



Monday, 31 March 2014

LICENSING SUB-COMMITTEE

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

Tuesday, 8 April 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 Ellery

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 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 6 March 2014 and 13 March 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 Paignton Rugby Football Club, Queens Park, Queens Road, Paignton TQ4 6AT** (Pages 6 - 47)
To consider an application for a Variation to a Premises Licence in respect of Paignton Rugby Football Club, Queens Park, Queens Road, Paignton.



Minutes of the Licensing Sub-Committee

6 March 2014

-: Present :-

Councillors Ellery, Brooksbank and Pentney

56. Election of Chairman/woman

Councillor Pentney was elected as Chairman for the meeting.

57. Minutes

The Minutes of the meeting of the Sub-Committee held on 6 February 2014 and 13 February 2014 were confirmed as a correct record and signed by the Chairman.

58. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Domino’s Pizza, 114 St Marychurch Road, Plainmoor, Torquay TQ1 3HW

Members considered a report on an application for a Variation to a Premises Licence in respect of Domino’s Pizza, 114 St Marychurch Road, Plainmoor, Torquay TQ1 3HW.

Written Representations received from:

Name	Details	Dare of Representation
Police	Letter of representation in relation to Licensing Objective ‘The Prevention of Crime and Disorder’ and a proposed condition.	21 January 2014
Public Protection	Letter of representation in relation to Licensing Objective ‘The Prevention of Public Nuisance’ which includes a list of 8 additional conditions and a proposed removal of an existing condition.	5 February 2014

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.
Police	The Police Representative outlined their objection, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their objection, as set out in the submitted documents and responded to Members questions.

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

Additional Information:

The Public Protection Officer advised Members that the Applicant had agreed with the proposed conditions and that a previous complaint received by a resident had been addressed quickly by management and confirmed that the resident was now happy and therefore Public Protection Officer was supportive of the application.

The Public Protection Officer queried that Members may wish to change the wording in condition 8.

Members agreed that condition 8 should now read;

“Vehicles used by delivery drivers shall park at Waitrose car park whilst the gentleman’s agreement remains in place or other suitable locations away from residential accommodation”

The Applicant advised that there were 12 CCTV cameras within the store and one outside at the rear of the premises, for the protection of staff and customers.

Decision:

That the application for a Variation to a Premises Licence in respect of Domino’s Pizza, 114 St Marychurch Road, Plainmoor, Torquay TQ1 3HW be granted as applied for, subject to the additional conditions put forward by the Police and Public Protection, and as agreed by the applicant.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Licence having been assured that by the imposition of the additional conditions and the fact that the Applicant when made aware of a single complaint dealt with is quickly and effectively, that granting the Variation of this Licence would not undermine the Licensing Objectives.

In addition, Members noted that there were no Representations received from any other Responsible Authority or any Interested Party before them and given that, there is a similar licenced premise operating until 2am in the same location, and as submitted by the Public Protection Officer, that having checked the Council's database which dates back 10 years it did not show up any complaints, this again reassured Members that the Licensing Objectives would not be undermined by the granting of the Variation to the Licence.

Chairman/woman



Minutes of the Licensing Sub-Committee

13 March 2014

-: Present :-

Councillors Addis, Brooksbank and Pentney

59. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

60. Minutes

The Minutes of the meeting of the Sub-Committee held on 30 January 2014 were confirmed as a correct record and signed by the Chairman.

61. Licensing Act 2003 – An application for a Premises Licence in respect of Norwood Stores, 2A Hoxton Road, Ellacombe, Torquay TQ1 1JQ

Members considered a report on an application for a Premises Licence in respect of Norwood Stores, 2A Hoxton Road, Ellacombe, Torquay TQ1 1JQ.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder' and a proposed change in the wording of the Applicant's condition.	12 February 2014

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.

Police	The Police Representative outlined their objection, as set out in the submitted documents and responded to Members questions.
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Members noted that there had been no additional Representations received from any other Responsible Authority or any Interested Party.

Additional Information:

The Senior Licensing Officer advised Members that the Applicant had agreed with the Police request for a change in the wording of the condition, as outlined in the submitted report and the Applicant confirmed that this was correct.

Decision:

That the application for a Premises Licence in respect of Norwood Stores, 2A Hoxton Road, Ellacombe, Torquay TQ1 1JQ be granted as applied for, subject to the amended condition put forward by the Police and as agreed by the Applicant.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Licence having been satisfied that with the amended Condition imposed, the Licensing Objectives would not be undermined.

In coming to the decision, Members noted the absence of any Representation from Interested Parties or any other Responsible Authority.

Chairman/woman

Agenda Item 6



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Paignton Rugby Football Club, Queens Park, Queens Road, Paignton TQ4 6AT**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub- Committee** On: **8 April 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” and “The Prevention of Public Nuisance”.
- 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 increase the hours for Live Music from the existing hours of 10.00 – 22.00 Monday to Sunday, both indoors and outdoors, to the following:-
Monday to Wednesday 10.00 – 23.00
Thursday to Saturday 10.00 – 01.00
Sunday 10.00 – 00.00

To increase the hours for Recorded Music and the Performance of Dance from the existing hours of 10.00 -22.00 Monday to Sunday, both indoors and outdoors to the following:-
Monday to Wednesday 10.00 – 00.00
Thursday to Saturday 10.00 – 01.00
Sunday 10.00 – 23.00

To increase the hours for the Sale of Alcohol from the existing hours of 10.00 - 22.00 Monday to Sunday, on the premises only, to the following:-
Monday to Wednesday 10.00 – 00.00
Thursday to Saturday 10.00 – 01.00
Sunday 10.00 – 23.00
To allow alcohol to be sold both on and off the premises during these times.

