



Wednesday, 6 August 2014

LICENSING SUB-COMMITTEE

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

Thursday, 14 August 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 Brooksbank

Councillor Doggett

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

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. **Minutes** (Pages 1 - 6)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 17 July 2014.
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 Abbey Service Station, Avenue Road, Torquay TQ2 5LG** (Pages 7 - 43)
To consider an application for a Variation to a Premises Licence in respect of Abbey Service Station, Avenue Road, Torquay.
7. **Conviction of Torbay Council Licensed Driver of Fraud** (Pages 44 - 53)
To consider a report on the above.



Minutes of the Licensing Sub-Committee

17 July 2014

-: Present :-

Councillors Addis, Bent and Parrott

4. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

5. Minutes

The Minutes of the meeting of the Sub-Committee held on 15 May 2014 were confirmed as a correct record and signed by the Chairman.

6. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ1 1ED

Members considered a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay TQ1 1ED.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder' and proposed additional conditions.	17 June 2014
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' proposed recommendation.	18 June 2014
Interested Parties	4 Representations in relation to Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Prevention of Public	Various dates

	Nuisance' and 'Public Safety.' One Representation represented 8 people and another is in the form of a petition with 20 signatures.	
--	---	--

Oral Representation received from:

Name	Details
Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Police Representative	The Police Representative outlined their representation, as set out in the submitted documents and responded to Members questions.
Environmental Health	The Environmental Health Officer outlined their objection, as set out in the submitted documents and responded to Members questions.
Four Members of the Public	Four Members of the Public individually outlined their objection, as set out in the submitted documents and responded to Members questions.

Additional Information:

At the Hearing the Applicant made a request for additional time for oral representations. The Chairman agreed to the request from the Applicant and permitted 15 minutes for Oral Representations.

With agreement from the interested parties the Applicant and Council's Environmental Health Officer both circulated additional conditions for consideration.

Decision:

That the application for a Variation to a Premises Licence, in respect of Park Lane, 1 Torwood Street, Torquay be granted as orally amended by the Applicant at the Hearing, in withdrawing all licensable activities from taking place on the newly constructed roof terrace area. This Variation is granted with the following conditions:

- 1) No entry or re-entry into the Premises after 02:00 hours.

- 2) No amplified or live music on the roof terrace at any time.
- 3) The volume of background music must be set and maintained at a level that is agreed by a Torbay Council Environmental Health Officer before the roof terrace is open to the public.
- 4) Background music on the roof terrace must cease at 02:00 hours, and be in accordance with that detailed in Annex 3, conditions 7 and 8 of the Premises existing Premises Licence.
- 5) Before the roof terrace area is open to the public, the door leading onto the roof terrace area shall be inspected by an Environmental Health Officer of Torbay Council and where it is deemed necessary by that Officer, an acoustic lobby shall be constructed to the satisfaction of Torbay Council to ensure that potential noise outbreak from the Premises does not occur. Any such lobby shall be constructed before the roof terrace area is open to the public to use.
- 6) Where it has been necessary to construct a lobby as mentioned in point 5 above, that lobby shall be constructed and operated in such a way to ensure that if regulated entertainment is being played inside the premises, only one door shall be opened at any one time to prevent noise breakout. These doors shall be fitted with automatic closers.
- 7) After 23:00 hours numbers of patrons permitted to use the roof terrace area shall be limited to a maximum of 60 patrons at any one time.
- 8) Patrons shall not be permitted to take drinks onto the roof terrace area after 23:00 hours
- 9) All patrons consuming drinks on the roof terrace area must cease doing so at 23:00 hours and arrangements must be in place by the premises licence holder for all glasses to be cleared from that area at 23.00 hours. Those patrons wishing to continue drinking must be advised to do so inside the Premises.
- 10) All patrons using the roof terrace area shall be seated at all times.
- 11) Patrons who behave in a noisy or disorderly manner on the roof terrace area shall be removed from that area and where appropriate asked to leave the Premises. Details of this noisy or disorderly conduct shall be recorded in a log book and where appropriate, details of the patron(s) causing the noise or disorderly conduct shall be recorded in that log book too.
- 12) Signage must be displayed reminding patrons to keep noise to a minimum and warning customers who are excessively noisy or disorderly will be removed from that area and potentially the Premises.
- 13) The SIA door steward placed on the roof terrace area must as part of their duties ensure and manage customers' behaviour and take appropriate actions, as required by condition 11.

- 14) Patrons leaving the Premises for all purposes between 22:00 hours on Saturday nights until 02:00 hours on Sunday mornings will not be permitted back into the Premises without paying an entrance fee.
- 15) From the time the Premises open until 21:00 hours, members of staff and SIA door stewards should direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the Premises.
- 16) From 21:00 hours until the Premises close, members of staff and SIA door stewards shall direct patrons to the roof terrace area if they suspect that the patron(s) is leaving by the main entrance to smoke outside the Premises.
- 17) Notices shall be prominently displayed within all bars of the Premises informing patrons who wish to smoke to use the roof terrace area.
- 18) If Torbay Council receives a complaint of noise nuisance emanating from the Premises and an Environmental Health Officer of Torbay Council deems noise nuisance to exist and the upholds the complaint, the Premises Licence Holder shall on receiving written confirmation of that complaint from Torbay Council:
 - a) Co-operate with Torbay Council's Environmental Health Officers and implement remedial measures to the satisfaction of the Environmental Health Officers immediately or as reasonably practicable to do so, as determined by the Environmental Health Officer; and
 - b) Where remedial action cannot be identified and remediated to the satisfaction of the Environmental Health Officer, the roof terrace area shall be closed to all patrons at 20:00 hours until such time that the noise nuisance can be identified and the necessary remedial work can be carried out.
- 19) In respect of the roof terrace area, CCTV cameras shall be installed in this area to the satisfaction of the police and there shall be a monitor situated behind the ground floor bar for viewing by staff.
- 20) The roof terrace is to have a solid perimeter wall of at least eight feet, with the exception of the Torwood Street elevation where it shall be six feet. The wall is to have a density of at least 10 kilograms per square meter with no gaps.
- 21) Non sound reflective surfaces shall be used on the walls and floor where practically possible.
- 22) The roof terrace will close at:
 - 24:00 hours on Sunday, but 03:00 hours Bank Holiday Sundays;
 - 24:00 hours on Monday and Tuesday;
 - 02:00 hours on Wednesday
 - 24:00 hours on Thursday
 - 03:00 hours Friday and Saturday

- 23) The playing of back ground music shall switch off automatically at 02:00 hours.
- 24) At all times that the roof terrace area is open after 21:00 hours, an SIA registered door steward shall be situated in that area. Their duties will include, ensuring that persons using the roof terrace behave in an orderly manner, and that persons shouting, singing or acting in a way that may cause a noise nuisance will be asked to leave the roof terrace area and if necessary, the Premises.

Reasons for Decision:

Having carefully considered all the written and oral representations and the significant amendment to the application, in that the Applicant was no longer seeking to apply for licensable activities on the roof terrace area, Members resolved to modify the Premises Licence, having been satisfied that noise nuisance and an increase in crime and disorder were occurring from and at this Premise.

Members noted the attempt made by the Applicant to address the concerns raised by the Police by constructing a smoking area to avoid patrons using the outside area of the Premises to smoke.

Taking in to consideration this attempt and concerns, Members gave careful consideration to the concerns and potential concerns raised by residents and the Council's Senior Environmental Health Officer. In doing so, Members concluded that not all noise nuisance could be attributed to this Premises, that the current situation at the Premises as it stood was unacceptable, that the restricted use of the roof terrace area with the additional 23 conditions should help alleviate the current increase in crime and noise nuisance, whilst placing more responsibility and control of those patrons on the Premises Licence Holder.

