



Tuesday, 30 December 2014

LICENSING SUB-COMMITTEE

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

Thursday, 8 January 2015

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

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 - 4)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 18 December 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 New Premises Licence in respect of Meat 59, 59 Abbey Road, Torquay TQ2 5NQ** (Pages 5 - 30)
To consider an application for a New Premises Licence in respect of Meat 59, 59 Abbey Road, Torquay TQ2 5NQ.



Minutes of the Licensing Sub-Committee

18 December 2014

-: Present :-

Councillor

Councillors Addis, Bent and Ellery

28. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

29. Minutes

The Minutes of the meeting of the Sub-Committee held on 13 November 2014 and 27 November 2014 were confirmed as a correct record and signed by the Chairman.

30. Licensing Act 2003 - An application for a Premises Licence in respect of Torquay United Football Club, Plainmoor, Torquay. TQ1 3PS.

Members considered an application for a Premises Licence in respect of Torquay United Football Club, Plainmoor, Torquay. TQ1 3PS.

The Premises do not fall within the Culmulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' and proposed conditions.	28 November 2014
Interested Parties	2 Representations in relation to 'The Prevention of Crime and Disorder,' 'The Prevention of Public Nuisance' and the 'Protection of Children from Harm.'	25 November 2014 26 November 2014

Members noted that there had been no additional Representations received from any other Responsible Authority or any other Interested Party.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their Representation, as set out in the submitted documents, responded to Members questions.
Interested Party	An Interested Party outlined his Representation, as set out in the submitted documents and responded to Members questions.

Additional Information;

The Senior Licensing Officer advised Members that there are currently two existing Premise Licences in place which would be surrendered should the new application for a Premise Licence be granted.

The new Premise Licence would consolidate the two existing licences and conditions with the addition of two outdoor events per year.

The Public Protection Officer advised Members that before the large events the operator would have to apply and hold a Special Safety Certificate. The certificate must be approved and granted prior to a large event and will state conditions that must be complied with.

The Public Safety Advisory Group (PSAG) is the approving authority and will request the club submits an Event Safety Plan before any large event.

Decision:

That the application for Premises Licence in respect of Torquay United Football Club, Plainmoor, Torquay. TQ1 3PS be granted as applied for, with the addition of the following conditions;

1. At times when the neighbouring school is closed, the premises designated smoking area shall be located in Homelands Lane.

During the two outdoor events taking place the following conditions shall apply;

1. The event shall have a wind down period to allow for public dispersal. Marshalls/Stewards shall control and advise the public to leave the site quickly and quietly.
2. The Designated Organiser shall ensure that announcements are broadcast by loudspeaker system at closing requesting that patrons co-operate in leaving the premises and vicinity as quickly and quietly as possible.
3. Construction and deconstruction of the fencing, staged area and units ancillary to the event shall not be carried out between the hours of 23.00 and 08.00 hours to minimise disturbance to residents.
4. The organiser shall liaise with Environmental Health regarding environmental regulations, noise levels. Council Officers if in attendance shall monitor noise level and have contact with stage control.
5. Sound checking shall be only carried out for a period of 1 hour at a time agreed with Environmental Health.
6. The sound pressure level of the event shall not exceed 100Db (A) Leq60sec for the duration of the event measured at a height of 2.5m 50m from the front of the stage (or at the delay tower/sound booth).
7. All amplification speakers shall be operated towards 'Bristow Bench' or as advised by Environmental Health.
8. Prior to commencement of the event, sound checks shall be undertaken by Environmental Health as appropriate.
9. The volume of amplified sound must be under the control of a designated member of staff and will be monitored from locations as identified by Environmental Health and documented as part of the event safety plan.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence with the additional conditions, having been satisfied on all the evidence before them that the Licensing Objectives would not be undermined.

In coming to this decision, Members had regard to the current two premises licences held by the premises and noted the oral report from the Council's Public Protection Officer that they did not have any recorded noise nuisance complaints against the premises.

