



Wednesday, 6 September 2017

LICENSING SUB-COMMITTEE

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

Thursday, 14 September 2017

commencing at **10.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Doggett

Councillor Stocks

Councillor Thomas (J)

A prosperous and healthy Torbay

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

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

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 3 - 6)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 27 July 2017.
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. **Preston Conservative Club, 299 Torquay Road, Paignton** (Pages 7 - 25)
To consider an application for a Variation to a Club Premises Certificate in respect of Preston Conservative Club, 299 Torquay Road, Paignton.



Minutes of the Licensing Sub-Committee

27 July 2017

-: Present :-

Councillors Sykes, Thomas (J) and Pentney

49. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

50. Minutes

The Minutes of the meeting of the Sub-Committee held on 6 July 2017 were confirmed as a correct record and signed by the Chairman.

51. Exclusion of the Press and Public

Prior to consideration of the item in Minute 52 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

52. Review of a Torbay Council Drivers' Licence

Members considered an exempt report that sought a review of a Torbay Council Drivers' Licence. The Principal Officer for Licensing and Public Protection requested that Members consider information relating to the conduct of the holder of a dual Hackney Carriage and Private Hire Drivers Licence. Members were asked to determine on the facts laid before them, whether or not the licence holder continued to be regarded as a 'fit and proper' person to hold such a licence.

The Principal Officer for Licensing and Public Protection informed Members of the process undertaken to inform the Respondent of this meeting of the Licensing Sub-Committee. Upon receiving notification, the Respondent spoke with the Principal Officer for Licensing and Public Protection to seek a deferment of the hearing due to the Respondents Solicitor being unavailable. The Respondent was advised that the hearing would not be deferred due to Public Interest and Public Safety and that if the Respondent wanted legal representation at the hearing, he would need to engage the services of another Solicitor.

At the hearing the Senior Solicitor and Deputy Monitoring Officer sought confirmation of the Respondent's conversation with the Principal Officer for Licensing and Public Protection. It was stated by the Respondent that he had received the papers in respect of this hearing on Saturday 22 July 2017, that he

had gone to see his Solicitor on Monday 24 July 2017 at about 9.30am and on being informed that his Solicitor was on holiday, he contacted Torbay Council on Tuesday 25 July 2017 at about 9.30am and left a message for someone to call him back and that the person he subsequently spoke to was the Principal Officer for Licensing and Public Protection. On hearing these submissions, the Senior Solicitor and Deputy Monitoring Officer asked the Respondent whether he had sought advice from another Solicitor. The Respondent stated that he had not as it would cost him money and had decided that he was happy to attend and represent himself. On this further submission, the Senior Solicitor and Deputy Monitoring Officer asked the Respondent if he was happy that the hearing went ahead without legal representation and the Respondent stated that he was.

Given that Respondent was legally unrepresented and that the matter was yet to be heard in the criminal courts, the Senior Solicitor and Deputy Monitoring Officer informed the Respondent of his right not to incriminate himself. In response to this, the Respondent replied okay.

The Respondent proceeded to outline the circumstances that had led to the complaint and responded to Members questions.

Decision

That the Respondents Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provision Act 1976 and that this revocation shall have immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous) Provision Act 1976.

Reason for Decision

Having carefully considered all the written and oral representations, Members resolved to revoke the Respondents Driver's Licence, as they could not be satisfied that he remained a 'fit and proper' person to hold such a licence.

In coming to that decision, Members considered having been charged with the responsibility to determine the driver's licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any vulnerable person known to them to get into a vehicle with the Respondent alone. An unequivocal and unanimous answer to this question, was no.

In determining that the Respondent does not remain a 'fit and proper person' to be a driver licensed by Torbay Council, Members had due regard to their duty to protect the public, in the knowledge that a licensed driver is in a position of trust and on the evidence before them; the Respondent appeared to them to have conducted himself in a manner that was unacceptable and fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

Members were concerned that, in the first instance the Respondent took monies from the passengers bank account having seen fit to take instruction from a person who by his own submission was so inebriated that she had attempted to

use her drivers licence to withdraw cash from the cash machine, and that he had considered this instruction to be consent for payment that was above the soiling charge and fare. In answering questions, it was established that in fact the Respondent had been asked to withdraw £200 but had not at anytime been told by the passenger that he would be paid £200. The amount withdrawn was following an incident of the passenger being sick in the Respondents vehicle and being told by him that this would cost her in the region of £100. Namely, £50 for the soiling charge and a further £50 fare for driving her to find a cashpoint machine to withdraw the monies and then ferrying her to her home address. Secondly on the submission of the Respondent that the passenger had fled his vehicle when he arrived at her home address without paying and not being able to retrieve the monies from her parents, he proceeded to withdraw a further £200 from the passengers bank account based upon the perceived authorisation provided earlier, having left the passengers home address and finding her cash card in the rear passenger seat foot well of his vehicle and remembering her PIN number.

