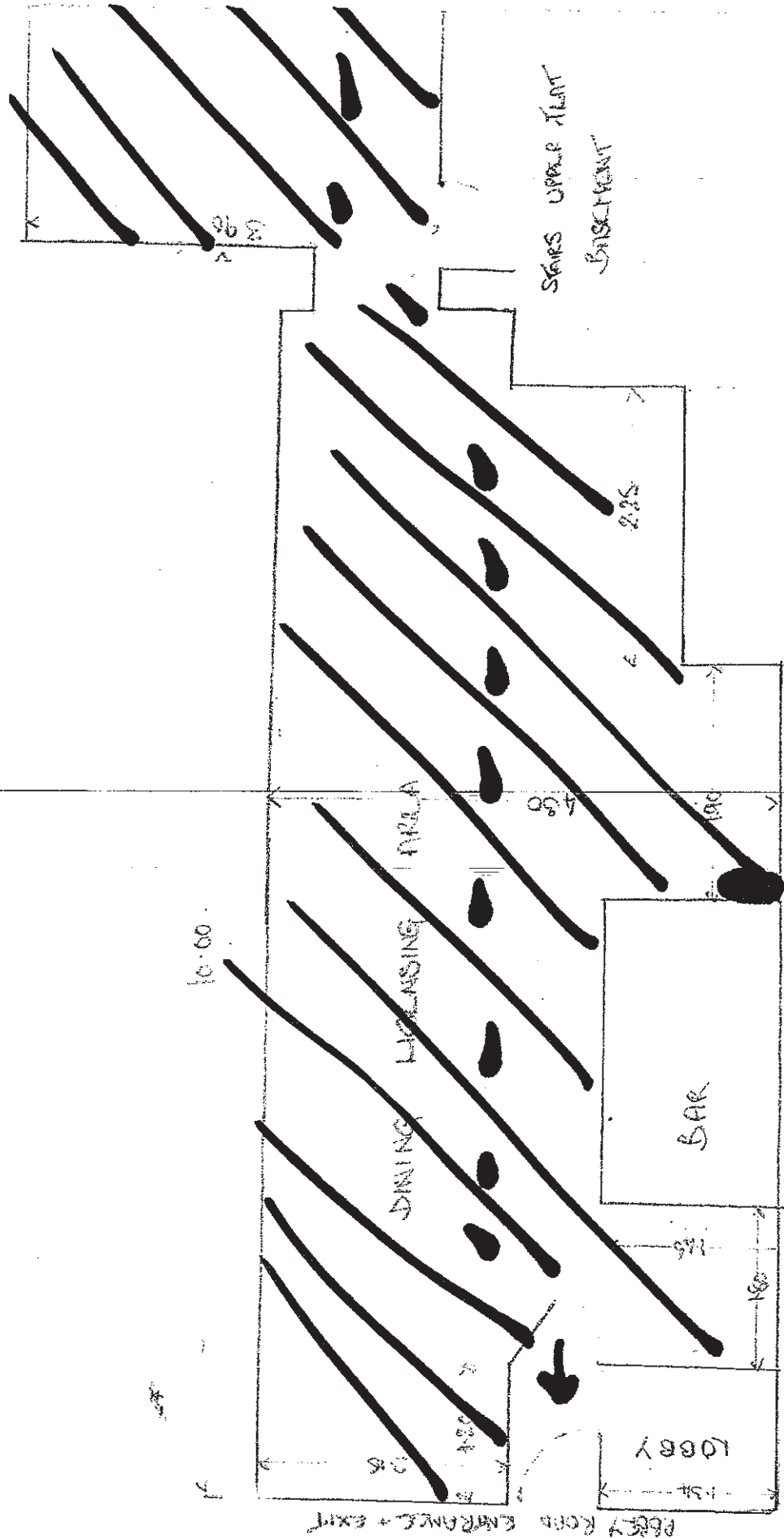
**d) The prevention of public nuisance**

The noise level will be kept to a minimum door will be kept closed. ~~NO MUSIC~~ Background music only


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


No ALCOHOL will be served to under 18 years age ID check will be made if the Person looks under 18 years age.