In addition Members noted the absence of any Representation from the Police or any other Responsible Authority, having heard from parties present at the hearing that the Applicant had engaged with the Responsible Authorities prior to making the application and included in to their operating schedule, all conditions recommended by those Authority's.

In concluding, Members had particular regard to both written Representations from the Interested Parties and the oral evidence given by the Interested Party present at the hearing. In doing so, Members resolved that by the imposition of the conditions and the specific conditions regarding windows and doors being kept shut during live and amplified music, with a management scheme in place to ensure compliance of this and by re-locating the premises designated smoking area away from immediate residential properties, that this would seek to alleviate the concerns raised by them.

Chairman/woman



Briefing Report Public Agenda Item: Yes
No:

Title: Licensing Act 2003 – An application for a New Premises Licence in respect of Meat 59, 59 Abbey Road, Torquay TQ2 5NQ

Wards Affected: **Tormohum**

To: **Licensing Sub Committee** **8th January 2015**

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 Premises detailed above, for a new 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” and the “Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

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

A brief description of the application is as follows:

The Provision of Live Music and Recorded Music indoors from from 0700 until 2300 Monday to Sunday. Also from the end of licensable hours on New Year Eve to the start of Licensable hours on New Year's Day.

The Sale of Alcohol on and off the premises from 0700 until 2300 Monday to Sunday. Also from the end of licensable hours on New Year Eve to the start of Licensable hours on New Year's Day.

To be open to the public from 0700 until 2300 Monday to Sunday. Also from the end of licensable hours on New Year Eve to the start of Licensable hours on New Year's Day.

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 have been received from Responsible Authorities and an Interested party. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 3.

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

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

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

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the

Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.

2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-

- (a) The holder of the licence against any decision
 - (i) to impose conditions on the licence, or
 - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
- (b) Any person who made a relevant Representation who desires to contend
 - (i) that the licence ought not to have been granted, or
 - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

2.7 Following such Appeal, the Magistrates' Court may:-

- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

- Appendix 1 Details of the application.
- Appendix 2 Plan of Premises
- Appendix 3 Representation from the Police.
- Appendix 4 Representation from Public Protection
- Appendix 5 Representation from an Interested Party.

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 6

Appendix 1

SELM500001006

TORBAY COUNCIL

06 NOV 2014

COMMUNITY SAFETY

pd \$190
211067

Torbay
Application for a premises licence
Licensing Act 2003

For help contact
<https://forms.torbay.gov.uk/ContactLicenseTrading>
Telephone: 01803 208025



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

Your reference: You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name:

* Family name:

* E-mail:

Main telephone number: include country code.

Other telephone number:

Indicate here if you would like to be contacted by email

Are you:

Applying as a business owner/partner/sole trader

Applying as an individual

sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name: If your business is registered, use its registered name.

* VAT number: Put "none" if you are not registered for VAT.

* Legal status:

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

Yes

No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensable hours on New Years Eve to the start of licensable hours on New Years Day.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensable hours on New Years Eve to the start of licensable hours on New Years Day.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensable hours on New Years Eve to the start of licensable hours on New Years Day.

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

Name

First name

Jenna

Family name

Heasman

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

Teignbridge

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensable hours on New Years Eve to the start of licensable hours on New Years Day.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Appropriate health and hygiene legislation must be complied with.

b) The prevention of crime and disorder

We will monitor unusual use of toilet facilities which could be an indication of drug dealing/use.
Alcohol only to be served with food.
Challenge 25 policy and ID check.
Customers will be monitored in the outside area regularly.
Staff will use the side door to deliver alcohol and food to the outside area.
Off sale alcohol to be sealed.
All staff will be trained not to serve any customer who appears under the influence.
We will install CCTV inside.

c) Public safety

Fire - we will complete a risk assessment and regularly review it.

Continued from previous page...

All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, washing facilities and other installations, will be maintained at all times and in good order and in a safe condition.