To add the activity of Late Night Refreshment both on and off the premises for the following:-
Monday to Wednesday 23.00 – 00.00
Thursday – Saturday 23.00 – 01.00

To increase the hours they are Open to the Public from 10.00 – 22.30 Monday to Sunday, to the following:-
Monday to Wednesday 10.00 – 00.30
Thursday to Saturday 10.00 – 01.30
Sunday 10.00 – 23.30

To allow all the above activities to finish at 01.00 on Christmas Eve and 03.00 on New Year's Eve, closing 30 minutes after these timings.

The above hours are requested from the 2nd September to 29th April which is when the Premise operates.

To increase the number of times a year that events can take place from 6 times a season to 16 times a season.

A number of further conditions have been proposed by the applicant to support the request for the above variation.

2.2 The current Premises Licence is shown as Appendix 2.

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 a Responsible Authority and members of the public. 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 Public Protection in relation to the Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 3.

We have received 9 written representations from members of the public in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. Within these representations there are 15 signatories. These are shown as Appendix 4.

There have been no additional 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 Public Protection.
Appendix 4	Representations from members of the public.

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.



Torbay
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 17

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

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

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name If the applicant's business is registered, use its registered name.

* VAT number Put "none" if the applicant is not registered for VAT.

* Legal status

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

* Registration number

* 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...

Non-domestic rateable value of premises (£)

3,150

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To vary the Premises Open Hours
To vary the Permitted Activities & Provision of Regulated Entertainment ~~and vary the Provision of Entertainment~~

Premises Open Hours From 2nd September to 29th April
Monday to Wednesday 10.00am to 24.00 (midnight)
Thursday to Saturday 10.00am to 01.00am
Sunday 10.00am to 23.00pm
Christmas Eve 10.00am to 01.00am
New Years Eve 10.00am to 03.00am New Years Day

Permitted Activities From 2nd September to 29th April
Performance of live music (indoors and outdoors)
Monday to Wednesday 10.00am to 23.00pm
Thursday to Saturday 10.00am to 01.00am
Sunday 10.00am to 22.00pm

Performance of Recorded Music (indoors and outdoors) from 2nd September to 29th April
Monday to Wednesday 10.00am to 24.00(midnight)
Thursday to Saturday 10.00am to 01.00am
Sunday 10.00am to 23.00pm

Continued from previous page...

The Sale by Retail of alcohol for consumption on and off the Premises from 2nd September to 29th April

Monday to Wednesday 10.00am to 24.00(midnight)
Thursday to Saturday 10.00am to 01.00am
Sunday 10.00am to 23.00pm

Late night refreshments ~~from~~ 2nd September to 29th April

Monday to Wednesday 23.00 to 24.00(midnight)
Thursday to Saturday 23.00 to 01.00am

To clarify the Premises operating period from 2nd September to 29th April

To increase the application to allow for events to take place up to sixteen times per season and adding further conditions to comply with licensing objectives

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No ✓

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No ✓

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No ✓

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No ✓

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No ✓

Standard Days And Timings

Continued from previous page...

✓ MONDAY

Start 10:00

End 23:00

Start

End

Provide 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 10:00

End 23:00

Start

End

✓ WEDNESDAY

Start 10:00

End 23:00

Start

End

✓ THURSDAY

Start 10:00

End 01:00

Start

End

✓ FRIDAY

Start 10:00

End 01:00

Start

End

✓ SATURDAY

Start 10:00

End 01:00

Start

End

✓ SUNDAY

Start 10:00

End 24:00

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 select 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.

Amplification speakers and sound decks may be used with lighting

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.

The licence is to operate from the 2nd September until 29th April ✓

Continued from previous page...

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

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

Christmas Eve 10.00 til 01.00

New Years Eve indoor performances only 10.00 til 03.00am New Years Day. ✓

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

✓ MONDAY

Start 10:00

End 24:00

Start

End

Provide 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 10:00

End 24:00

Start

End

✓ WEDNESDAY

Start 10:00

End 24:00

Start

End

✓ THURSDAY

Start 10:00

End 01:00

Start

End

✓ FRIDAY

Start 10:00

End 01:00

Start

End

✓ SATURDAY

Start 10:00

End 01:00

Start

End

Continued from previous page...

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 select 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.

Amplification may be used with speakers and sound decks and lighting

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.

The licence is to operate from the 2nd September until 29th April

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

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

Christmas Eve 10.00 til 01.00
New Years Eve 10.00 til 03.00

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

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 dance take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select 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.

May require sound and lighting

State any seasonal variations for the performance of dance.

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

The licence is to operate from the 2nd September to 29th April ✓

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

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

Christmas Even 10.00 til 01.00 ✓

New Years Even 10.00 til 03.00 ✓

Continued from previous page...

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No



Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Standard Days And Timings

✓ MONDAY

Start

End

Start

End

Provide 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 provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select 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 example (but not exclusively) where the activity will occur on additional days during the summer months.