MK SWAR  
TPO INDIA  
37 ABBEY ROAD  
TORQUAY TQ2 5NG

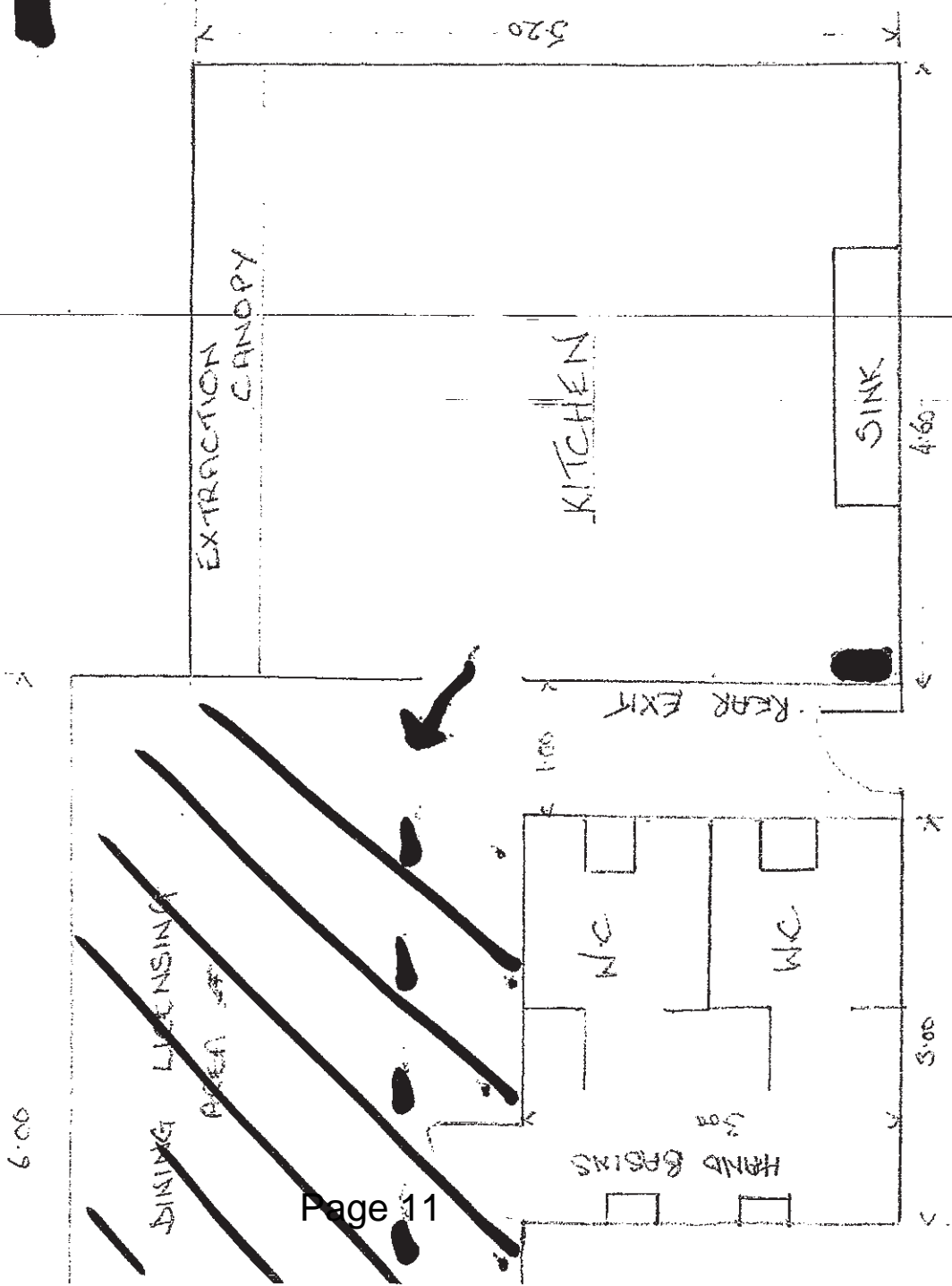


LEGEND 2CH = 1 METRE

 DINING + LICENSING AREA

 FIRE ESCAPE ROUTE

 FIRE EXTINGUISHERS



# Agenda Item 5

## Appendix 3



# Devon & Cornwall Police

Building safer communities together

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

Licensing Department East  
Devon and Cornwall Constabulary  
Force Headquarters  
EXETER  
EX2 7HQ

Telephone: 01392 452225

10 December 2013

Dear Sir/Madam

**Taj India, 47 Abbey Road, Torquay, Devon, TQ2 5NQ**

I refer to an application for the Grant of a New Premises Licence in respect of the above named premises, submitted by Mr Top Swar.

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.

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

1. As can be seen on page 4 of the application, it is the applicant's intention to run this premises as a restaurant. The police therefore request that the below condition is imposed on the licence:

Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his meal, or in sealed containers for consumption off the premises.

2. To assist the premises in identifying those individuals who may be under 18 years of age, the police consider that a Challenge 25 policy should be operated and request that the following conditions are imposed on the licence:

The premises shall operate a Challenge 25 Scheme, where acceptable forms of

[licensingeast@devonandcornwall.pnn.police.uk](mailto:licensingeast@devonandcornwall.pnn.police.uk)

101 [www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk)

Page 12



The Government Standard

photographic identification (as outlined within the Torbay Council Licensing Statement of Principles) shall be requested from any person who appears to be under the age of 25.

Challenge 25 posters are to be displayed in prominent positions within the premises.

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 cursive script, appearing to read 'C Armes'.

Superintendent C Armes  
LPA Commander