Glasses/bottles to be collected regularly from all tables especially from outside.

We will install CCTV inside.

d) The prevention of public nuisance

Orderly conduct - as far as is practical, persons leaving the premises and using the carpark will be reminded to conduct themselves in an orderly manner and not to cause annoyance to residents or persons passing by, this will include use of notices on exits.

Noise - we will provide free lollipops to customers as they leave the restaurant which we hope will help with noise as they leave.

If we have a solo artist/duo/small band we will ensure all doors are kept closed.

Music will be kept at a reasonable volume level so as not to cause noise nuisance.

Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

Customers will also be asked to keep noise to a minimum when standing outside the premises.

We will provide a designated smoking area outside which will be away from the windows of the building to prevent smell and noise to residents.

Bright lights on or outside the premises will be positioned and screened in such a way so as not to cause a disturbance to nearby residents.

The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that shall prevent disturbance to nearby properties.

All equipment capable of amplification shall be under the control of the management at all times and not be placed in a place accessible to the public.

Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonable disturbed.

We shall ensure staff who arrive early in the morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

e) The protection of children from harm

Supply of alcohol - to prevent the sale of alcohol to persons under the age of 18 years we will use the "challenge 25" to check ID and ensure all staff know this is our policy including our delivery drivers.

We will have an age verification policy.

High chairs will be provided for very young children.

Smoking areas will be controlled to avoid children being close to smokers.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

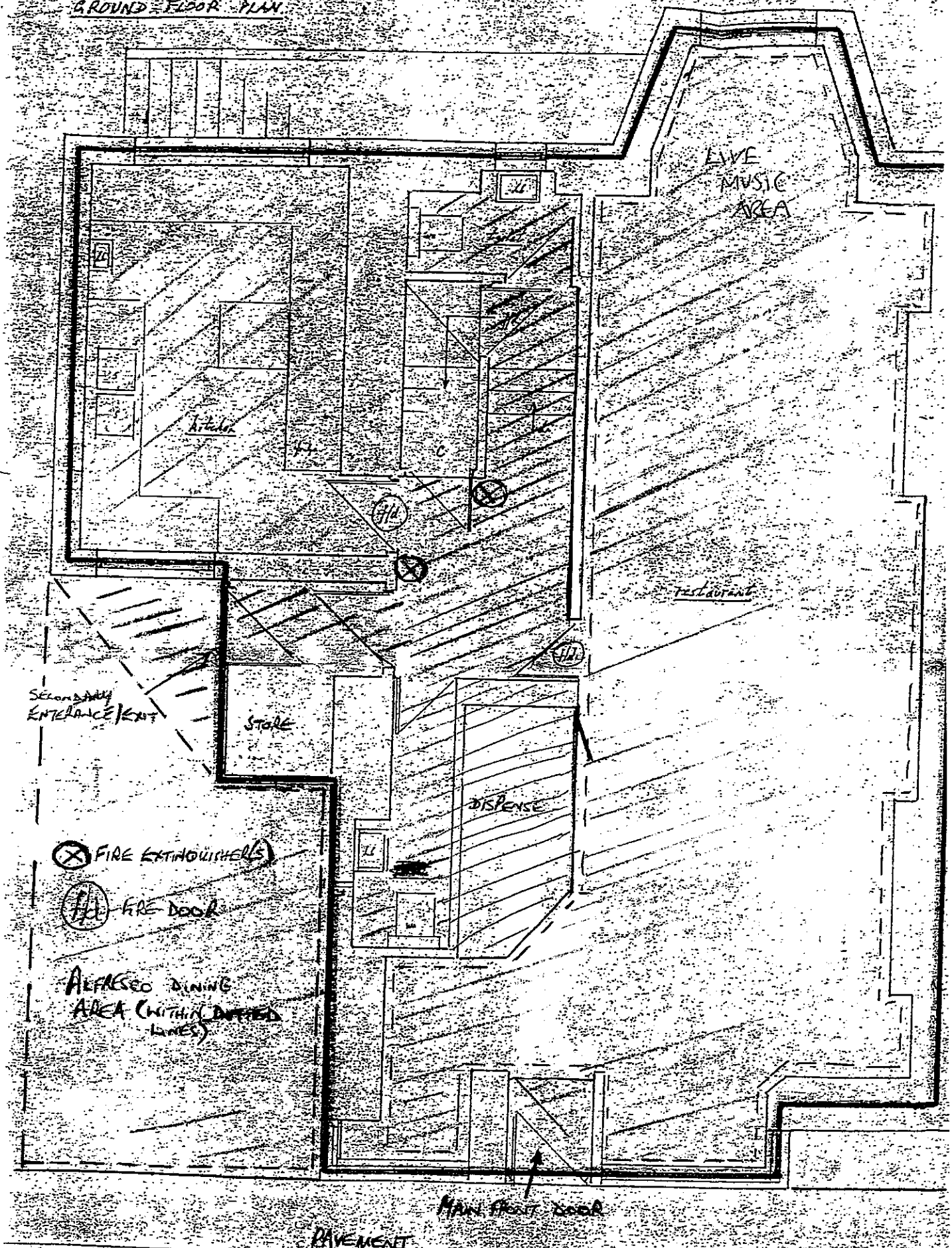
Band D - £87001 to £125000	£900.00
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Agenda Item 6