Members gave careful consideration to all of the conditions put forward by the Applicant, the Police and the Council's Environmental Health Officer and in turn, resolved that each of the conditions accepted and in part modified by them were appropriate in light of the current situation at the Premises, the concerns raised by both residents and Responsible Authorities and the Applicant's history of not immediately responding to or resolving Responsible Authorities concerns.

In considering the Council's Licensing Statement of Principles 2011, as raised in a number of representations, Members resolved that with the oral representation of the Applicant and his significant amendment to the application, the restricted use of the roof terrace area with the additional 23 conditions that the grant of this variation would not add to crime and disorder or public nuisance. Instead Members concluded that the grant of this variation would alleviate the current unacceptable situation and promote the Licensing Objectives which on the evidence before them, were clearly being undermined.

Having given careful consideration to all of the concerns raised in respect of this Premise and the Premises Licence Holder, Members resolved that the

modification of this licence should alleviate these concerns. However if it does not, Members in concluding noted that both Interested Parties and the Responsible Authorities could call a Review of this Premises Licence.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Abbey Service Station, Avenue Road, Torquay TQ2 5LG**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **14 August 2014**

Contact Officer: **Mandy Guy**
Telephone: **01803 208025**
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.
- 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 extend the hours for the Sale of Alcohol off the Premises to 24 hours daily.

The licence presently allows the Sale of Alcohol off the Premises Monday to Saturday from 0800 until 2300; Sunday 1000 until 2230; Good Friday 0800 until 2230; Christmas Day 1200 until 1500 and 1900 until 2230.

To add the Provision of Late Night Refreshment from 2300 until 0500 daily both indoors and outdoors.

To be open 24 hours daily. The licence presently has no restrictions on opening hours.

To remove the embedded restrictions in the licence as detailed in section L of the application.

To make structural alterations to the Premises and to increase the licensable area to allow the Sale of Alcohol and the Provision of Late Night Refreshment throughout the entire Premises.

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.
- 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 and Interested Parties. 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 Objective "The Prevention of Crime and Disorder" and "The Protection of Children from Harm". This is shown as Appendix 3 of this report.

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

We have received 16 Representations from Interested Parties in relation to the Licensing Objectives "The Prevention of Crime and Disorder", "The Prevention of Public Nuisance" and "Public safety".

Of these Representations one is in the form of a petition with 38 signatures. The other 15 Representations have in total 20 signatures. It is important to note that 6 Interested Parties who have sent individual Representations have also signed the petition and are included within the 38 signatures. These are shown as Appendix 5 of this report.

There have been no Representations received from any other Responsible Authority or any other 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.
Appendix 2	Copy of the current Premises Licence.
Appendix 3	Representation from the Police.
Appendix 4	Representation from Public Protection.
Appendix 5	Representations from Interested Parties.

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.

Agenda Item 6

Appendix 1

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 Rontec Watford Limited

(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 1

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Abbey Service Station Avenue Road			
Post town	Torquay	Postcode	TQ2 5LG

Telephone number at premises (if any)	01803 212 671
Non-domestic rateable value of premises	£41,500

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Jersey
	JE1 1BD

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at Abbey Service Station, Avenue Road, Torquay, TQ2 5LG to be varied as follows:

1. To extend the hours for the sale of alcohol to 24 hours daily.
2. To include the provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the embedded restrictions in the licence.
4. To include in Annex 2 the conditions in boxes b to e of Section M of the operating schedule.
5. To make alterations to the premises.

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:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish						
Mon	0000	0500	<u>Please give further details here</u> (please read guidance note 3)					
	2300	2400						
Tue	0000	0500						
	2300	2400						
Wed	0000	0500				<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
	2300	2400						
Thur	0000	0500						
	2300	2400						
Fri	0000	0500	<u>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</u> (please read guidance note 5)					
	2300	2400						
Sat	0000	0500						
	2300	2400						
Sun	0000	0500						
	2300	2400						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	0000	2400						
Tue	0000	2400						
Wed	0000	2400						
Thur	0000	2400				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 (please read guidance note 5)		
Fri	0000	2400						
Sat	0000	2400						
Sun	0000	2400						

K

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).

The premises sell alcohol and other age restricted products.

L

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	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	
			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)

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.

- The embedded restrictions set out in the licence.
- The hours for the sale of alcohol are currently restricted to:
 - Monday to Saturday (other than Christmas Day): 0800 to 2300
 - Sunday (other than Christmas Day) 1000 to 2230
 - Good Friday 0800 to 2230
 - Christmas Day 1200 to 1500 and 1900 to 2230.

The above restrictions and conditions would be removed as a consequence of the proposed variation.

Please tick as appropriate

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

--

b) The prevention of crime and disorder

- | |
|---|
| <ol style="list-style-type: none">1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.5. The system will display, on any recording, the correct time and date of the recording.6. A system will be in place to maintain the quality of the recorded image.7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity. |
|---|

c) Public safety

<p>The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.</p>

d) The prevention of public nuisance

<p>Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.</p>

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

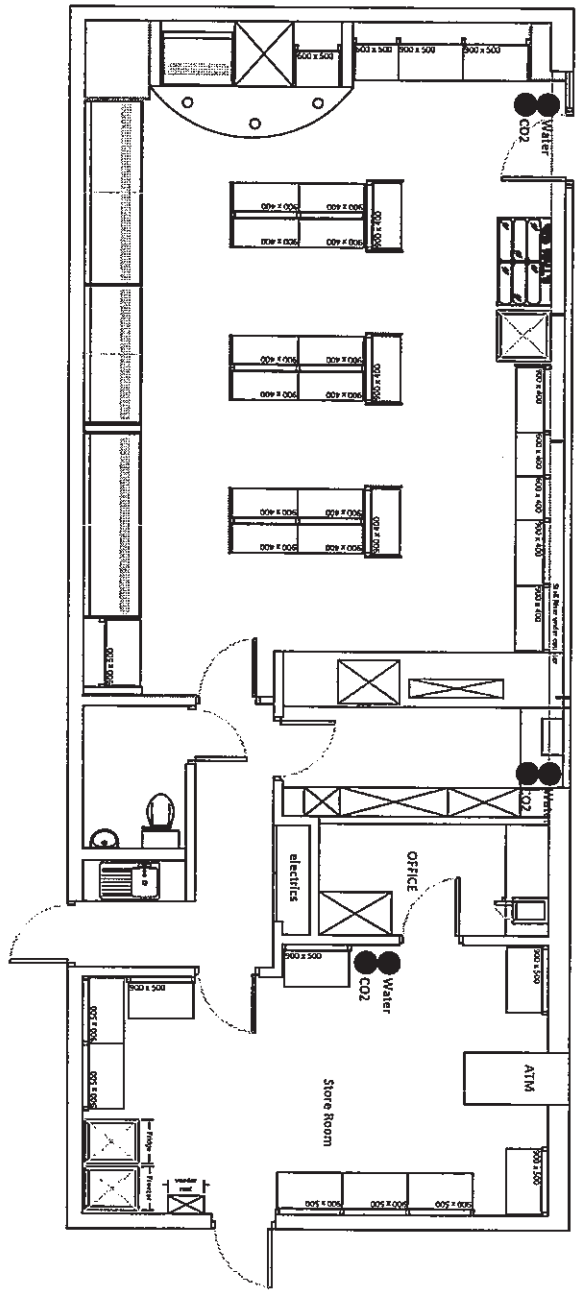
Signature	<i>W. Wood UP</i>
Date	23 June 2014
Capacity	Solicitors duly authorised on behalf of the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

THE ENTIRE PREMISES MAY BE USED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT

ABBEY - PROPOSED



Client/Member (Printed Name) 04/04/2014


No.	REV	DESCRIPTION	DATE
1		ISSUED FOR PERMIT	15/03/14
2		ISSUED FOR PERMIT	15/03/14

Atlas Shopping Design
& Project Management
23 Wethermarsh Lane
Long Benington
Newark
Nottinghamshire
NG6 0RN 25941
enquiries@atlasdesign.com
website: www.atlasdesign.co.uk