The Licence is to operate from the 2nd September to 29th April ✓

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

Christmas Eve 23.00 til 01.00am ✓
New Years Eve 23.00 til 03.00am ✓

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

✓ MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

✓ WEDNESDAY

Start 10:00

End 24:00

Start

End

✓ THURSDAY

Start 10:00

End 01:00

Start

End

✓ FRIDAY

Start 10:00

End 01:00

Start

End

✓ SATURDAY

Start 10:00

End 01:00

Start

End

✓ SUNDAY

Start 10:00

End 23:00

Start

End

Will the sale of alcohol be for consumption?

On the premises Off the premises Both

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

State any seasonal variations.

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

The Licence is to operate from the 2nd September to 29th April ✓

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

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

Christmas Eve 10.00 til 01.00am ✓
New Years Eve 10.00 til 03.00am ✓

Continued from previous page... ✓

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.

Provide 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 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

✓ MONDAY

Start

End

Start

End

Provide 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

State any seasonal variations.

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

Continued from previous page...

The opening hours would operate from 2nd September to 29th April ✓

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

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

Christmas Eve 10.00 til 01.30am ✓
New Years Eve 10.00 til 03.30am ✓

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

✓ Annexe 2, condition relating to the notification of events to the police shall be done six weeks prior to the event being held - *Prevention of Crime + Disorder 1, Public Safety Condition 2 + Public Nuisance Condition 1*
Annexe 3, condition 2 - The application shall be limited to allow for such events to take place up to six times per year.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

At present the only copy is on display at the Premises we will send in if required

Section 16 of 17

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)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

As the existing conditions plus the addition of

1. All equipment, appliances and buildings must be maintained in good or working order.
2. The Licensee must be fully conversant with the publication "The Event Safety Guide" produced by the Health and Safety Executive ISBN 071624536
3. A Copy of the Premises Licence must be displayed in a conspicuous position on the Premises and available for inspection by police fire authority and authorised officers of the Council.
4. To work with all emergency/responsible authorities to ensure the event is safe and has minimal environmental impact as possible.
5. To closely monitor recommended capacity numbers in the grounds and clubhouse

b) The prevention of crime and disorder

Continued from previous page...

As the existing conditions plus the addition of

Police/Authorities must be notified ~~two~~ three months prior to the event to discuss and confirm event details and supervision requirements including the possibility of SIA security numbers required for the event.

2. All SIA/Stewards must be readily identified by wearing distinctive T shirt or high visibility jackets.

3. There must be a constant security presence at the entrance/exit points and regular patrolling will take place throughout the site during the event

4. No glass bottles or containers will be permitted on site and all alcohol and soft drinks including water will be served in plastic vessels for open air events

5. The existing CCTV system to be operative at all times when the premises are trading and the equipment to be maintained to the satisfaction of the Chief of Police. Recorded images to be retained for 30 days and made available to the Police Officer on request at any reasonable time. If the CCTV equipment is inoperative the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action

6. Zero tolerance to disorderly conduct and drunkenness on the premises

Incident log book to be maintained and kept on the premises and available for inspection by responsible authorities

7. Adequate lighting provided whilst the public is on site

Drinking water to be available at all times ✓

c) Public safety

As the existing conditions plus the addition of

1. The Applicant must have the following in place for open air events:-

a) An Event Management Plan for the event

b) Fire risk assessment and general risk assessment

c) A Management Structure (ie safety officer/First Aiders/SIA/Stewards

d) Emergency plan/evacuation plan

2. The safety officer must be available throughout the duration of the event

3) There shall be no public access to areas where machinery or fireworks or pyrotechnical equipment is stored.

4) A log book shall be kept of all accidents and incidents for disruptive behaviour and any complaints made by the public.

5) All entrances and exits shall be kept clear of goods.

6) Cleaning products shall be stored away from public areas.

7) There shall be wet surface signs for spillages and when cleaning takes place.

8) There shall be access for emergency vehicles on to the ground.

9) Fire Safety Precautions shall be in place (designated incident controllers and floor marshalls) and fire extinguishers installed.

10) There shall be an annual fire system check and drills.

13) When an event is planned where the major inducement is the sale of alcohol (from a bar and for consumption on the premises) or the major inducement is the performance of live amplified music or a firework display and it is anticipated that 500 people or more shall be in attendance at any given moment the following conditions shall apply:-

a) A detailed risk assessment shall be carried out and submitted to the relevant Responsible Authorities including the Police at least ~~two~~ three months prior to any planned event.

b) The management shall ensure that there are suitable numbers of staff on duty at large events to control persons entering and leaving the event and that queues are dispersed as quickly as possible.

c) Readily identifiable marshalls shall be employed in Queens Road and Sands Road to manage the queues and to assist with the safe arrival and exit of those attending outdoor events but in particular the Annual Beer Festival and firework display.

d) Car parks must be monitored and there must be sufficient lighting provided to prevent accidents from occurring.

e) Clear and conspicuous signage shall be erected at either end of Queens Road to direct pedestrians to use the most appropriate route when entering and leaving events on foot.

f) Stewards shall be on hand to ensure that the car park entrances are closed as the event closes.

14) The arrangements for public safety shall be paramount at all events, in particular the Beer Festival and firework display in accordance with the statement of general policy risk assessment and arrangements provided by the Applicant.