Appendix 2

Scale 2cm to 1 Metre

GROUND FLOOR PLAN





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: 01803 218900

3 December 2014

Dear Sir/Madam

The Cattle Grid, 59 Abbey Road, Torquay, TQ2 5NQ

I refer to an application to for the Grant of a Premises Licence in respect of the above named premises, submitted by the applicants, Ms Jenna Heasman and Mr Vince Aggett of Meat 59.

For your information, this premise is situated within the Torbay Council Cumulative Impact Area and Designated No Drinking Zone.

My Police Licensing Officer, Mrs Julie Smart, initially discussed this application with Ms Heasman on 3 November 2014 and advised her of the conditions the police would wish to be included within the application. At that time Ms Heasman indicated that these conditions would be acceptable and informed Mrs Smart that she was meeting Mrs Karen Ellicott of Torbay Council, on Wednesday 5 November 2014 to make her application. Mrs Smart therefore sent an email (see copy attached) to Mrs Ellicott containing details of the agreed conditions in order that they could be included within the application. However, despite this course of action the conditions have not been included within the application and the police therefore request the following:

1. 'Alcohol only to be served with food' be replaced with "Alcohol will only be consumed by persons sat at tables and having a table meal at the premises".

The police seek this amendment as the meaning of 'Alcohol only to be served with food' is not clear and could be open to interpretation. The applicant has

licensingeast@devonandcornwall.pnn.police.uk

smoking on the pavement at the front of the premises which could lead to congestion of the pavement and public nuisance issues.

For your information, Mrs Smart discussed the above matters with Ms Heasman again on Wednesday 3 December 2014 and she indicated that these conditions are acceptable to her.

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

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right.

Superintendent G Mayhew
LPA Commander

SMART Julie 50403

From: SMART Julie 50403
Sent: 03 November 2014 12:08
To: KAREN ELLICOTT (karen.ellicott@torbay.gov.uk)
Subject: HOAGGIES, 59 ABBEY ROAD, TORQUAY NOT PROTECTIVELY MARKED

Karen

Just discussed the above premises with a Jenna Heasman who I think you are seeing on Wednesday re her application for a new licence.

Basically I have agreed the following with her:

Opening times – 7.00 am until no later than 12.30 am.
Alcohol times – 7.00 am until no later than 12 midnight.

She wants to include an outside area within the licence but this will not be a Pavement Cafe Permit area and she also wants to have off-sales. She says she wants to do alcohol delivery with takeaways in the future but from discussions I don't think she is going to include this in this application, and I've said that she will need to include something about delivery drivers operating Challenge 25 Scheme.