Client: Abbey
Project: Abbey
Location: 103110
Drawing Title: C18 Licence Drawing
Drawing Number: 04
Scale: 1:1000
Date: 21-03-14
Drawing No: DA-1012

Licensing Act 2003
Premises Licence

1

LOCAL AUTHORITY	
	<p>Torbay Council Licensing & Public Protection c/o Town Hall Castle Circus Torquay TQ1 3DR</p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<p>Abbey Service Station Avenue Road, Torquay, Devon, TQ2 5LG</p>	<p>Telephone 01803 212216</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- 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
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm
	Sunday	10:00am	10:30pm
	Good Friday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
			Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Rontec Watford Limited	13-14 Esplanade, St Helier, Jersey, JE1 1BD. Telephone 01923 694038

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
Rontec Watford Limited	108486

Licensing Act 2003

Premises Licence

1

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

Raymond Hugh BUCKLEY

24 Ashton Court, Kingsteignton, Devon, TQ12 3TL.

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. PA1602

Issued by Torbay

Steve Cox

Steve Cox
Environmental Health Manager
5 June 2014

ANNEXES

ANNEX 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 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.
- 4) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

ANNEX 2

None

ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4

PLANS

Copy attached to Licence.

DIMENSIONS SHOWN ARE THE MINIMUM REQUIRED BY ROL GIBSON LEA LTD
DO NOT SCALE : IF IN DOUBT ASK

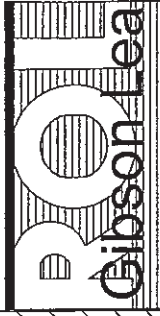
WALL POSITIONS ARE TAKEN FROM SCHEME DESIGN DRAWING, AND ARE TO BE SITE CHECKED PRIOR TO ANY INSTALLATIONS

REV	DATE	AMENDMENTS	BY	CHECKED

LEGEND

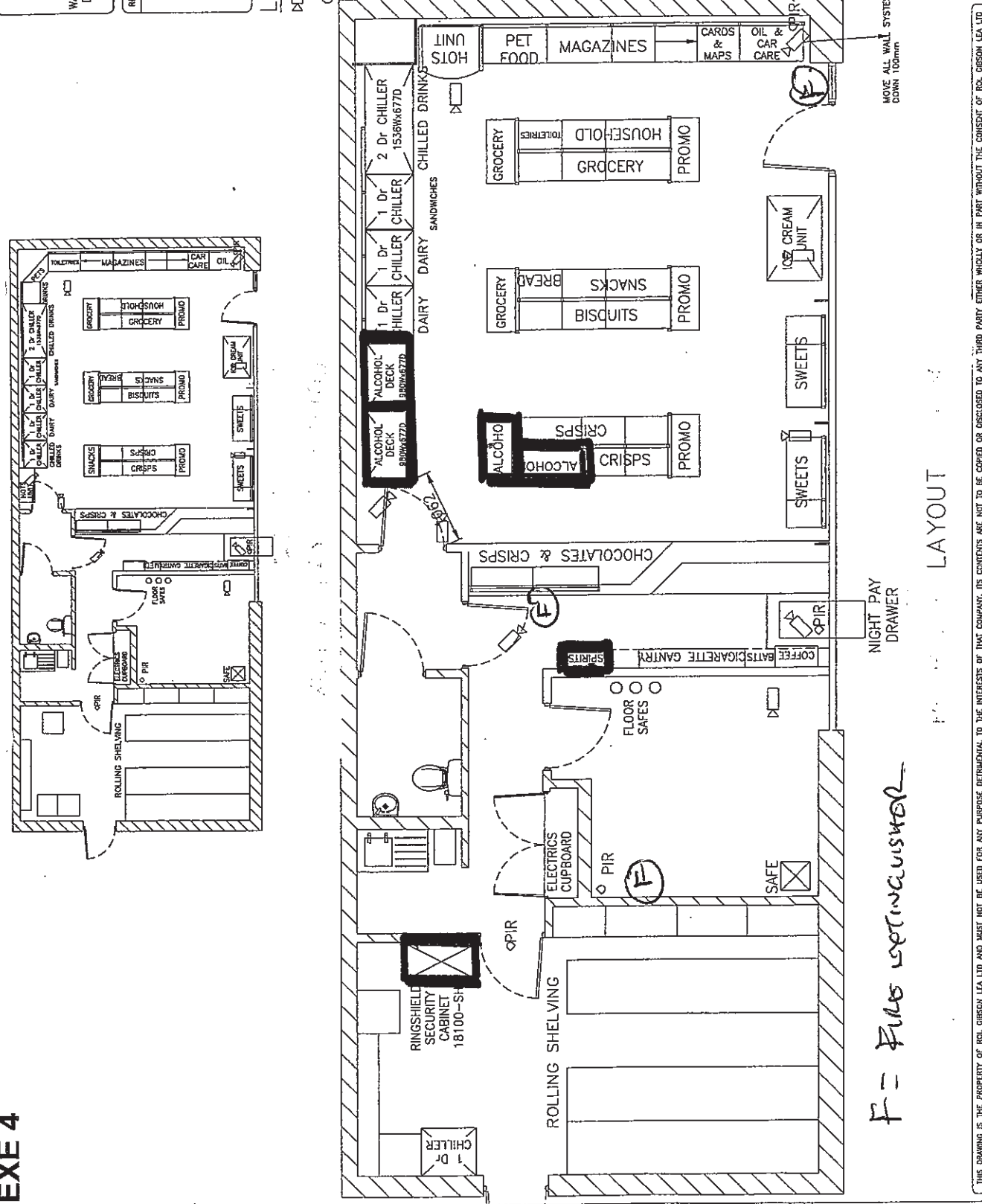
□ SECURITY CAMERA

○ PIR



INTERNATIONAL RETAIL INTERIORS
ROL GIBSON LEA LTD TEL No. 0115 8511004
PRIVATE ROAD No. 2 FAX No. 0115 8511123
CULWICK INDUSTRIAL ESTATE e-mail: j.paine@gibsonlea.co.uk
NOTTINGHAM NG4 2UR

PROJECT TITLE: ESSO ABBEY, TOROUAY (140 sq. m)
DRAWING TITLE: PROPOSED & EXISTING SHOPFITTING LAYOUT WITH ALCOHOL managers requests
DRAWN BY: G.E. DATE: 23/07/03
CHECKED BY: J.P. SCALE: 1:100 A3
APPROVED BY (CLIENT): DATE:



LAYOUT

F = FULFILLING

THIS DRAWING IS THE PROPERTY OF ROL GIBSON LEA LTD AND MUST NOT BE USED FOR ANY PURPOSE DETRIMENTAL TO THE INTERESTS OF THAT COMPANY. ITS CONTENTS ARE NOT TO BE COPIED OR DISCLOSED TO ANY THIRD PARTY EITHER WHOLLY OR IN PART WITHOUT THE CONSENT OF ROL GIBSON LEA LTD



**DEVON & CORNWALL
CONSTABULARY**

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

15 July 2014

Dear Sir/Madam

Abbey Service Station, Avenue Road, Torquay, Devon, TQ2 5LG

I refer to an application to Vary the Premises Licence in respect of the above named premises (Premises Licence No PL1 refers), submitted by the applicant, Rontec Watford Limited.