15. A ticket numbering system/clickers must be used on the main entrance so as to monitor the number of persons attending the event and entrance/exit to the Club house to manage capacity

16. Contractors and sub-contractors must have in place all relevant insurances, safe practice of work risk assessments and method statements ✓

Continued from previous page...

d) The prevention of public nuisance

As existing conditions plus the addition of

- 1) All amplification speakers shall be operated towards the clubhouse or as advised by Environmental Health advice
- 2) The event organisers details shall be given prior to the event taking place.
- 3) Prior to commencement of the event sound checks shall be undertaken by the Environmental Health if appropriate.
- 4) Volume of amplified sound must be under the control of a designated member of staff and monitored from the areas backing on to residential development.
- 5) Where an event is planned where the major inducement is the sale of alcohol (from a bar and for consumption on the premises) or the major inducement is the performance of live amplified music, the annual Beer Festival or the fireworks display, and it is anticipated that 500 people or more shall be in attendance at any given moment the following conditions shall apply:-
 - a) Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation, especially after 11pm, the exception to this will be the firework display but to be assessed with advice from the Environmental Health. The assessment for noise shall be from the boundary to the nearest residential properties on all sides of the licensed premises. Save for the firework display, the criteria that shall be applied is as follows:-
 - i) Before 11pm noise emanating from the premises shall not be clearly distinguished from other noise.
 - ii) After 11pm noise emanating from the premises shall not be distinguishable above background levels of noise.
 - iii) Local authorities shall reserve the right in cases of internal noise and where premises are attached to others to make further assessments from within the residential property.
 - iv) The firework display shall not be permitted to continue after 9pm.
 - b) The DTS or a senior member of staff shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity /entertainment to ensure the level of noise has not increased.
 - c) In respect of the Beer Festival and firework display or similar events clear and unobstructed signs must be displayed at all points of exit to encourage patrons to leave quietly and respect local residents.
 - d) Announcements shall be broadcast by way of loud speaker system at least 30 minutes prior to closing requesting patrons to co-operate in leaving the premises and vicinity as quickly and quietly as possible.
 - 6) There shall be no public access to areas where machinery is stored and that fireworks and pyrotechnical equipment shall be stored until use under present recommended guidelines.
 - 7) The occupancy of the building shall be monitored at all times by staff.
 - 8) All staff shall be trained to deal with difficult customers.
 - 9) The site shall be locked at the end of each day and there will be no public access after closing.
 - 10) All cash will be locked in the safe and the till left open and empty at the end of the day.
 - 11) Drunk and disorderly behaviour shall not be permitted
 - 12) SIA door stewards shall be employed at the site on occasions of large outdoor events which involve the sale of alcohol and live entertainment.
 - 13 At all outdoor events all drinks shall be served in cans, poly carbonate or plastic glasses. ✓

e) The protection of children from harm

- 1) Staff shall be trained to prevent sale of alcohol to under 18's. Proof of age policy for any customer purchasing alcohol that appears under the age of 25
- 2) Clearly marked signs shall be prominently displayed for the sale of soft drinks and water.
- 3) At outdoor events and any event in taking drinks outside, all drinks shall be served in plastic glasses, bottles or cans.
- 4) Where an event is planned where the major inducement is the sale of alcohol, (from a bar and for consumption on the premises) or the major inducement is the performance of live amplified music, or a firework display and it is anticipated that 500 people or more shall be in attendance at any given moment the following conditions shall apply:-
 - a) All staff, including casual staff employed for outdoor events, shall be suitably trained to prevent the sale of alcohol to under 18's;
 - b) Staff training shall be recorded and regularly reviewed by the management to ensure that all members of staff have received sufficient training and are aware of their responsibilities with regard to the sale of alcohol. Such records must be kept on the premises for at least 12 months and be readily available for inspection by a Police Officer, Police Licensing

Continued from previous page...

Officer, or Council Licensing Officer.

- c) At large outdoor events, where alcohol is on sale, all children under the age of 16 must be accompanied by a parent or a responsible adult. If necessary coloured wrist bands will be issued and worn to identify persons under 18
 - d) In respect of the Beer Festival no person under the age of 18 will be permitted on site after 6pm.
 - e) In respect of the fireworks display no person under the age of 18 will be permitted on site after 9.00pm.
5. The Applicant must have provision for lost children throughout any outdoor event and those responsible must be disclosure checked.



Section 17 of 17

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.

Variation 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 your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Agenda Item 6

Appendix 2

Licensing Act 2003

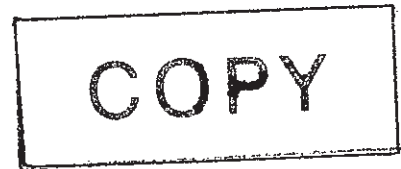
Premises Licence

879

LOCAL AUTHORITY



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



Part 1 - Premises Details

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

Paignton Rugby Football Club

Queens Park, Queens Road, Paignton, Devon, TQ4 6AT.

Telephone 01803 557715

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	10:00am	10:00pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	10:00am	10:00pm
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday	10:00am	10:00pm
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Sunday	10:00am	10:00pm
J. Provision of facilities for dancing (Indoors & Outdoors)	Monday to Sunday	10:00am	10:00pm
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	10:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	10:30pm

Licensing Act 2003
Premises Licence

879

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

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

Part 2

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

Paignton Rugby Football Club

Queens Park, Queens Road, Paignton, Devon, TQ4 6AT.
Telephone 01803 557715

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

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

Sam BALLINGER

34 Well Street, Paignton, Devon.

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. PA1767

Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
28 August 2012



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

ANNEXES continued ...