Please can you add the following conditions on the licence:

Alcohol will only be consumed by persons sat at tables and having a table meal at the premises.
The premises shall operate a Challenge 25 Scheme whereby any person appearing under 25 will be required to produce an approved form of photographic ID.
Smokers will be directed to use the designated smoking area at the side of the premises and will access this area via the internal side door.
All persons eating and drinking in the external seating area, will be served by waiter/waitress service and will be monitored by these members of staff.

Jenna is hoping to install CCTV and I have requested that this is also put on as a condition on the licence if she is going to have it installed:

A CCTV system, capable of producing images of an evidential standard, shall be installed in the premises and the external area and will be in operation at all times the premises are open to the public. This system shall be maintained to the satisfaction of the police and all recordings from the system shall be retained for a minimum period of 14 days, during which time the police shall have access at any reasonable time.

Regards

Julie Smart
Police Licensing Officer
01803 218900
07894 176952

Memorandum

To:	<div style="border: 1px solid black; padding: 5px; text-align: center;">TORBAY COUNCIL 04 DEC 2014 COMMUNITY SAFETY</div>	From :	Community Safety
c.c		Contact :	Mr Karl Martin
c.c.		Ext :	01803 208025
c.c		My Ref :	1ZV SRU No:
For the attention of: Mandy Guy		Your Ref :	
		Date :	4 th December 2014

Subject: Premises– Licensing Act 2003

Premises Name & Address: Meat 59, 59 Abbey Road, Torquay

1. The applicant prior to the submission of the application under consideration consulted with all relevant parties as recommended by Torbay Council licensing Statement of Principles 2011 which suggests:-

'In order to reduce the risk of relevant representations and the cost and delay of a contested hearing, applicants are strongly recommended to consult with the relevant Responsible Authority...'

2. As part of the consultation I carefully considered the intended use of the premises, history of the premises and the noise sensitivity of the environment in the surrounding area. As part of this consultation agreements were reached with regards to additional conditions and amended timings to ensure the licencing objective 'Prevention of Public Nuisance' would not be undermined by the granting of this application.
3. The agreed conditions are:-
 - a. *Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonable disturbed.*
 - b. *All equipment capable of amplification shall be under the control of the management at all times and not be in a place accessible to the public.*
 - c. *The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that shall prevent disturbance to nearby properties.*
 - d. *Deliveries of kegs, bottles, food or other materials necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.*
 - e. *The licence holder shall ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.*
 - f. *Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.*

- g. A specified taxi operator shall be nominated for staff and customers' use. The company's telephone number shall be advertised to customers. The operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff shall leave as quietly as possible, particularly at night and early in the morning.*
- h. After 10:00pm Monday to Sunday customers wishing to use outside areas for the purpose of smoking shall be limited to no more than 6 customers at any one time.*
4. Operating hours were agreed at 7:00am opening and an 11:00pm closing, Monday – Sunday. These timing equally apply to the sale of Alcohol and licensable activities.
 5. Recorded music has been applied however this premise will benefit from the exemption under the Live Music Act 2012
 6. A premises licence was granted to 59 Abbey Road in November 2005 following a licensing hearing. This licence was surrendered in January 2009. Please see Appendix 1. It can be noted that the previous licence had later operating hours and licensable activities.
 7. A cafe operated at the premises from summer 2009 until Summer 2014. No alcohol premise licence existed during this time.
 8. A record search identified 2 noise complaints associated with number 59 since 2004:-
 - a. June 2005 – A enquires was made about potential noise nuisance. Advice given to resident. Record not clear, but no further action was logged.
 - b. May 2010 - A complaint was made by the then operator of the former cafe about loud music emanating from Flat 1. A street warden advised resident to turn music down.
 9. On the 3rd December 2014 a resident made a complaint about a humming noise and DIY noise coming from the building. The residents were concerned about being disturbed by customers and music until late at night when the premises opened.
 10. On the 4th of December the residents submitted a valid representation.
 11. At the time of writing the allegation made by the residents relates to lack of sound proofing between the ceiling of the premises and the floor of the residential flat.
 12. I'm satisfied the application being considered is for the operation of restaurant/cafe and as such I'm confident this premises will not give rise to public nuisance and risk undermining the licensing objectives.
 13. However an allegation has been made about general noise breaking out and at the time of writing this report consultation with the applicant and resident continues.