My Police Licensing Officer, Mrs Julie Smart, has visited the premises and discussed this application with the Designated Premises Supervisor, Mr Raymond Buckley. As a result of these discussions, the police request the following conditions are imposed on the licence:

1. The sale and supply of alcohol between 11.00 pm and 6.00 am daily, shall be restricted to service by staff through the serving hatch at the front of the premises.
2. No persons other than management, their staff, site service providers and members of the emergency services shall be allowed access to the premises, other than the forecourt between 11.00 pm and 6.00 am daily.
3. All spirits shall be located behind the counter and shall be sold by counter service only.
4. Alcohol displays within the premises shall be located so that staff can view these displays at all times.
5. There shall be no alcohol displays within 2 metres of the store entrance.
6. There will be no sales or supply of beers, ales, lager, bitter or cider with an ABV of more than 6%.

licensingeast@devonandcornwall.pnn.police.uk



7. No single cans of alcohol shall be sold from the premises.
8. The Premises Licence Holder or Designated Premises Supervisor shall ensure that a Refusals Register is maintained to include details of all alcohol sales that are refused and the reason for refusal. This register shall be retained for a period of 12 months and will be made available to the Police Licensing Officer, and other authorised enforcement officers of Responsible Authorities on request.
9. Challenge 25 Posters shall be displayed in prominent positions within the premises and adjacent to the service hatch.
10. An Incident Book shall be maintained to record details of the dates, times and details of any incidents occurring on the premises. This Incident Book shall be retained for a period of 12 months and will be made available for inspection at any reasonable time by the Police Licensing Officer or other authorised enforcement officers of Responsible Authorities on request.
11. The Premises Licence Holder or Designated Premises Supervisor shall ensure that all members of staff employed in the sale of alcohol shall receive appropriate training, and regular refreshment training, with regards to the Challenge 25 Policy, the identification of persons who are drunk and refusing service. A record of such training will be maintained and kept on the premises for a period of 12 months and shall be available for inspection at any reasonable time by the Police Licensing Officer or other authorised enforcement officers of Responsible Authorities on request.

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

Yours faithfully



Superintendent C Armes
LPA Commander

Memorandum

To: Steve Cox	From :	Karl Martin
c.c	Contact :	Karl.Martin@torbay.gov.uk
c.c.	Ext :	01803 208025
c.c	My Ref :	SR No: 205536 4PC (Form 150)
For the attention of: Mandy Guy	Your Ref :	
	Date :	22 July 2014

Subject: Premises – Licensing Act 2003

Premises Name & Address: Abbey Service Station, 47 Avenue Road, Torquay, Devon, TQ2 5LG

After careful consideration of the above application, I wish to make it known to the licensing committee my views on the proposed application to assist your deliberations.

Abbey service station is located on a busy main road in area of mixed residential and business use. The site currently operates 24hrs a day for the sale of petroleum products and the shop provides a typical range of consumable products offered by most petrol stations. Currently the shop closes to the public at 11:00pm and service is offered via the night hatch until 6:00am the following morning. This site like many petrol stations are single manned during the night period and to my knowledge this is the only 24hr petrol station serving Torquay.

The department in the last ten years has received one complaint about noise and rubbish in 2007. The site was under different management at the time and the owners were given advice and no further complaints have been received to date from members of the public or other businesses.

It is my view that as the site currently operates 24hrs a day without any recorded history of noise complaints to our department and if this application is therefore granted as applied for it is unlikely to add to the existing noise environment and therefore not currently undermine the licensing objective 'The Prevention of Public Nuisance'.

This opinion is based upon the fact that the current activities, i.e. the sale of groceries, which could be commercially expanded and have been a planning matter for consideration in the past, are not licensable activities and would arguably form the basis for the majority of sales during the night time period even if this application was agreed. This we have no power to manage via the Licensing Act 2003 but could form the basis for a complaint under other statutory provisions, and would be investigated through those provisions.

Kind Regards



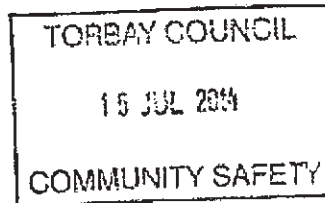
Karl Martin
Public Protection Officer

Agenda Item 6

Appendix 5

NB: THIS PETITION WAS RECEIVED FROM 44 SIGNATORIES

Licensing
Town Hall
Castle Circus
TQ1 3DR
07/07/2014



Dear Sir or Madam,

We are writing to make a request for Torbay Council to refuse the application by Rontec Watford Ltd to extend the hours for the sale of alcohol to 24 hours 7 days a week at the Abbey Service Station Torquay TQ2 5LG.

The current situation where alcohol is being sold until 11.00 pm has had a profound anti social effect on our everyday lives and our businesses. We have been routinely deprived of sleep due to the drunken behaviour, violence, boy racers and verbal and physical abuse which takes place regularly into the early hours of the morning.

This extension of the licencing hours would have a catastrophic effect on working people and the surrounding businesses as we will now have people coming for more alcohol after the clubs close and drinking on the street in parties as they do now.

As we are seeing wonderful improvements in The Bay especially around the harbour there is a real oportunity for Torquay to move upwards and away from the anti social stag and hen party reputation it has had for many years and become a proper resort.

Does this do anything to help this ?

I think not.

I ask Torbay Council to refuse this application.

Yours faithfully,

NAME

ADDRESS

PHONE NUMBER



The Community Partnership of Chelston Cockington and Livermead would like to make representations against the licence variation for Abbey Service Station Avenue Road.

The sale of alcohol 24 hours a day every day has a strong risk of leading to a degradation of the night time environment for the community surrounding the filling station, noise will increase and there is a real risk of increased antisocial behaviour that would lead to public nuisance. The police resources are already stretched without adding to the burden of policing in this area. There are a number of visitor accommodation providers in the area and undue noise throughout the night would have a serious negative impact on the businesses.

The community partnership believes the application should be refused



Torbay Licensing

Torbay Council

12th July 2014



Dear Sir/Madam,

RE : ABBEY SERVICE STATION, Avenue Road, Torquay – Change of Liquor Licence

We wish to strongly object to the change of licensing hours and 24 hour opening of the above garage. We have spoken to our councillors, both Nicole Amil, Mark Pountney who are both in agreement that this should not be allowed, as would set a precedent to others.

As far as we know there is no comparable, there are no other petrol stations that have this, even Tesco/esso on Teignmouth Road only opens from 6 a.m. till midnight. There is no need for this, and if passed will set a precedent to others.

This would be detrimental to the area, to all of the Guest houses and residents. Firstly unlike Teignmouth road our buildings geographically are closer and secondly being the only 24 hour station/shop in the whole area, it will attract people from far afield to buy from the shop incl.alcohol. This will lead to, as they are planning for their business, a massive increase in the volume of vehicles (and the noise associated with that) and people (conversation of which between midnight and 5 am will likely be inappropriate to locals and holiday makers). People already hang around shouting opposite all of us and the selling of alcohol will add to this terribly. Sound travels very easily in a built up area and will magnify on our buildings and businesses so close by.

As a Guest House and resident we believe that by allowing this change it will encourage persons to the area, and with the possibility of a higher crime and disorder, noise disturbance and public nuisance associated with alcohol. There is also the issue of public safety of surrounding properties and owners, we want to feel safe in our homes and in the street and for our guests too in our case.

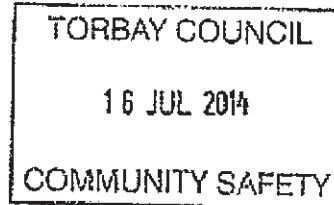
We have signed a petition sent in by [REDACTED] as well, but this our main letter of objection to the proposed changes.

Yours faithfully,



Licensing & Public Protection
Torbay Council
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR

12th July 2014



Ref:- Licencing Application :- Abbey Service Station, Avenue Road, Torquay, TQ2 5LG

Dear Sir,

I would like to strongly object to the application for an extended licence to sell alcohol 24 hours a day, 7 days a week and late night refreshment licence on the following grounds.

Increased volume of vehicular and pedestrian traffic throughout the night.

Although the garage is already open 24 hours, the granting of a 24 drinks licence would increase the volume of undesirable traffic in a residential area. Residents are regularly disturbed by the constant noise generated by the garage customers, apart from vehicles using the garage there is a constant stream of shouting and foul language especially at weekends. This will only be enhanced by the granting of this licence by encouraging even more people into the area to purchase alcohol on the way home from pubs and clubs.

