



FORM J

LICENSING ACT 2003
APPLICATION
FOR THE REVIEW OF A PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

Principal Safety & Licensing Officer
Torbay Council
Environmental Health and Community Safety
Roebuck House
Abbey Road
Torquay
TQ2 5EJ

Contact Details:

Tel: 01803 20 8126

Web: www.torbay.gov.uk

Fax: 01803 20 8854

Email: licensing@torbay.gov.uk





Application for the review of a Premises Licence or **FORM J**
 Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Gareth Fudge
 (Insert name of applicant)
 apply for the review of a premises licence under section 51 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Old Brewery, Lower Ellacombe Church Lane, Ellacombe Torquay	
Post town Torquay	Post code (if known) TQ1 1JH

Name of premises licence holder or club holding club premises certificate (if known) UKPP Old Brewery Limited

Number of premises licence or club premises certificate (if known) PL0209

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Licensing and Public Protection, Torbay Council, Roebuck House, Abbey Road, Torquay

Telephone number (if any)

01803 207614

E-mail address (optional)

licensing@torbay.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Despite efforts on the part to the responsible authority to assist the licence holder control noise arising from their premises, the premises continues to be operated in a manner that is causing public nuisance. The premises does not have a licence for regulated entertainment, yet they continue to play music at a level well in excess of background music. In fact the music has been clearly audible outside the premises at a level sufficient to cause statutory nuisance.

The licence holder was advised that this was a breach of the premises licence and has been advised on many previous occasions. Particularly advice has been given on what constitutes regulated entertainment. However problems have continued.

The licence holder makes little attempt to control noise from patrons resulting in public nuisance arising as a result of shouting, arguments and singing in the beer garden and immediate vicinity of the premises.

Please provide as much information as possible to support the application (please read guidance note 2)

Evidence of of the premises causing public nuisance has been obtained on the following dates and problems are ongoing. This list is not exclusive and may be added to as the investigation continues:-

The 9th of October 2010 - public nuisance caused by playing amplified music and shouting etc outside the premises. (Music under the TEN process)

The 11th of February 2011- No TEN in place music audible outside the premises and in complainants home.

The 19th and 20th of February 2011 Music audible and shouting patrons outside.

The 25th 26th and 27th of February 2011 Music audible and disturbance from patrons outside

Disturbances witnessed by an officer of this department on the 5th of March 2011 music and patrons clearly audible in complainants home.

Further details together with audio evidence of these incidents will follow.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

I opposed the grant of the addition of music to a new licence to the above premises, following on from the number of complaints that have been received and the premises unsuitability to play amplified music. A copy of my original submission and the committees decision will be submitted.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *Gareth Fordy*

Date *10-3-11*

Capacity *Senior Environmental Health Officer*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