Mr Karl Martin
Public Protection Officer

Appendix 1.0 – Previous licence

Licensing Act 2003 - Premises Licence register as at 11:38 on Thur 04 Dec 2014

Richmonds Restaurant

59 Abbey Road, Torquay, Devon, TQ2 5NQ

Premises Licence from 24/11/05 to 19/01/09

Licence Holder(s)

-

Designated Premises Supervisor

-

Permitted Activities:

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

Premises Open Hours granted

	<i>Time From</i>	<i>Time To</i>
Monday to Sunday	8:00am	1:00am
New Year's Eve	8:00am	1:00am

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

Activities - Times granted

	<i>Time From</i>	<i>Time To</i>
F. Playing of recorded music (Indoors)		
Monday to Sunday	9:00am	12:30am
L. Late night refreshment (Indoors)		
Monday to Sunday	11:00pm	12:30am
New Year's Eve	11:00pm	12:30am

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

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

Monday to Sunday	11:00am	12:30am
New Year's Eve	11:00am	12:30am

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

Additional Conditions

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1) No supply of alcohol may be made under the premises licence:-

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or (b)
- (c) 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.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Conditions transferred from the Restaurant Licence

1. Suitable beverages other than intoxicating liquor shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Conditions from Operating Schedule

(a) General

1. Good standards of custom must be respected and encouraged.
2. Laws concerning under-age drinking must be observed.
3. Appropriate health & hygiene legislation must be complied with.

(b) The Prevention of Crime and Disorder

1. Customers suspected of drug taking must not be served.
2. Police must be contacted in cases of suspected drug exchange on the premises.
3. All staff must make sensible judgements regarding alcohol intake by any situations anti social behaviour and must be prepared to ask customers to leave if the situation dicates.

(c) Public Safety

1. Maximum safe occupancy for the premises must be observed
2. Doors must be kept in good working order
3. Fire equipment must be serviced regularly and fire detectors must be maintained.
4. Plastic glasses only must be used in the case of alfresco dining.
5. Glasses must be collected regularly from all tables.
6. Customers must not be allowed to take glasses from the premises.
7. We must ensure adequate emergency vehicle access to the car park.
8. All gangways and doors must be kept clear.
9. Proprietors must uphold first aid requirements.

(d) The Prevention of Public Nuisance

1. Customers must be reminded to leave premises in an orderly fashion.
2. We must not serve people who we suspect are in a drunk condition.
3. All outside areas must be kept clean and tidy.
4. All refuse must be kept in bins with lids.
5. Noise must be kept to background level after 11.00pm
6. Alfresco diners must only be served via our side entrance.

(e) The Protection of Children from Harm

1. High chairs must be provided for very young children.
2. Smoking areas must be controlled to avoid children being close to smokers.
3. Alcohol must not be served to people under 18 years of age and proof of ID must be requested where necessary.

Restrictions transferred from the Restaurant Licence

1. The restrictions related to the permitted hours do not prohibit during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there when the alcohol was supplied for consumption as ancillary to the meals.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Crime and Disorder

1. CCTV system to be installed to cover the "Al Fresco" area, in order that supervision can be maintained.
2. That any drinks are served to patrons at tables only, being that the application at present could be interpreted as use of the premise.