When asked whether this course of conduct was appropriate by a licensed driver, the Respondent replied, on reflection that it was not but at the time he felt it was justified as he was not able to continue working and would be out of pocket by at least £200-£300. When asked if the passenger, who by his own submissions was so inebriated that she tried to use her drivers licence to withdraw monies which resulted in him saying 'you silly sod no wonder you can't get any money, that is your drivers licence', could reasonably have been said to have given consent to withdraw monies from her account, he said on reflection no. However the Respondent did submit that it was his belief that when persons were sick, they tended to sober up. Whilst Members considered this, in their determination they resolved that reliable consent had not been given.

When asked whether the second withdrawal could reasonably have amounted out of consent, given that the passenger was so inebriated in the first instance and that at no point had she said to him that he could take and then keep £200, the Respondent accepted that when put like that no.

In addition the Respondent submitted that he had taken the soiled seat cover from his vehicle and dumped it outside the home address of the passenger so that they could see the mess that she had made. When informed that this course of conduct could amount to a flytipping offence, the Respondent accepted that whilst he felt it right at the time, when put like that he could see that it was not right to have done this.

Members resolved that in their opinion, the passenger was not of a state to have reasonably given consent to the Respondent to withdraw monies from her bank account, that the amount sought by the Respondent exceeded the amount he was lawfully entitled to at that time, that the second withdrawal was unlawful, that in seeking this amount from such a person at that time was inappropriate given that there were other remedies available to him the following day or at a later date and that whilst the passenger being sick in his vehicle was wholly unpleasant, the dumping of the seat cover was a demonstration of his disapproval and could amount to fly tipping. As such, the Respondents overall conduct during this

incident fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

Members noted that following the Respondents submission that he had employed tools learnt on an anger management course he had been instructed to attend when he appeared before a Licensing Sub-Committee last summer but remained concerned that the Respondent continued to view himself as the aggrieved party and sought recompense through questionable means which fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

Members considered suspending the Respondents drivers licence but resolved that this was not appropriate, due to the seriousness of the incident and the manner in which the Respondent had conducted himself.

In coming to the decision to revoke the Respondents driver's licence, Members resolved that it should be with immediate effect, as in their opinion it was in the interest of the public's safety to do so. Members' reasoning for this determination is due to the perceived risk which they believe the Respondent poses on the evidence before them and having already been before a Licensing Sub-Committee only 12 months previously, where his conduct towards members of the public was then deemed to have been unacceptable and fell well below the standard reasonably expected of a driver licensed by Torbay Council.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Preston Conservative Club, 299 Torquay Road, Paignton TQ3 2EY**

Wards Affected: **Preston**

To: **Licensing Sub- Committee** On: **14 September 2017**

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

1. **Key points and Summary**

- 1.1 To consider and determine an application, in respect of the Premises detailed above, for a variation to a Club Premises Certificate.
- 1.2 The application relates to all the Corporate Priorities within the Corporate Plan.
- 1.3 The matters raised relate to the Licensing Objective “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. Having regard to the representations, 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 84 of the Act for a Variation to a Club Premises Certificate. 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 licence the garden at the front of the premises from 11.00 until 21.00 to allow members to drink outside. The garden is presently used as a smoking area.

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.
- 2.3 Torbay Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Section 85(1) but is unable to issue the amended certificate as a relevant representation has been received from an Interested Party. The Authority is also satisfied that the Representation has been received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received one Representation from 2 members of the public relating to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

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

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 85(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 10(b) 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
Assistant Director (Community and Customer Services)

Appendices

Appendix 1	Relevant parts of the application form
Appendix 2	Copy of current Certificate
Appendix 3	One representation from 2 members of the public

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

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016-2021 .