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

None.

The Prevention of Crime and Disorder

1. The notification of events to the police shall be done six weeks prior to the event being held.

Public Safety

1. No event shall take place during the cricket season from 30th April - 1st September.
2. The notification of events to the police shall be done six weeks prior to the event being held.

The Prevention of Public Nuisance

1. The notification of events to the police shall be done six weeks prior to the event being held.
2. All amplification speakers shall be operated towards the steam train station away from residential houses.
3. The event organisers details shall be given prior to the event taking place.
4. Prior to commencement sound checks shall be undertaken by the Environmental Health.

The Protection of Children From Harm

1. No alcohol shall be served to under 18's.
2. Clearly marked signs shall be prominently displayed.
3. All drinks shall be served in plastic glasses, bottles or cans.

ANNEXE 3**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Public Nuisance**

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should be at a reasonable volume so as not to cause a nuisance.

ANNEXES continued ...

2. The application shall be limited to allow for such events to take place up to six times per year.
3. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
4. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
5. Prior to outside entertainment Environmental Health shall be consulted with regard to the positioning of equipment such as speakers. It may be necessary for Environmental Health and carry out sound testing prior to the event.

ANNEXE 4

PLANS

Copy attached to Licence.

ANNEXE 4



Title: Queens Park - Paignton
(Lease Plan for Paignton Rugby & Cricket Club)

EM Plan No: EM1312
Asset No: P256
Date: 16th March 2004
Scale: 1:1250



FINANCE DIRECTORATE - ESTATES SERVICE

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Memorandum

To:	From	:	Community Safety
c.c	Contact	:	Mr Karl Martin
c.c.	Ext	:	01803 208025
c.c	My Ref	:	1ZV SRU No: 180209/KJM
For the attention of: Licensing Steve Cox	Your Ref	:	
	Date	:	6th March 2014

Subject: Premises– Licensing Act 2003
Premises Name & Address: Paignton Rugby Club

Overview

This is a representation in support of the application as received for the above premises. The licence holder has been encouraged and supported by myself and other agencies in submitting this application to ensure the application complies with Torbay Councils Licensing Policy and thus upholding the licensing objectives.

I would like to note the application seeks to align the premises licence to the same authorisations granted under the club premises certificate. The applicant is not seeking to extend hours for alcohol, amplified music or recorded music beyond the existing club certificate licence.

The premise currently has three separate licences operating under the same premises. There are two club premises certificates, one for the Rugby Club (CP0033) and the second for the Cricket club that operates at the same premises between May and September (CP0040). Both club certificates authorise alcohol and regulated entertainment until 1:00am. The premises licence (PL0879) was applied for and granted to the rugby club for the sole purpose of holding events outside, though this applies to the club house until 10:00pm. It is this arrangement that has led to confusion amongst enforcement agencies and indeed the operators regarding the times members of the public are allowed in the club house without being signed in by another member.

It became apparent the club identified the need to operate a premises licence rather than club certificate to enable a greater freedom of who can attend the premises for the benefit of the facilities on offer. Subsequently due to noise problems associated with events held at this premises the applicant agreed to a range of new stringent licensing conditions to ensure future events would not give rise to noise problems and ensure events could be allowed under the premises licence instead of a Temporary Event Notice (TEN) meaning conditions on the licence would not be suspended as they currently are under a TEN.

Existing conditions of the premises licence (PL0879)

- 1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should be at a reasonable volume so as not to cause a nuisance.*
- 2. The application shall be limited to allow for such events to take place up to six times per year.*
- 3. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.*

an event safety plan to Torbay's Safety and Advisory Group (SAG). SAG is a non-statutory body comprised of professionals from a range of agencies and disciplines with the objective of promoting the highest levels of public safety at major events in Torbay. As part of their work the group has published their event safety guidance for event organisers. The licence holder was given a copy of this guidance and subsequently developed an event plan for the beer festival to the satisfaction of all responsible authorities.

The beer festival of 2013 as a result of this process promoted the licensing objective. The Council did not receive any complaints during the event; however the Council did receive a complaint the weekend before in relation to noise.

To date the applicant (or representatives) have been in consultation with SAG in relation to the proposed 2014 Beer festival and it is likely the event will follow the same format, but on a smaller scale, as the previous year's event.

Current position

The application as applied complies with Torbay Councils licensing Policy, particular with regards to the Licensing Statement of Principles sec 3.3. p.19-20. However talks with a local resident prior to the submission has led me to draw the committee to the following concerns:-

1. The existing premises licence allows events to take place on no more than 6 occasions a year (1st October to 30th April). It has been suggested this condition is removed. The logic for this is because for each event the licence holder is required to submit an Event Safety Plan 3 months prior to the event. This will allow ample time for consultations to take place to ensure events will not give rise to nuisance. For reassurance and clarification the committee may wish to re-instate the maximum permitted events.
2. The beer festival of 2013 live music stopped at 11:00pm and it is envisaged this will be the terminal hour for all live music or pre-recorded music outside because the premises is in a noise sensitive area. However in error or oversight the application as applied is seeking Live music outside until 1:00am. I would not support this and this should be amended to 11:00pm for all outdoor events.

Please see Appendix 2 for a maps of the premises and surrounding area.