The Prevention of Public Nuisance

1. *The Alfresco dining area to only be used by diners, no alcohol to be served to non-diners using the Alfresco dining area.*
2. *The Alfresco dining area to be cleared from diners by 23.00 hours every night with no service provided to diners using the Alfresco area after 22.30 hours.*
3. *No live or amplified music to be played outside on the Alfresco dining area.*
4. *Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. The criteria that will be applied are:-*
 - (i) *Before 11.00pm - noise emanating from the premises will not be clearly distinguishable above other noise.*
 - (ii) *After 11.00pm - noise emanating from the premises will not be distinguishable above background levels of noise.*
5. *Deliveries of kegs, bottles, food and other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.*

ANNEXE 4

PLANS

Copy attached to Licence.



Agenda Item 6

Appendix 5

2

PREVENTION OF PUBLIC NUISANCE

4/12/14

TORBAY CO

04 DEC 20

REF NO - SR, 212653-

New Business (Meat Shop) COMMUNITY:
(Car)

To Whom it May Concern,

I Have Broken this down to separate issues, Inside the Property and outside the property,

Inside the property, (ref old Business Coffee Shop) opening hrs were 8am - 2pm, then into the following day Monday - Saturday - that was it.

Ref New Business - open from 7am - 11am - 7 days a week.

My property (middle flat - above the new Business)
- 1) wooden floors - floorboards quite thin and thin carpets - my flat is the whole complete length + width of property down stairs - also into my Bathroom + kitchen area, (The new Business will have to be soundproofed) my floor, and also a Tenet Bottom who flat is below New Business, His ceiling is their floor - so he will hear me like I do, same length + width. My flat is their ceiling (new Business) and I can hear everything that goes on - (people's conversations on phone - and what they say) also I can hear their phone ringing, and when someone answers - (male or female) - I know when a text message has been delivered to downstairs phone - (I can hear it beeping or a jingle/music jingle to say when they have received a text) and people shouting, arguing, music, Bird's work, etc.

outside the property

main front door - and side door and car parking.

Car parks at the back of me - there is no security gates there to keep anyone out (including holiday makers - who park their cars there in the summer, 2nd point, we have strangers using the car park, to walk their dogs - and don't clean up their dogs mess, people use carpark to go to the toilet, we have told many people to leave carpark, and also people selling drugs - the list is endless - it will be worse after this business opens,

Outside Steps

Our front door is around the back of the business Red fire escape steps (metal ones) painted white to help me - special grit paint, so I don't fall, I had a serious accident just over 2 yrs ago, and still recovering, my doctor and legal people will confirm if need be, - my living room is by the outside steps I will have people sitting outside my living room on the steps, smoking, drinking, and possibility of drugs also.

Smoking Area -

where the plan is to put this area as I understand - is as you walk into the carpark - My kitchen is there - ~~my~~ I will be able to look outside my kitchen window and see people sitting and standing there, smoking, drinking etc - but my kitchen window (so I will not be able to have my kitchen window

3

open - due to the noise, Smoking etc.

main front door leading in to new Business.

The front door is underneath my Bed,
So I will be able to hear people in and out all
the time that's not including, people talking on the
phone, Text messages, loud music, queuing, and any
fights etc. (Are there going to be any Doorman)
working on the door (main door) } for trouble.

outside front main front door

people (Human nature) will be able to stand outside
the main front door, Smoking and drinking etc
making it difficult for people (myself still on crutches)
to walk down to shops - go into down etc.

We have lived here for 4 yrs in January next yr.
we rent through Accomlet in Brighton, and are
~~am~~ told their Best Tennent's - Quote (MR LEE) who owns
the whole building, and owns the lease to sell to a Business.

Is this cannot be resolved, with soundproof, Security,
~~Security~~ gates to protect us, noise level on music i.e.
deafening level on music. (Volume),

Then we feel at the end of this the top two
flats will give notice to leave (my oldest son lives upstairs,
and helps me since I have had my accident, also bottom
flat will give notice to leave also.

ground
Sincerely