Application to vary a club premises certificate to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

PRESTON CONSERVATIVE CLUB

(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number	CP 0032
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Part 1 – Club premises details

Name of club				PRESTON CONSERVATIVE CLUB					
Postal address of premises, if any, or if none ordnance survey map reference or description									
299 TORQUAY ROAD									
PAIGNTON									
Post town		PAIGNTON			Postcode		TQ3 2EY		
Telephone number (if any)				01803 557772					
E-mail address (optional)				wendy@prestonconservativeclub.com					

Name of person performing duties of a secretary to the club WENDY JANET HOLMES			
Address of person performing duties of a secretary to the club 299-301 TORQUAY ROAD PAIGNTON. TQ3 2EY.			
Post town		Postcode	
Daytime contact telephone number (if any)	01234		
E-mail address (optional)			

Part 2 – Applicant details

Daytime contact telephone number (if any)			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 4 – Club Operating Schedule

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

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment

Please tick as appropriate

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

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations</u> (please read guidance note 5)		
Mon	10:00	00:30 21:00	HOURS FOR SALE OF ALCOHOL INSIDE THE PREMISES UNCHANGED FROM EXISTING PERMISSIONS AS SHOWN ON THE LEFT.		
Tue	10:00	00:30 21:00			
Wed	10:00	00:30 21:00			
			HOURS FOR SALE OF ALCOHOL FOR CONSUMPTION IN THE GARDEN AREA (AS SHOWN ON PLAN) TO BE RESTRICTED TO 10:00 HRS TO 21:00 HRS DAILY.		
Thur	10:00	00:30 21:00	<u>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	10:00	00:30 21:00	AS CURRENT LICENCE FOR CHRISTMAS EVE AND NEW YEARS EVE		
Sat	10:00	00:30 21:00			
Sun	12:00	22:30 23:00			

J

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) ALL OPENING HOURS AS CURRENT LICENCE
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

- 1) CCTV TO BE IN OPERATION AT ALL TIMES INCLUDING THE GARDEN AREA
- 2) INDIVIDUALS WHO APPEAR INTOXICATED SHALL NOT BE SERVED
- 3) CUSTOMERS SHALL NOT BE PERMITTED TO LEAVE THE PREMISES WITH THEIR GLASSES