Increase in volume of litter

The discarding of unwanted food packaging, drinks containers etc is a constant source of frustration to local residents. The serving of late night refreshments without the facilities to consume them on the premises will only encourage more litter as people discard packaging in gardens and driveways.

Increase in volume of violence, unsociable behaviour and property damage.

In the 10 years that I have lived in this property I have had damage caused to three of my vehicles, seen many other vehicles with broken mirrors, windscreen wipers, damaged gardens and signs. I have also witnessed many drunken arguments and a total disregard for local residents who are trying to sleep, there has also been a murder just a few yards from the garage. Although I cannot attribute all of these problems to the garage, I do feel that the 24 hour opening of this garage encourages many drunken individuals and groups into the area to purchase cigarettes and food throughout the night, the sale of alcohol will only escalate these problems.

Increase in driving offences

The selling of alcohol 24 hours will possibly increase the volume of irresponsible people who drive under the influence of drink or drugs, with people who have been drinking at home or partying at friends, driving to the garage from other areas of the town to purchase more alcohol.

Increase in general noise and discomfort to local residents

Although Avenue Road is a main route into the central seafront, it is a predominantly residential area occupied mainly by people who have to work and require a reasonable nights sleep, there are also a number of small guest houses who are struggling to survive during these difficult financial times. The additional problems caused by the granting of this licence will not help the future of these local businesses or holiday guests views on their holiday in Torquay.

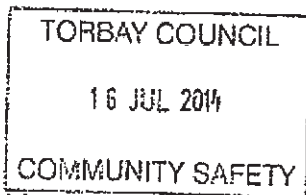
Existing Late Night Refreshment Facilities close by

I would like to point to the fact that if local taxi drivers, night workers or drinkers on the way home from pubs and clubs require late night food or refreshments, there is a perfectly positioned McDonalds Restaurant approximately 1 mile away. This already operates a 24 hour food and refreshment service with excellent facilities for clients to consume their purchase on site, there are also toilet facilities, in fact everything required for a late night refreshment break. The McDonalds restaurant is also in a much more suitable location on a retail park, which causes NO disruption as it not in the centre of a residential area.

In conclusion I feel that this application by Rontec Watford Ltd is based purely on financial grounds, with a total lack of consideration for the local community. I fail to see the need for alcohol to be purchased throughout the night at a local garage, especially as most late night crime, violence and criminal damage is alcohol fuelled. I feel that the granting of any late night refreshment licence or alcohol licence should be refused on the grounds that it would be detrimental to the living standards of the local residents and not in the public interest.

Yours sincerely





14 July 2014

Dear Sirs

I was horrified to discover that the Esso garage in Avenue Road was applying for a 24-hour licence to sell alcohol.

Who is going to benefit from this? I would suggest that it would be those people who had been drinking throughout the evening and would be far from sober.

The noise of screaming, shouting and the frequent use of the language of the gutter - all these are already a reality. Using the space between our garden and the garages as a urinal, already happens. Much of this kind of behaviour occurs between 2am and 4am, particularly on Friday and Saturday nights.

I would be most grateful if you decide not to grant this request. Apart from the extreme nuisance to the local residents, the young people's own health (and their pockets) will be badly affected.

I hopefully you will consider this application to be completely unacceptable, and arrive at your decision accordingly.

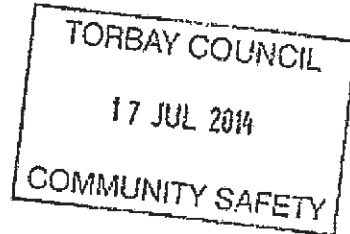
Yours sincerely,



Torbay Licensing

Torbay Council

12th July 2014



Dear Sir/Madam,

RE : ABBEY SERVICE STATION, Avenue Road, Torquay – Change of Liquor Licence

We wish to strongly object to the change of licensing hours and 24 hour opening of the above garage.

As far as we know there is no comparable, there are no other petrol stations that have this, even Tesco/esso on Teignmouth Road only opens from 6 a.m. till midnight.

As a Guest House and resident we believe that by allowing this change it will encourage persons to the area, and with the possibility of a higher crime and disorder, noise disturbance and public nuisance associated with alcohol. There is also the issue of public safety of surrounding properties and owners, we want to feel safe in our homes and in the street and for our guests too in our case.

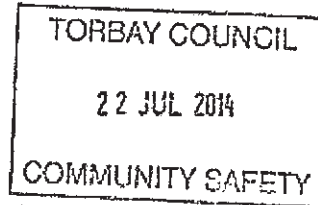
We have signed a petition sent in by [redacted] as well, but this our main letter of objection to the proposed changes.

Yours faithfully,



[REDACTED]

Torbay Licensing Officer
Town Hall
Castle Circus
Torquay TQ1 3DR



17 July 2014

Dear Sir

We are writing to raise our concerns and to request that Torbay Council refuse the application by Rontec Watford Limited to extend the hours for the sale of alcohol to 24 hours / 7 days a week, at the Abbey Service Station, Torquay, TQ2 5LG (formerly Esso). Given the article in this week's Herald Express on a new crackdown by the Police and Council to prevent drunken and unacceptable behaviour in Torquay, selling any alcohol from this Service Station seems foolhardy in the extreme, and a total contradiction to the image Torbay Council appear to be wanting to give.

Currently alcohol sold until 2300hrs is already creating a severe anti-social climate on our lives and that of our guests and business. Ourselves and our neighbours in Avenue Road, are routinely deprived of sleep due to drunken and aggressive behaviour, cars 'racing' up and down the road with illegal exhausts, speeding motorbikes (again with illegal fittings) well into the early hours. We often have youths obviously the worse for wear ringing the doorbell in the early hours of the morning, looking for their friends having got lost and asking for somewhere to sleep – swaying with a bottle/can in their hands. It disturbs our guests and ourselves and is unpleasant to have to deal with. In the morning vomit on pavements can be found with bottles and beer cans thrown into our gardens.

This extension of the licensing hours would have a profound effect on those living in the area, as well as the many B&B, Guest House and Hotels that strive to offer 5 Star accommodation to visitors and enhance Torquay's reputation. There is a pattern of people buying alcohol after the bars and clubs close in town and drinking on the streets.

We are always being urged to provide an excellent service and standard of accommodation to visitors to Torquay to encourage and help the local economy, but feel very concerned and disappointed if Torbay Council agree to this extension. There are many improvements taking place in the Bay which is encouraging and gives the impression that Torbay Council are striving to raise the profile of Torquay to a good quality destination for those who enjoy lovely surroundings, good food and excellent cafes and restaurant to help enjoy their time here and to hopefully return or certainly recommend to others that Torquay is not going the same way as Blackpool and other places where stag & hen parties rule and have destroyed once lovely and vibrant places to live and work in.

We hereby ask that Torbay Council refuse this application.

Yours faithfully

[REDACTED]

16-7-14

TORBAY COUNCIL
18 JUL 2014
COMMUNITY SAFETY



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

Sirs,

I very strongly object to an all-night licence being granted to the ESSO petrol station in Avenue Road to sell take-away food and alcohol, owing to the trouble caused by the patrons anti-social behaviour. Shouting, fighting, vomiting, urinating; we even had a murder outside Elizabeth Court a few years ago.

My late husband and I suffered many years of this in Torwood Gardens Road and know the disturbance and sleep disruptive noise late-night establishments can cause. It can be a living hell.

Truly,



[REDACTED]

Dear [REDACTED]

[REDACTED]

Regarding the Application for a 24-hr Licence for Sale of Alcohol for the above Service Station:

As a Tormohun Ward Councillor, it has been brought to my attention by residents in the surrounding area that they have deep concerns that if this licence was granted it would create further crime and disorder and public nuisance.