Kind regards
Karl Martin
Public Protection Officer



ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80
Abatement Notice in respect of Statutory Noise Nuisance
Notice No: 001502/GDF/2NB

To: Queens Park Sports Clubs Limited

Of: The Pavillion Paignton Rugby and Cricket Clubs Queens Road Paignton TQ4 6AH

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 Torbay Council being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1) (g) of that Act at:

Paignton Rugby Club, Queens Park, Queens Road, Paignton, Devon, TQ4 6AT (the premises)

within the district of the said Council arising from : the playing of amplified music at an excessively high volume (the statutory nuisance)

HEREBY REQUIRE YOU as the occupier of the premise from the service of this notice to prohibit the occurrence and recurrence of the said statutory nuisance.

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be committing an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will liable to a fine not exceeding level 5 on the Standard Scale, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction.

A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

If you fail to comply with this Notice the Council may also abate the nuisance and do whatever may be necessary in execution of the Notice.

Signed *Garth Fudge*
Mr Garth Fudge
Senior Environmental Health Officer

Dated *20-4-12*

Name, address and telephone number for all communications: Executive Head, Community Safety, Torbay Council, Roebuck House, Abbey Road, Torquay TQ2 5EJ Telephone: 01803 208091

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-
Appeals under section 80(3) of the 1990 Act

(1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:-

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates:-
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) (a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,

that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of:-

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being:-

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being:-

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being:-

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:-

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit:-

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court:-

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, where contractual or statutory, of any relevant tenancy and of the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notice

(1) Where:-

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A or the 1990 Act, and:-
- (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise

c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where:-

- (a) the nuisance to which the abatement notice relates:-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice:-

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

4. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

5. Prior to outside entertainment Environmental Health shall be consulted with regard to the positioning of equipment such as speakers. It may be necessary for Environmental Health and carry out sound testing prior to the event.

Amendments suggested to the applicant and accepted are as follows:-

Remove existing conditions 1, 2 and 4 Add the following:-

1. In respect of the Beer Festival or similar outdoor event where the major inducement is the sale of alcohol (from a bar and for consumption on the premises) or the major inducement is the performance of live amplified music the following conditions shall apply;
 - (a) An event safety management plan must be submitted to the Torbay Safety Advisory Group (SAG) no later than 3 months prior to the event start date for the SAG consideration.
 - (b) Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation, especially after 11pm. This shall be assessed from the boundary to the nearest residential properties on all sides of the licensed premises. The criteria that shall be applied is as follows:-
 - i. Before 11pm - noise emanating from the premises shall not be clearly distinguishable above other noise.
 - ii. After 11pm - noise emanating from the premises shall not be distinguishable above background levels of noise.
 - iii. The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
 - (c) The DPS or a senior designated member of staff shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment, to ensure the level of noise has not increased.
 - (d) A senior designated member of staff must monitor noise levels periodically throughout the duration of the event at Stafford Road, Queens Road, Adelphi Road and Queens Park Road.
 - (e) Clear and unobstructed signs must be displayed at all points of exit, to encourage patrons to leave quietly and respect local residents and
 - (f) Announcements shall be broadcast by way of loudspeaker system, at least 30 minutes prior to closing, requesting patrons co-operation in leaving the premises and vicinity as quickly and quietly as possible.

The application seeks to allow the premises to grow and develop but offers reassurance to responsible authorities and interested parties that the licensing objectives will be upheld by way of additional conditions that places a duty on the applicant to consult with responsible authorities before an event takes place.

Background

The premises first came to the attention of the Public Protection team in April 2011 following numerous complaints from nearby residents regarding the volume of live and amplified music during a beer festival event. This led to Mr Gareth Fudge, Environmental Health Officer, serving an abatement notice under section s80 of the Environmental Protection Act 1990, Appendix 1. This notice still stands and a breach of this licence could result in prosecution if the notice is breached.

In March 2013 the licence holder notified the Council of its intention to submit a TEN for another Beer festival in April 2013.

In October 2012 the licensing Act was amended giving the power to Environmental Protection practitioners to object to a TEN that was likely to result in public nuisance.

As the previous beer festival had resulted in nuisance the organisers were told Public Protection would object to the TEN unless certain criteria was met. Their licence holder was asked to submit

APPENDIX 2 - Plans of site

Red – Boundary of site

Yellow – Mixed residential and commercial areas

Purple star – The premises club House



M

Dear Sir/Madam,

Reference: Premises Licence Variation Number 033129

Site: Paignton Rugby Club, Queens Park, Queens Road, Paignton, TQ4 6AT.

We wish to formally lodge our objections to the above Application to vary the Premises Licence.

We live on Adelphi Road which is mainly comprised of residential property. In fact the number of residents is likely to increase by at least ten as this is the number of new flats being created with a further five more in the next twelve months.

Paignton Rugby Club is what it is, it is somewhere for young people to participate in sport and for certain members of the local community to meet for a drink. It does not have the facilities in the confines of the building to stage live musical events or parties.

Previous large scale events have been held in a Marquee erected on the Car Park of the Club and a temporary licence has been issued for the sale of alcohol and playing of live/recorded music beyond 10.pm. We have little confidence in the management of the Club to adhere to any restrictions placed on a licence as from bitter experience they have continually ignored such restrictions. Last year we had cause to telephone the Club as live music was still being heard from the marquee after 11.00pm and when we asked to speak to someone about this they just put the phone down. On another occasion they said that the event was to raise funds for Dr Bernados and they would try and get the noise stopped. The music went on to 12.00 midnight. If you check the council records it will show that complaints have been registered with Environmental Services about these failures. In fact an Officer from the Council, Mr Gareth Fudge, actually visited the site for one event and they tried to say that the noise was coming from the Queens Hotel when he had actually been present to witness the level of noise after 11.00pm.