b) The prevention of crime and disorder

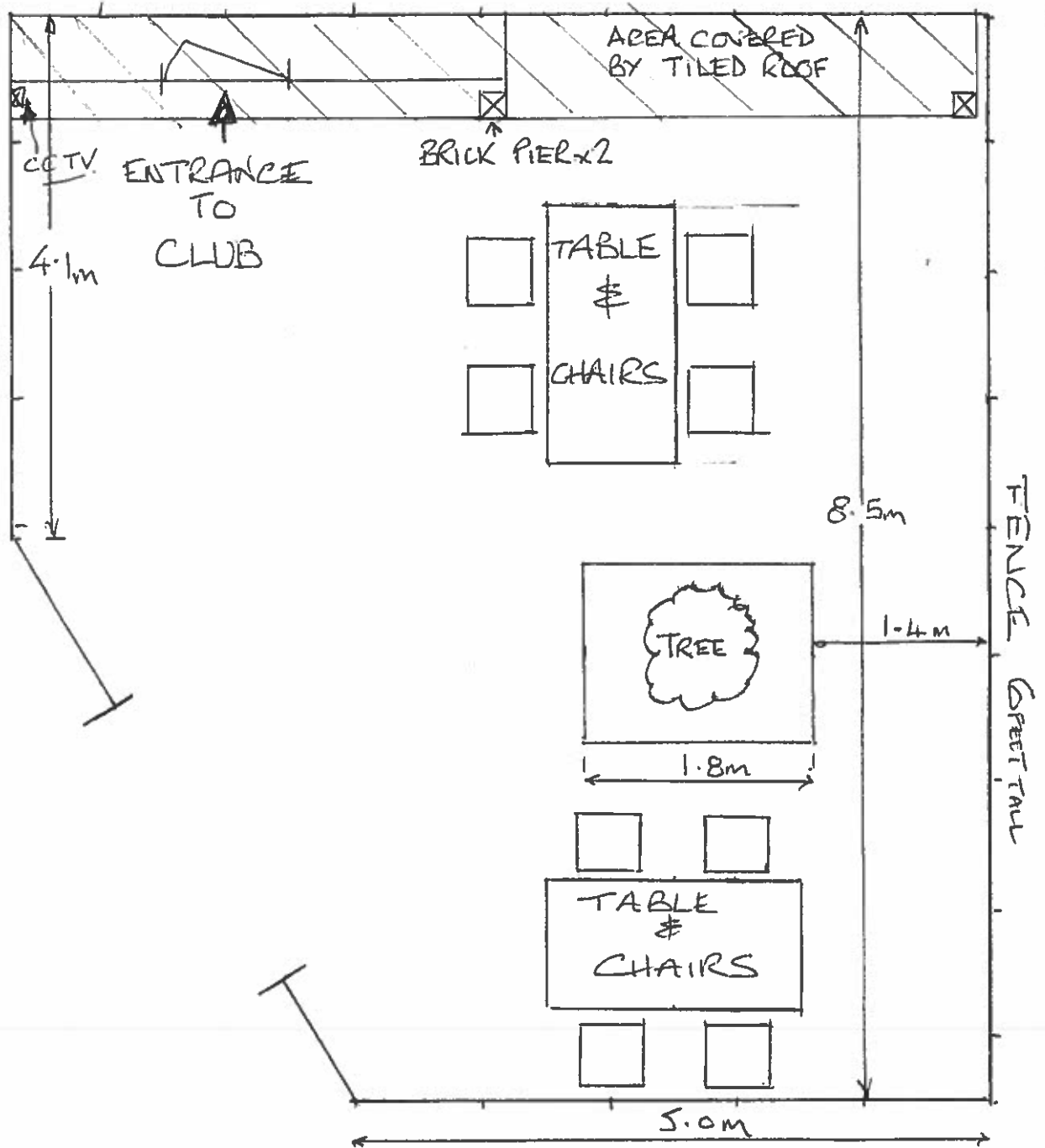
- 1) VIOLENCE OR AGGRESSIVE BEHAVIOUR, TOWARDS STAFF OR CUSTOMERS SHALL NOT BE TOLERATED AND ANY INDIVIDUAL HAVING AN AGGRESSIVE DEMEANOUR SHALL BE ASKED TO LEAVE THE PREMISES.
- 2) THERE SHALL BE NO CONSUMPTION OF DRINKS FROM BOTTLES IN THE GARDEN AREA; ALL DRINKS (INCLUDING CHILDRENS DRINKS) SHALL BE DECANTED INTO APPROPRIATE GLASSWARE

c) Public safety

- 1) GLASSES SHALL BE CLEARED ON A REGULAR BASIS
- 2) TABLES IN THE GARDEN AREA SHALL BE CLEARED OF EMPTIES WHETHER TABLES ARE OCCUPIED OR NOT.

d) The prevention of public nuisance

e) The protection of children from harm



PRESTON CONSERVATIVE CLUB -
 299-301 TORQUAY RD.
 PAIGNTON
 TQ3 2EY.

Licensing Act 2003

Club Premises Certificate

32

LOCAL AUTHORITY



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

Club Details

NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

Preston Conservative Club

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

299-301 Torquay Road, Preston, Paignton, Devon, TQ3 2EY.

Telephone 01803 557772

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- the supply of alcohol
- the sale by retail of alcohol to guests

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
C. Indoor sporting event	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
E. Performance of live music (Indoors)	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am



THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	Monday to Saturday	10:00am	12:30am
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	1:00am

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Monday to Saturday	10:00am	1:00am
Sunday	Noon	11:00pm
Christmas Eve	10:00am	1:30am
New Year's Eve	10:00am	1:30am

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

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

F. E. Hughes

Frances Hughes
Executive Head of Community Safety
23 September 2008



ANNEXES**ANNEXE 1****MANDATORY CONDITION: EXHIBITION OF FILMS**

- 1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.
- 2) Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Restrictions transferred from the Club Premises Certificate**

Alcohol shall not be sold or supplied except during permitted hours.

The above restriction does not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed on the licensed premises.

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied to a canteen or mess.

General

1. CCTV surveillance with exterior lighting must be provided and maintained to monitor the arrivals and departures at the main club entrance door.
2. Club management and bar staff must be informed of the Licensing Act 2003 and the statutory requirement to comply with the relevant provisions of the Act.

The Prevention of Crime and Disorder

ANNEXES continued ...