We have already had a fatality in that area in the past due to disputes between local gangs.

If alcohol is to be sold in the early hours of the morning, this will only add fuel to any antisocial behaviour.

I have been asked by local residents and by the Town Centre Community Partnership to support them in rejecting this application. I have agreed to do so, and wish to be given the opportunity to speak at the hearing.

Regards

--

[REDACTED]

15. 7. 14

TORB

17 JUL 2014

COMMUNITY SAFETY

Dear Sir,

We are writing against the proposal to grant a 24 hour licence to sell alcohol to Avenue Rd garage.

We have drunken behaviour now affecting our building, bottles thrown in the grounds and people arguing in the early hours of mostly Fridays & Saturdays.

The granting of a licence would make matters much worse, our drive is also used as a toilet by such people, leaving clubs and walking home to Chelston & surrounding areas in the early hours. We hope you will make the correct decisions.

Yours Sincerely

Licensing
Town Hall
Castle Circus
TQ1 3DR
07/07/2014

TORBAY COUNCIL
10 JUL 2014
COMMUNITY SAFETY

Dear Sir or Madam,

I am writing to make a request for Torbay Council to refuse the application by Rontec Watford Ltd to extend the hours for the sale of alcohol to 24 hours 7 days a week at the Abbey Service Station Torquay TQ2 5LG.

The current situation where alcohol is being sold until 11.00 pm has had a profound anti social effect on our everyday lives. As I live opposite, have been routinely deprived of sleep due to the drunken behaviour, violence, boy racers and verbal and physical abuse which takes place regularly into the early hours of the morning.

This extension of the licencing hours would have a catastrophic effect on working people and the surrounding businesses as we will now have people coming for more alcohol after the clubs close and drinking on the street in parties as they do now.

As we are seeing wonderful improvements in The Bay especially around the harbour there is a real opportunity for Torquay to move upwards and away from the anti social stag and hen party reputation it has had for many years and become a proper resort.

Does this do anything to help this ?

I think not.

I ask Torbay Council to refuse this application.

Yours faithfully



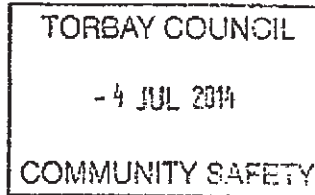
Licensing & Public Protection

Torbay Council

C/O Town Hall

Castle Circus

Torquay TQ1 3DR



**Ref: Application to vary premises Licence at Abby Road Service Station Avenue Road Torquay
Devon TQ25 5LG**

Dear Sir

I wish to make representation against the application to vary the above licence for the following reasons.

We have lived and traded as a guest house at the address above directly across the road from the Abby Service Station for nearly 11 years and in that time we have had constant problems with the petrol station mainly loud noise shouting and foul language and loud revving of engines from youths on the fore court

When we first moved here in 2004 the service station was open all night and the noise and rowdy behaviour went on sometimes till 2.00 am and 3.00 am in the morning to such an extent that several of our guests said that although they loved staying with us they would not return because of the noise we lost quite a significant amount of trade for this reason.

Any complaints to the service station were met with the attitude that they did not see that there was a problem and anyway they were making money...

We called the police on numerous occasions but nothing seemed to get done, I eventually wrote to the chief constable and he passed the problem to an inspector in Paignton who passed it down to the local PCSOs they started to take action and the problem seemed to subside for a while.

When the service station closed at night because of problems with the safety of their staff and thefts and intimidation we thought that that would be the end of the problem and so it seemed apart from the odd occasion when noisy youths in their cars, congregated revving their engines and turning their radios up high again, again with no response from the service station staff or the police.

If this application is allowed I fear the same old problems will start again and if they sell alcohol

Through the night we will have the added problem of the drunken stag parties returning to their hotels stopping at the service station for more drinks. At the moment they just pass down Avenue Road and back to their hotel albeit rather noisily but the noise does not last that long at present.

We have had a spate of cars parked on Avenue Road being vandalised by having the wing mirrors ripped off and some cars being keyed down the side probably by drunks I worry that we may see an increase in this sort of behaviour with 24 hour drinking at the service station.

If they are going to sell late night refreshments between 2300 and 0500 does that mean the shop area will be open through the night again? If so I fear for the safety of the night staff again.

I know for a fact the some of the staff do not want this application to go ahead as I have spoken to some of them but of course they will not say anything against it as they fear for their jobs.

I don't believe we will be able to count on the police for support because of the drastic manpower cuts they are facing

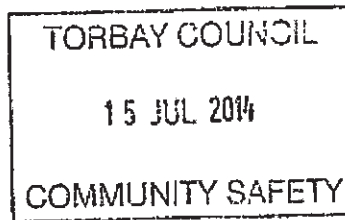
In finishing I would add I can see no advantage to this application but can foresee all sorts of problems again.

For all the above reasons I object in the strongest terms to the application being granted.

Yours Sincerely



Licensing
Town Hall
Castle Circus
TQ1 3DR
07/07/2014



Dear Sir or Madam,

I am writing to make a request for Torbay Council to refuse the application by Rontec Watford Ltd to extend the hours for the sale of alcohol to 24 hours 7 days a week at the Abbey Service Station Torquay TQ2 5LG. I live directly opposite the premises and own my own home. It is a private residential property. I work full time as a Head Chef in Dartmouth caring for the pallatively ill. The current situation where alcohol is being sold until 11.00 pm has had a profound anti social effect on my everyday life.. I have been routinely deprived of sleep due to the drunken behaviour, violence, boy racers and verbal and physical abuse which takes place regularly into the early hours of the morning.

This extension of the licencing hours would have a catastrophic effect on working people and the surrounding businesses as we will now have people coming for more alcohol after the clubs close and drinking on the street in parties as they do now.

I object on the following grounds.

NOISE. This will increase as people come to buy alcohol through the night. It will attract alcoholics and people coming after the clubs have closed.

ANTI SOCIAL behaviour. There will be an increase of violence fighting (verbal and physical abuse)

VIOLENCE There are already fights both physical and verbal most weekends and bank holidays.This will increase.

DRINK DRIVING and extra policing necessary.

As we are seeing wonderful improvements in The Bay especially around the harbour there is a real opportunity for Torquay to move upwards and away from the anti social stag and hen party reputation it has had for many years and become a proper resort.

Does this do anything to help this ?

I think not.

I ask Torbay Council to refuse this application.

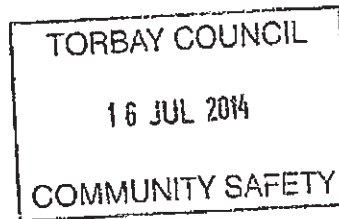
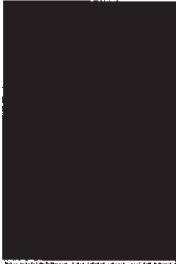
Yours faithfully,



Torbay Licensing

Torbay Council

12th July 2014



Dear Sir/Madam,

RE : ABBEY SERVICE STATION, Avenue Road, Torquay – Change of Liquor Licence

We wish to strongly object to the change of licensing hours and 24 hour opening of the above garage.

As far as we know there is no comparable, there are no other petrol stations that have this, even Tesco/esso on Teignmouth Road only opens from 6 a.m. till midnight.

As a Guest House and resident we believe that by allowing this change it will encourage persons to the area, and with the possibility of a higher crime and disorder, noise disturbance and public nuisance associated with alcohol. There is also the issue of public safety of surrounding properties and owners, we want to feel safe in our homes and in the street and for our guests too in our case.

We have signed a petition sent in by  as well, but this our main letter of objection to the proposed changes.