Our first objection is therefore based on actual recent experiences, which show that the management of the Club have disregard for restrictions contained in a licence.

Our second objection is the amount of noise which will be created from the playing of live and recorded music outside the premises after 11.00pm. The applicant has asked for permission to allow the playing of live music and recorded music until 1.00am. This is a quiet residential area with some small B&B's and 3 self catering establishments. At night we already experience noise from the front

of the building as the front doors are wedged open while people come outside for fresh air or a smoke. This means that the music can be heard especially if we have our windows open.

Our third objection is the probable increase in the number of events we are likely to face if the licence is approved. At present a temporary licence has to be applied for however, the new licence seeks permission for the Club to host events from September to April any night of the week until 12.30am or 1.00am. Such hours are what you expect for a "night club" not a sports club. Once again we will be confronted with increase noise levels from the music, traffic noise when people arrive and leave the premises and the likely hood of antisocial behaviour.

Fourthly, we object to the request to increase the hours when alcohol can be sold on and off the premises. To extend from 10.00pm at present to 12.30am, 1.00am and 3.00am is extreme and will have a detrimental effect on the living standards of people and businesses in the area. There is a shortage of car parking facilities, especially when a marquee is erected in the car park, so this will impact on local residents, in addition to the points already mentioned above.

Finally, we have self catering holiday accommodation which is open all year round. One of our major attractions is our location which is close to the local amenities and we are able to offer guests a quiet place to holiday. We have no doubt that should this licence be granted it would deter visitors from staying with us.

We ask that you seriously consider these objections when considering this Application.

•

Yours sincerely

Guy, Mandy

From:
Sent:
To:
Subject:

129

Site : Paignton Rugby Club, Queens Park, Queens Road, Paignton, TQ4 6AT

Dear Sir,

We wish to formally make a representation objecting to the above application to vary the Premises Licence.

Our objections are based solely on the increased noise, traffic, nuisance and anti-social behaviour that will result if the variation is granted.

Our hotel is 100 yards from the Club, and we are sports fans ourselves, and firmly believe that the Rugby Club is a lovely facility for young and old to enjoy Rugby, socialise, and have a drink. We and some of our guests have watched Rugby there, and used the bar to socialise and watch Rugby events on TV.

However, the proposed variation would transform the Rugby Club into a different thing altogether: A music, party and live events venue.

They have had events there before on a temporary licence and we are aware that even on these occasions the Management of the Club have had a total disregard for the restrictions of those licences, and the noise coming from the events is beyond loud. Allowing them to do this any night of the week from September to April (together with increased hours when alcohol can be sold on and off the premises) is a frightening prospect, to say the least.

Additionally, Car parking is already a big issue here, which will only be aggravated by more events being held. Our car park is often taken over by non-guests already on these occasions without our permission, which not only causes noise and disruption on their departure, but prevents some of our car owning guests from having a space which they have paid for.

Expecting our guests to enjoy the relaxing holiday experience they come here and pay for does not happen when these events are held, and to expect them to sleep through these events is impossible. It has to be experienced to be believed, and believe me, we and our guests have experienced it.

So, please, lets keep the Rugby Club to what it is. A really nice sports venue with a bar for socialising, with the occasional event on a temporary licence.

Yours sincerely,

8th. March 2014

TORBAY COUNCIL

11 MAR 2014

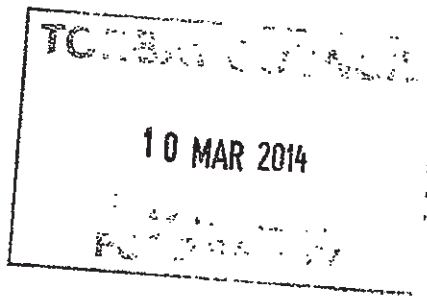
Ref. Paignton ~~Rugby~~ ~~COMMUNITY SAFETY~~ Club: Queens Road.

I would like to see this licence revoked.
Licence for Queen Park Club. Queens Road. Paignton
Our home is only about 25 feet from the front
doors of this club, and already have put up
with lots of noise and loud music etc from
this club, more drinking, longer hours, later nights
are going to add to what is going on. every
year it gets worse, I am sitting here sat
afternoon and its 2pm the music from there
is drowning my radio, in my lounge.

- 1) When this licence was granted we where told
that doors at Queen Road entrance would
be kept closed to keep the sound from inside
from coming through. not been observed.
- 2) People are not supposed to drink on the
roadside outside the doors or smoke, but
it happens at every weekend or party, that
they have some sit along front of club in
cars, smoking drinking with car radios on.
we get wine bottles glasses + cans with
dreggs of beer in on our wall.
- 3) We have been here for 30y's and every
year gets busier with cars cutting across the
one way traffic to enter the gates + park
for free and drink + drive, no no?
- 4) Children under 16 run wild in the back
out the front playing, climb the roof + up
+ down in the ~~Page 41~~ not to bad in the
-summer but dark nights are not so safe.