1. Club constitution must include rules governing the conduct of members and their guests within and adjacent to the club premises.
2. Admission to the club must be confined to members affiliated members and bona fide guests and shall be controlled by a computerised entacard system.
3. Guests arriving unaccompanied must be scrutinised via CCTV before admission and signing in by the host member.
4. Club employees must be instructed not to admit or serve members and guests who behave in a drunk and disorderly fashion.
5. Misconduct must be reported to the committee to consider action under the clubs disciplinary code.

Public Safety

1. The club must comply with Health and Safety and Fire Precautions regulation.
2. Risk assessments must be conducted and preventative and control measures put in place to ensure the safety of members, guests, employees and entertainers whilst on the premises.
3. The club must comply with advised capacity limits.
4. Suitable signage must be displayed for emergency escape routes and fire action.
5. Intruder sensors shall be positioned at strategic points on all three floors.
6. Amenities shall be provided for disabled persons.

The Prevention of Public Nuisance

1. Suitable signage requesting patrons to respect the needs of local residents and leave the premises quietly must be displayed.
2. Where live and recorded music are played all reasonable steps must be taken to avoid disturbance to neighbouring properties.
3. Bottle disposal must be carried out in daylight hours.
4. All rubbish from the business must be placed in secure bins.

The Protection of Children from Harm

1. Persons under the age of 18 shall only be allowed in the club if accompanied by an adult member.
2. Members are advised that children must be under strict parental/guardian control at all times.
3. Committee members, the club steward and other members of staff must be instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children.
4. Suitable signage must be displayed at all bars prohibiting the direct or indirect supply or delivery of alcohol to children.

ANNEXE 3**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Crime and Disorder**

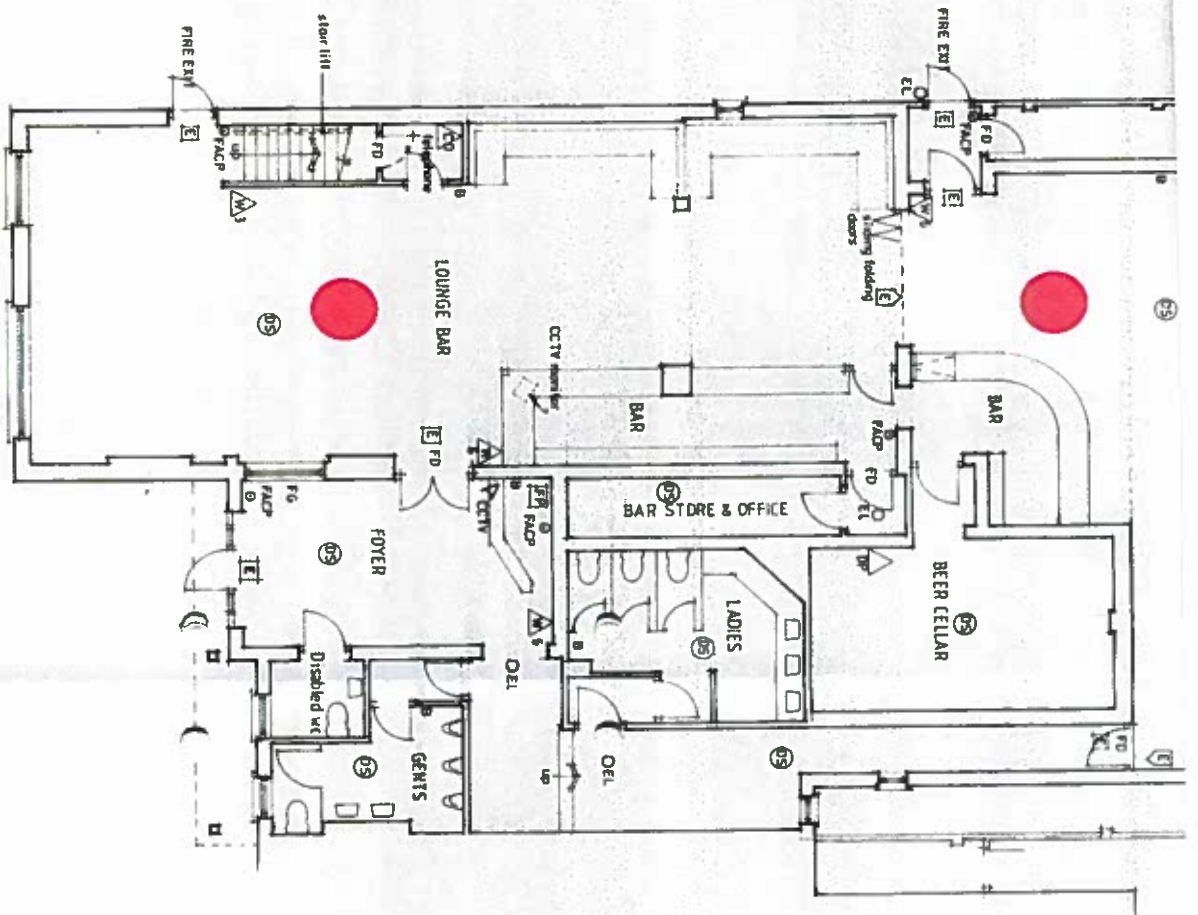
1. No entry or re-entry to premises after 12 midnight.