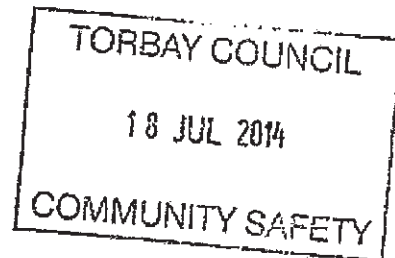
Yours faithfully,



Torbay Licensing

Torbay Council

12th July 2014



Dear Sir/Madam,

RE : ABBEY SERVICE STATION, Avenue Road, Torquay – Change of Liquor Licence

We wish to strongly object to the change of licensing hours and 24 hour opening of the above garage.

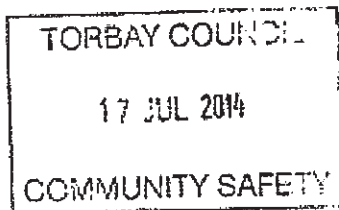
As far as we know there is no comparable, there are no other petrol stations that have this, even Tesco/esso on Teignmouth Road only opens from 6 a.m. till midnight.

As a Guest House and resident we believe that by allowing this change it will encourage persons to the area, and with the possibility of a higher crime and disorder, noise disturbance and public nuisance associated with alcohol. There is also the issue of public safety of surrounding properties and owners, we want to feel safe in our homes and in the street and for our guests too in our case.

We have signed a petition sent in by  as well, but this our main letter of objection to the proposed changes.

Yours faithfully,





6 Elizabeth Court
Avenue Road
Torquay
TQ2 5L

15 July

Dear Sir/Madam

I write this letter on behalf

to protest about the proposed 24/7 selling of Alcohol at the Esso Garage in Avenue Rd.

We moved to our apartment in January 2008 and every summer in the early hours usually about young people coming back from the town under the influence of drink, sit outside the gates on Avenue Rd, shouting and fighting. The Anti Social behaviour is appalling so it looks as if these people will now be able to buy Alcohol and make our lives even more unbearable.

Also we have had attempted break ins to some of our Garages, which have been reported to the Police.

We have been informed that before we moved here in 2008 that a young lad was murdered just outside our flats in the early hours and it was drink related, and a couple of weeks later there was an attempted rape also in the early hours which was also drink related and the police used the garage from No 12 to store the wheelie bins looking for evidence, apparently Chelston has a serious enough alcohol problem without making it worse.

So we implore you to think again before you grant this Alcohol licence.

Thanking you



Agenda Item 7



Public Agenda Item: **Yes**

Title: **Conviction of Torbay Council Licensed Driver's of Fraud**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **14th August 2014**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**

☎ Telephone: **01803 208034**

✉ E.mail: Steve.cox@torbay.gov.uk

1. What we are trying to achieve

1.1 This report concerns a Torbay Council Licensed Driver who has pleaded guilty and been convicted of claiming £9,768.76 of benefits whilst working as a part time taxi driver, contrary to Sections one and two Fraud Act 2006. This report is addressing whether the licensed driver remains a 'fit and proper person' to hold a Torbay Council Driver's Licence.

2. Recommendation(s) for decision

2.1 There is no recommendation.

3. Key points and reasons for recommendations

3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.

3.2 Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 respectively state that a district council shall not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.

3.3 Torbay Council is in receipt of information in the form of an article from the Herald Express that on or around the 17th July 2014, Mrs Joyce Daulby had "pleaded guilty to five counts of fraud by false representation after claiming nearly £10,000 in benefits she was not entitled to. Torquay Magistrates Court heard that Joyce Daulby, fraudulently claimed £9,768.76 in benefits after failing to disclose that she was working part-time as a taxi driver." This is contrary to Sections 1 and 2 Fraud Act 2006. See Appendix one and three.

- 3.4 On the 24th July 2014 Mrs Joyce Daulby was informed by letter which stated that matter was likely to be heard at a Licensing Sub-Committee hearing and whether she wished to submit anything to be included within the committee report, both in relation to the offence and in relation to not advising Torbay Council of that conviction within 7 days, contrary to Torbay Council's Hackney Carriage and Private Hire Policy. The letter was hand delivered to her address, which is different to that included within the Herald Express article. See Appendix Two.
- 3.5 No correspondence or contact has since been received from Mrs Joyce Daulby after that letter was hand delivered.
- 3.6 Fraud including benefit fraud is defined as dishonesty within Torbay Council's Hackney Carriage and Private Hire Policy, and the 'Licensing Authority may refuse to renew, suspend or revoke the licence' upon conviction.

For more detailed information on this proposal please refer to the Supporting Information.

Frances Hughes
Executive Head Community Safety

Supporting information to Report

A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 respectively state that a district council shall not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.
- A1.3 Section 61 Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
- (a) that he has since the grant of the licence—
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
 - (b) any other reasonable cause.
- A1.4 Torbay Council is in receipt of information in the form of an article from the Herald Express that on or around the 17th July 2014, Mrs Joyce Daulby had "pleaded guilty to five counts of fraud by false representation after claiming nearly £10,000 in benefits she was not entitled to. Torquay Magistrates Court heard that Joyce Daulby, fraudulently claimed £9,768.76 in benefits after failing to disclose that she was working part-time as a taxi driver." This is contrary to Sections 1 and 2 Fraud Act 2006. See Appendix one.
- A1.5 On the 24th July 2014 Mrs Joyce Daulby was informed by letter which stated that matter was likely to be heard at a Licensing Sub-Committee hearing and whether she wished to submit anything to be included within the committee report, both in relation to the offence and in relation to not advising Torbay Council of that conviction within 7 days, contrary to Torbay Council's Hackney Carriage and Private Hire Policy. The letter was hand delivered to her address, which is different to that included within the Herald Express article. See Appendix Two.
- A1.6 No correspondence or contact has since been received from Mrs Joyce Daulby after that letter was hand delivered.
- A1.7 The details of the Magistrates Court hearing are confirmed in the Memorandum of an Entry dated 17th July 2014. See Appendix three.
- A1.8 Section 2.2 of Appendix One of Torbay Council's Hackney Carriage and Private Hire Policy says

In the case of a licensed driver being convicted of an offence involving dishonesty the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least three years free from the date of conviction of this type has

elapsed.

Dishonesty is defined in Section 2.3 as

Offences of Dishonesty include:

- *Theft*
- *Burglary*
- *Fraud including benefit fraud*
- *Handling or receiving stolen goods*
- *Forgery*
- *Conspiracy to defraud*
- *Obtaining money or property by deception*
- *Other deception*
- *Any similar offences of dishonesty where the conviction is less than three years prior to the date of application*

A1.9 Section 9.3 of Appendix One of Torbay Council's Hackney Carriage and Private Hire Policy says

Convictions of any description committed by both hackney carriage proprietors, private hire drivers and operators during the duration of their licence must be declared to the Licensing Authority in writing immediately and in any case no later than 7 days.

A1.10 Torbay Council's Hackney Carriage & Private Hire Licensing Policy says

1 General Policy

1.1 *Each case will be decided on its own merits.*

1.2 *The Licensing Authority has a duty to ensure, so far as possible, that applicants are 'fit and proper' persons to hold licenses and in the absence of a judicially approved definition of "fit and proper", the Licensing Authority use the test of:*

"Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone"

The wording of this test originates from Button, J. T. H. (1999), Taxis – Licensing Law and Practice, Butterworths, London.

1.3 *The overriding consideration is the safety of the public. The Licensing Authority has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit. An aspect of this is the extent to which previous convictions, including but not limited to convictions of dishonesty, sexual offences, traffic offences, violence and*

drugs, indicate that a person is not a 'fit and proper' person and would not take advantage of passengers or abuse or assault them.

1.4 *Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.*

A1.11 There is no recommendation.

A1.12 There is a right of Appeal against the Licensing Sub-Committees decision to the Magistrates' Court within 21 days from the date of a Notice following the decision

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 Having pleaded guilty, Mrs Joyce Daulby has been convicted of an offence of fraud on the public purse. If Mrs Daulby retains her Torbay Council issued Drivers Licence, there may be as a result of this conviction, a risk in undermining public confidence in Torbay Council as a taxi licensing authority and in its Policy.