I love my home, its situation, I have spent a life time paying for it and looking after it so I do not want to relocate at 82 years of age. This is what my neighbour who is on the opposite corner is doing, she is selling and moving back to Salisbury at the end of March.

Thank you for reading this I do hope you will see how we feel. 11-30 at night is plenty late enough otherwise it will become a night club via the back door. It used only to be a members only club for the football Rugby + ~~Club~~ Cricket members. now it's a place to get a cheaper drink



Dear Sir/Madam,

Reference: Premises Licence Variation Number 033129

Site: Paignton Rugby Club, Queens Park, Queens Road, Paignton, TQ4 6AT.

I wish to formally lodge my objections to the above Application to vary the Premises Licence.

I live on Adelphi Road which is a residential area; in fact the number of residents is likely to increase by at least ten as this is the number of new flats being created with a further five more in the next twelve months.

My Objections are:

1/ the amount of noise which will be created from the playing of live and recorded music outside the premises after 11.00pm. The applicant has asked for permission to allow the playing of live music and recorded music outside until 1.00am. This is a quiet residential area of retired people, some small B&B's and 3 self catering establishments. At night I already experience noise from the front of the building due to the front doors being kept ajar while people come outside for fresh air or a smoke. This means that the music can be heard especially with open windows.

2/ there is likely to be an increase in the number of events if the licence is approved. At present a temporary licence has to be applied for however, the new licence seeks permission for the Club to host events from September to April any night of the week until 12.30am or 1.00am. This will result in increased noise levels from the music, traffic noise when people arrive and leave the premises and the likely hood of antisocial behaviour.

3/ the request to increase the hours when alcohol can be sold on and off the premises. To extend from 10.00pm at present to 12.30am, 1.00am and 3.00am will have a detrimental effect on the living standards of people and businesses in the area. There is a shortage of car parking facilities, especially when a marquee is erected in the car park, so this will impact on local residents who already have limited parking space and there is the likelihood of antisocial behaviour.

Thank you in advance for taking on board these objections when considering your decision.

Yours sincerely

We have received 2 copies of this letter
1 letter with 3 signatures from 3 addresses.
1 letter with 1 signature.

Guy, Mandy

From:
Sent:
To:
Subject:

in

Re-PAIGNTON RUGBY FOOTBALL CLUB

Ref: 033129 open application Number

4th March 2014

Dear Ms Carter.

We wish to make an objection to the variation of the license application by the Paignton Rugby Football Club under the Public Nuisance section. Living directly across from the clubhouse overlooking Queens Park we find during the outside events including the use of the Marquee and the Public Address System that the music noise levels are excessive and intrusive even with our closed double glazed windows.

Should this application be approved we are disturbed that we will have to endure the problem more frequently and into the early hours of the morning.

Yours Sincerely

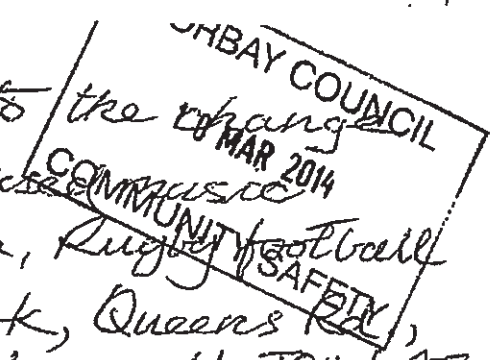
Licensing and Trading Standards Customer Contact Web Form

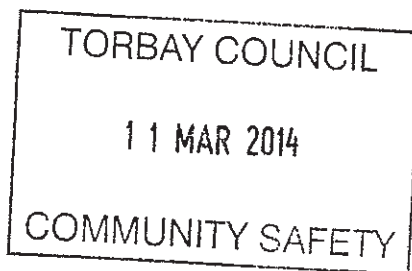
Field	Value
Enquiry type	Alcohol & Entertainment Licenses
Customer's enquiry	We note that Paignton Rugby Club has applied for extended licenses as they wish to hold more events with music and later - this causes my guests a lot of problems due to the noise levels at the event and people leaving from the event and we really think that the present 12 midnight is late enough for our guests to be disturbed.
Title	
Contact Forename	
Contact Surname	
Contact Phone	
Customer Address	Paignton
Post Code	
Email	1
Notes	

7th March
2014.

With reference to the change
of times of license of music
at the Paignton, Rugby football
club, Queens Park, Queens Rd,
Paignton, outside on the
green we wish to register
very strong concerns, at changes
to 12PM AND 1AM. for live
and recorded music at night
club Decibels. This is a large
residential area, queens park is
a home area for families, and
mature people these hours
seem overkill, for a small
local sports club, we hope a
little common sense will prevail.

Yours faithfully





10/03/2014

Delivery by hand

OBJECTION TO THE PREMISES LICENSE VARIATION NO 033129

Paignton Rugby Club Queens Park Road Paignton TQ4 6AT

Dear Sirs

We live very near to the rugby club and support them in their sporting quests and their heavy involvement with young people giving them sporting opportunities.

We also appreciate that the social side is an important money raiser for them however we strongly object to any extension to the music and licensing laws and hours. This is a residential area and we already have to put up with loud noise and unsociable behaviour majority of weekends. We also were under the impression that no drinking should allowed outside of the front door. This is not adhered to.

There appears to be no attempt to ask their patrons to be quiet when leaving the premises.

Please help the local residents to enjoy the peace of a residential area by refusing their application.

Yours truly,