ANNEXE 4

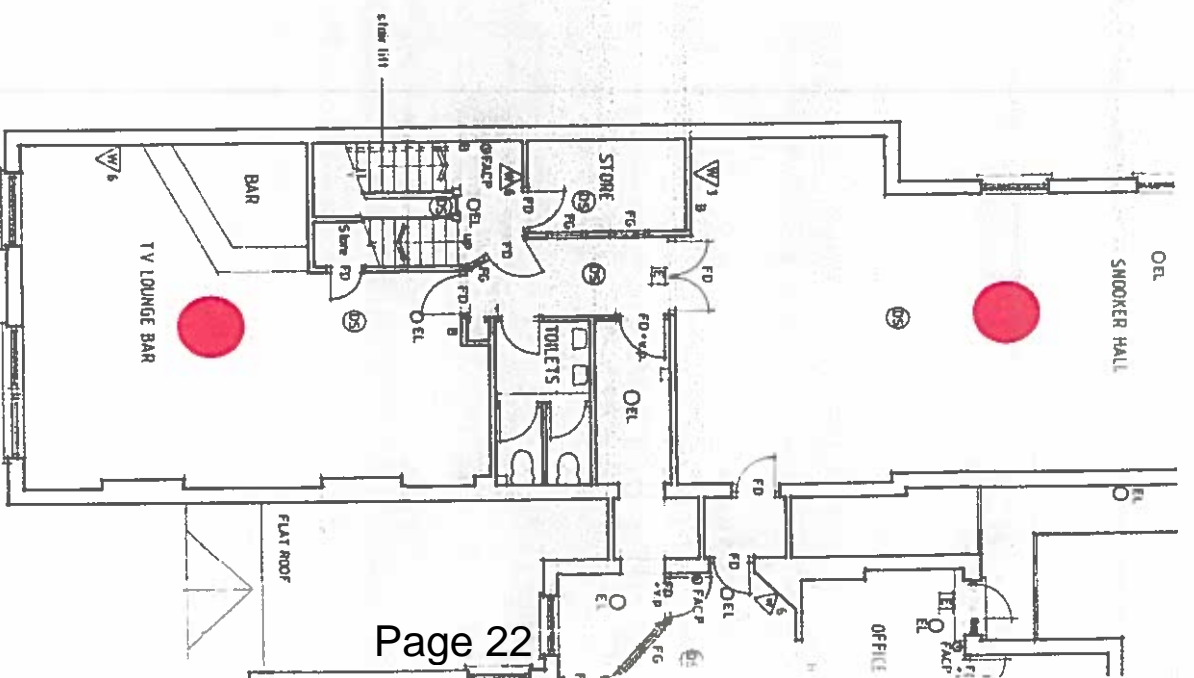
ANNEXES continued ...

PLANS

Copy attached to Licence.