A2.1.2 If Mrs Joyce Daulby's Torbay Council issued Drivers Licence is suspended or revoked then there is a risk of this decision being appealed.

A3. Options

A3.1 The options are:

- (i) to suspend Mrs Joyce Daulby's Torbay Council Driver's Licence, without immediate effect;
- (ii) to suspend Mrs Joyce Daulby's Torbay Council Driver's Licence, with immediate effect;
- (iii) to revoke Mrs Joyce Daulby's Torbay Council Driver's Licence.
- (iv) to issue Mrs Daulby with a warning
- (v) to do nothing.

A4. Summary of resource implications

A4.1 There are some resource implications if there is an Appeal to the Magistrates' Court.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability issues. However, should

Mrs Joyce Daulby's continue to work as a Torbay Council Licensed Driver, there is a potential crime and disorder risk, due to her current and recent conviction.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation on this matter and there is no requirement for the Committee to consult the public in this matter.

A7. Are there any implications for other Business Units?

A7.1 There are no implications for other business units.

Annexes

Appendix 1 Herald express article dated 17th July 2014.

Appendix 2 Letter to Mrs Joyce Daulby dated 24th July 2014

Appendix 3 Memorandum of an Entry dated 17th July 2014

Documents available in members' rooms

None

Background Papers:

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

None

Taxi driver admits nearly £10,000 benefit fraud

By [Herald Express](#) | Posted: July 17, 2014

A TORQUAY woman taxi driver has pleaded guilty to five counts of fraud by false representation after claiming nearly £10,000 in benefits she was not entitled to.

Torquay Magistrates Court heard that Joyce Daulby, fraudulently claimed £9,768.76 in benefits after failing to disclose that she was working part-time as a taxi driver.

The court heard from Chris Bittlestone, prosecuting, that Daulby's claim was fraudulent from the outset, with her claim beginning on May 1 and her beginning work on May 2.

He added that it appeared that this initially began out of financial concerns, but it carried on as 'she could not see the wood for the trees'.

Mr Philip Myles, mitigating, said that there was a complicated set of circumstances that had initially led to a change in benefits that she was entitled to.

The case was adjourned until Monday, August 11, for a pre-sentence report to be carried out.

Daulby was granted unconditional bail.

Read more: <http://www.torquayheraldexpress.co.uk/Torquay-woman-guilty-nearly-10-000-benefit-fraud/story-21652365-detail/story.html#ixzz399CZlu5y>

Read more at <http://www.torquayheraldexpress.co.uk/Torquay-woman-guilty-nearly-10-000-benefit-fraud/story-21652365-detail/story.html#SSLh7QuBlxW9ioHM.99>



Please reply to: Mr Steve Cox

Community Safety
c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Ms Joyce Daulby
(address removed)

My ref: R:207183/SJC
Your ref:
Telephone: 01803 208025
Website:
Date: 24 July 2014

Dear Ms Daulby

Re: Prosecution for Benefit Fraud at Torquay Magistrate's Court

It has been brought to my attention that you have very recently pleaded guilty to nearly £10,000 of benefit fraud. This conviction fits within the criteria covered by Appendix A, Section 2: Dishonesty of Torbay Council's Hackney Carriage and Private Hire Policy (May 2013). This can be found on page 27. You have also not complied with condition 6.4 on page 13 of that same policy. This is to inform the Local Authority of that conviction within 5 working days.

I therefore have the duty to refer the matter to Licensing Sub-Committee for their consideration. This will result in a hearing, which I currently anticipate taking place during the morning of Thursday 14th August 2014 at the Meadfoot Room, Town Hall, Castle Circus, Torquay, TQ1 3DR.

The purpose of writing is to give you an opportunity to include any information in that committee report so the Committee can consider it before the hearing. This is not a re-hearing of the court case, but an opportunity for you to present any mitigating or other information regarding this matter.

I recommend that you make yourself available for that morning/lunch period so you have the opportunity to speak and answer any questions, but I will confirm the exact time of the hearing and send you the committee report. You are entitled to be represented, should you wish to be.

If you cannot make that date or wish to discuss anything with me then please contact me, though please note I am now away from the office until Monday 28th July 2014. Otherwise speak with Craig Noble.

Should you need to contact us please quote the reference number above.

Yours sincerely

Mr Steve Cox
Environmental Health Manager Commercial

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

Joyce Anne DAULBY

Case Number: 1400173468
Defendant Present: Yes
Attending Solicitor: Mr Miles
Informant: CPS Crown Prosecution Service
URN: 77FE12073414
Post-Hearing Custody Status: Unconditional bail

1 FA06001

On 08/05/2012 at Torquay in the county of Devon committed fraud in that you dishonestly made a false representation, namely you failed to declare that you were in receipt of earnings from self employment, intending to make a gain, namely Job Seekers Allowance, for yourself.
Contrary to sections 1 and 2 of the Fraud Act 2006.
ASN/Seq No.: 1400000000001136162T/

RU
Remanded on unconditional bail until 11/08/2014 at 14:00 in Courtroom 01, Torquay Magistrates' Court. Adjournment reason: for a pre-sentence report to be prepared. High CP. Defendant to attend.

Plea: Indicated plea of Guilty - 17/07/2014

2 FA06001

On 12/07/2012 at Torquay in the county of Devon committed fraud in that you dishonestly made a false representation, namely failed to declare that you were in receipt of earnings from self employment, intending to make a gain, namely employment support allowance, for yourself.
Contrary to sections 1 and 2 of the Fraud Act 2006.
ASN/Seq No.: 1400000000001136162T/

RU
Remanded on unconditional bail until 11/08/2014 at 14:00 in Courtroom 01, Torquay Magistrates' Court. Adjournment reason: for a pre-sentence report to be prepared. High CP. Defendant to attend.

Plea: Indicated plea of Guilty - 17/07/2014

FA06002

Between 07/05/2012 and 31/03/2013 at Torquay in the county of Devon committed fraud in that you dishonestly failed to disclose to Torbay Council information, namely that you were in receipt of earnings from self employment, which you were under a legal duty to disclose, intending, by that failure, to make a gain, namely council tax benefit, for yourself.
Contrary to sections 1 and 3 of the Fraud Act 2006.
ASN/Seq No.: 1400000000001136162T/

RU
Remanded on unconditional bail until 11/08/2014 at 14:00 in Courtroom 01, Torquay Magistrates' Court. Adjournment reason: for a pre-sentence report to be prepared. High CP. Defendant to attend.

Plea: Indicated plea of Guilty - 17/07/2014

FA06001

RU

On 13/04/2013 at Torquay in the county of Devon committed fraud in that you dishonestly made a false representation, namely failed to declare that you were in receipt of earnings from self employment, intending to make a gain, namely income support, for yourself.
Contrary to sections 1 and 2 of the Fraud Act 2006.
ASN/Seq No.: 140000000001136162T/

Remanded on unconditional bail until 11/08/2014 at 14:00 in Courtroom 01, Torquay Magistrates' Court. Adjournment reason: for a pre-sentence report to be prepared. High CP. Defendant to attend.

Plea: Indicated plea of Guilty - 17/07/2014

5 **FA06001**

On 20/12/2012 at Torquay in the county of Devon committed fraud in that you dishonestly made a false representation, namely that you were in receipt of earnings from self employment, intending to make a gain, namely income support, for yourself.
Contrary to sections 1 and 2 of the Fraud Act 2006.
ASN/Seq No.: 140000000001136162T/

RU
Remanded on unconditional bail until 11/08/2014 at 14:00 in Courtroom 01, Torquay Magistrates' Court. Adjournment reason: for a pre-sentence report to be prepared. High CP. Defendant to attend.

Plea: Indicated plea of Guilty - 17/07/2014

I certify the above extract to be a true copy