

Statement of Licensing Principles 2021 – 2026

Consultation Responses and Action taken/reply

Comment One

Re Section 1.20 concerning 'Off Licences'. Could more consideration be given to the area in which alcohol may be sold for drinking off the premises in respect of a) whether it is near a public/scenic area where crowds could gather and b) the toilet facilities that would be available to purchasers? This is to combat the situation that occurred on Babbacombe Downs recently where people gathered in large numbers to drink alcohol bought from a near-by Off Licence and as no public conveniences were open (due to Covid19) the nearby Shelter was used instead. The stench was off putting for everyone walking in the area and trying to enjoy Babbacombe Downs.

Response

Gatherings of large numbers of people occurred predominantly as a response to the closure of premises for consumption of alcohol during the Covid -19 lockdown earlier in the year. This therefore arose out of a unique set of circumstances that could not have been reasonably foreseen.

Where licensed premises had the right to make 'off sales' on their licence, they were permitted to make such sales provided that consumption did not take place on the premises. As these permissions were already in place, it was a perfectly lawful action.

The licensing authority has a duty to consider any application received under the Licensing Act 2003 individually and on its own merits, it is therefore, not possible to lay down a blanket requirement with regard to off sales.

Notwithstanding this, it is important to ensure that the four licensing objectives are promoted at all times and the Policy has therefore been reworded at in Section 3.1(b) (xxi) to take account of any situation where it is believed that off sales may be consumed in public areas, where, following appropriate representation(s) condition could be imposed on any licence issued.

Comment Two

More enforcement needs to be done on small hotels, guest houses & B&Bs who do not have a licence but serve alcohol. Many of us have to pay £180 a year which barely breaks even any profit on the sale of alcohol, just because we offer a complimentary drink on arrival. Many others sell bottles of wine or champagne in bedrooms or give drinks away, some even have full bars yet have no licence which isn't fair.

Response Two

This is an operational (enforcement) matter and not a matter of policy, therefore no changes have been made to the Statement as a consequence of this reply.

It is a requirement that an authorisation is required in order to sell alcohol, for which appropriate action would always be taken in response to any unlawful sale. It is not possible to visit every Hotel, guest House and B&B in order to check whether alcohol is on sale and therefore, we would rely very much on complaint and/or intelligence. Where such information is supplied to the licensing team, it would be investigated and actioned as appropriate.

Cumulative Impact Policy 2021 – 2024

Consultation Responses and action taken/reply

Five specific questions were posed, which resulted in two replies. These are outlined below:

- 1) Should Torquay Harbourside, Fleet Street and the area around Castle Circus remain within the CIP area as proposed?
- 2) Should the area of Union Street between Temperance Street and Abbey Road be removed from the CIP area?
- 3) Should Abbey Road and Market Street be removed from the CIP area?
- 4) Should the remaining residential areas (in grey, outside of the marked area on the draft map) be removed from the CIP area?
- 5) Do you have any other comments about the Draft Cumulative Impact Policy?

Apart from Question one, where both responders answered 'yes', the responses were split with one stating yes to all other questions and the other, no. No supporting comments have been made by either responder in relation to any of the questions and no comments were made with regard to question five.

This means that the consultation has effectively produced no further information in order to shape the Cumulative Impact Policy. The CIP has however, been reviewed taking account of evidence from both Council, Police and other external sources. In view of this the draft CIP has remained unaltered from that which was proposed prior to consultation, and the Policy has been updated to reflect that.

Licensing Committee Proposals

The Licensing Committee considered both the Statement and the CIP on 11th August 2020. All of the proposals are outlined below and have been incorporated into the draft Statement.

No changes have been made to the CIP, with which Licensing committee were in full agreement.

Licensing Policy

1. Cllr Loxton pointed out there was no page 6 in the table of contents which should refer to the statement of principles.
2. Cllr Mills noted she had a number of comments on typing errors and grammar in the report. She is going to forward these comments separately rather than going through each one during the meeting.
3. Section 3.1 Cllr Loxton asked for something to be added in to cover -modern slavery/trafficking/money laundering/financial abuse
4. Section 3.1 xviii Cllr Dart asked for some wording to be added alongside Ask Angel for an initiative called Ask Clive (this is an initiative to welcome the LGBTQ community in to pubs). It was agreed that Gary would look at this with BBN and some additional words would be added to the policy to say Ask Angela and similar schemes such as Ask Clive.
5. Section 3.1 xxii Cllr pointed out a spelling mistake as it should read by not buy.

6. 6.10 BIS/BRDO it was highlighted that people didn't know what this stood for. Cllr Loxton requested that a glossary is provided at the end of the policy so people can see what the abbreviations mean.
7. 6.15 site should be spelt sight.
8. Appendix 2 point 1 re risk assessment. To change the word employment in the second sentence to provision. *Some areas may warrant the provision of SIA...*
9. Appendix 2 Register of SIA door supervisors – Cllr Loxton would like the word self-employed added as an option before the word employed in the 1st sentence. *...keep a daily register of self employed/employed SIA*
...
10. Appendix 4. Nightclub section refers to Sexual violence in the potential impact section. Cllr Loxton would like the words sexual violence also added to the boxes for alcohol venues and public houses and bars.

Cumulative Impact Policy

All agreed as proposed. Happy to remove all the areas proposed including the section of Union Street that was highlight for consultation.