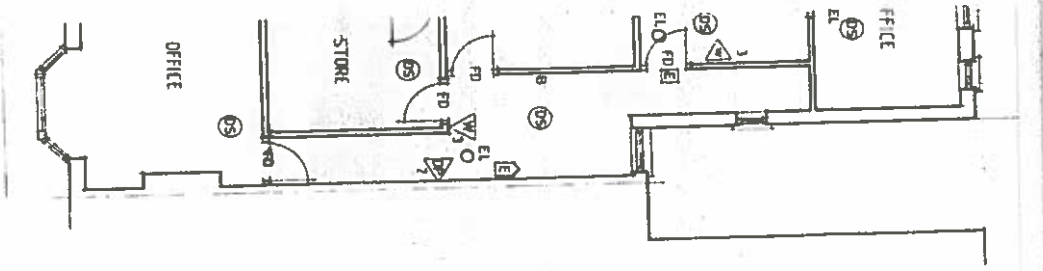
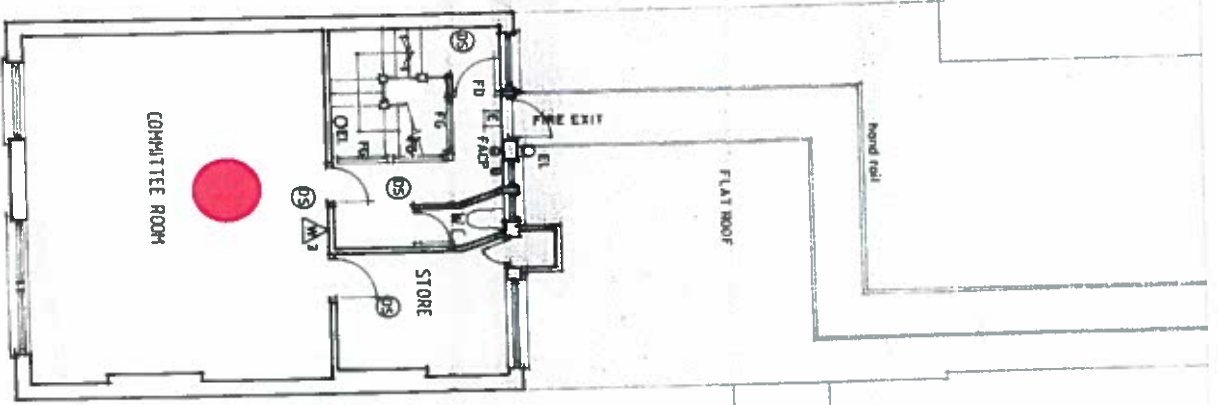
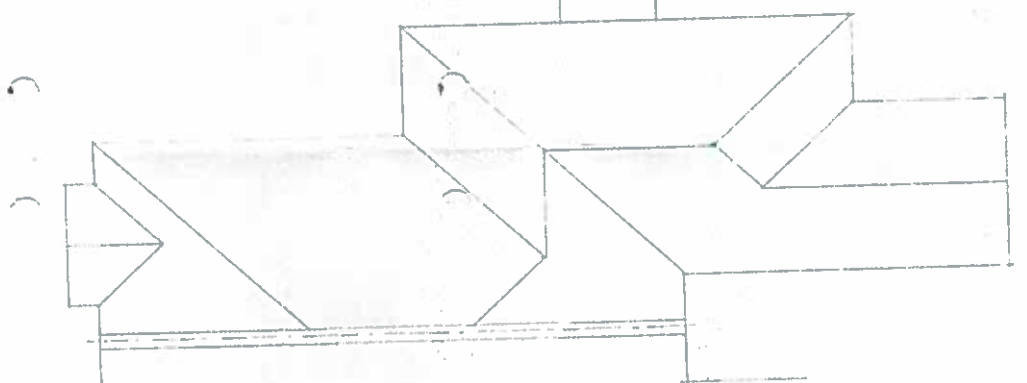


ground floor plan

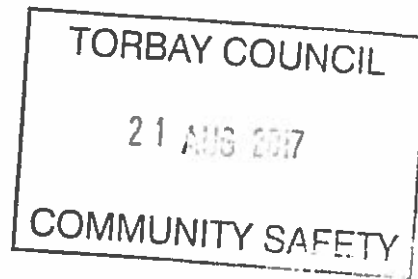


first floor plan

<p>BURKE ASSOCIATES (N°1 Designs Ltd) The Lodge 10 Weekborough Drive Marldon Paignton phone & fax 01803 551859</p>	
<p>Project Floor Plans</p>	<p>Location Preston Conservative Club Torquay Road Paignton</p>
<p>Client Preston Conservative Club</p>	<p>Date Oct 04</p>
<p>Scale 1:100</p>	<p>Drawing 554:01</p>



second floor plan



Re:- Preston Conservative Club

Dear Sir,

We are writing to lodge an objection to the application by the Conservative Club for permitting the consumption of alcohol in the front patio area of the Club between the hrs of 11 am to 9 pm.

We are the owners of [redacted] and have grave concerns of the impact that such a change to permitted use would have on our quality of life and upon the potential adverse effect upon the value of our property. A similar application was made a few years ago which was declined and we are hoping for a similar outcome this time.

To give a fuller explains ion of our reasons for objecting, we would advise that we are currently experiencing issues relating to noise from the Club affecting the rear of our property and back garden. Over the years the nature of entertainment within the Club has changed, they now have more live bands and D.J's etc; this creates a much higher volume of noise, which is further expatiated by the continuous leaving open of a rear window in the function room. Because the Club seems to have such poor sound insulation any time there is entertainment this can be heard in the local neighbour's gardens and affects the use and enjoyment of those garden's by ourselves and our neighbours. Furthermore the sound and bass beat carry's into the rear rooms of our property, even when doors and windows are closed.

With regards to the current application we are already experiencing issues with noise to the front of our property caused by smokers who use the patio area for that purpose. We accept that smokers now have to come outside and we are prepared to put up with the sound of their voices which, despite double glazing, still carry's through the front lounge and upstairs bedroom windows. This has the effect that we have to keep those front windows closed to minimise the sound impact. Generally the smokers only tend to remind in the patio area for five to ten minutes before returning back into the Club and therefore this has the effect of reducing the noise to short periods of time.

This proposal to allow drinks to be taken outside of the Club will greatly increase the length of time when users of the Club will stay in the patio area therefore prolonging the effect it would have on ourselves and our neighbours, The Club itself is endeavouring to promote itself as a venue for functions, such as Wedding Reception, Birthday Parties etc therefore, when there is a function there is a marked increase in the number of users of the Club and the potential number of people who would be gathering on the patio area. If drinking is permitted outside then the potential is that noise may well be experienced throughout the afternoon and evening. As previously stated the noise of normal conversation carry's and can be heard to inside the front of our house. Currently, particularly when there is a function on and a number of smokers gather on the patio area that volume of conversation has a tendency to increase and at times can be quite raucous and foul language can be heard. If, as proposed, you are permitting the consumption of alcohol on the patio area then the number of people gathering there will be higher than the current number of smokers who use it and the combined effects of a party type function with the consumption of drink will

increase the amount of noise substantially. We feel that this most certainly, will have an adverse effect upon ourselves and our neighbours and be detrimental to this area of Preston.

We note that the application only allows for the consumption of drinks to 9 pm and we wonder, how particularly when there is a private function in full flow and drinkers are gathered on the patio, the Club proposes to police this time limit as they do not currently require any security door staff and we assume that they are proposing that this would be supervised by either committee members or bar staff and as to how effective they would be in enforcing a 9 pm drinking cut off time.

Accordingly, given the above comments, we would wish to lodge most strongly our objection to the alteration to the Clubs licence to permit drinking in the front patio area.

We were also surprised that we had not received any formal notification from the Council regarding this proposal. When a similar proposal was made for outside drinking several years ago the Council wrote to the immediate neighbours to notify them of the fact and, because of this we always assumed that should any similar application be made the Council would have provided notification. It was only by pure chance that I noticed your blue Notice of Intent. It has always been my understanding that such a notice had to be clearly displayed in full view of the public. In this instance the notice was within the Clubs glass fronted notice board which is attached to the pillar of the arch way gate access to the patio area. This gateway is set at an angle to the public footpath and faces the Clubs small staff parking area and due to the angle of the gateway the notice cannot be seen by anyone walking towards Paignton, for those walking in the opposite direction there are general four or five vehicles in front of the gateway restricting the view or access to the notice board. Indeed, because it was contained within their own notice board, which gives information like opening times etc, there is no reason for a non member of the Club to move off the public footpath to view the content of the notice board as information relating to private members club would not have any interest to them. It was only by pure chance that I had to go to the adjoining public car park early this morning, at 7 am that on my return I cut across the Club staff car park and was able to view the notification sheet. Whilst not wishing to imply that there was anything intently underhand in the Clubs displaying the notification on their notice board I feel that it would have been beholden on them to display it in a more prominent position, particularly given that they have a set of railings alongside the public footpath that they could have easily attached it to where it would have been in full view of all and any foot and road traffic.