

Memorandum

To:	From	:	Community Safety
c.c	Contact	:	██████████
c.c.	Ext	:	██████████
c.c	My Ref	:	No18Hydekjm3
.	Your Ref	:	
For the attention of: ██████████	Date	:	13 th September 2021

Premises Name & Address: No 18, 18 Esplanade Road, Paignton

Subject: Variation application – Licensing Act 2003

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

Prevention of Public Nuisance

1. The application seeks to increase the overall capacity of the premises from 150 to 400 persons. Whilst it would not be the norm for any premises under most circumstances to operate at full capacity, clearly a more than doubling of the capacity will impact on the licensing objectives if not carefully considered and managed by the applicant.
2. The applicant has not proposed any further conditions other than previously stated in a full variation application submitted, heard and refused at a hearing in May 2021.
3. The decision to refuse was largely because the applicant applied for an increase in the terminal hour. This is not the case in this application; however the additional capacity will increase the likely hood of nuisance occurring from patrons using the exterior of the premise and when patrons disperse from the premises at 1:30am.
4. The applicant has proposed a management scheme, but the Responsible of Authority lacks the confidence in the management to achieve success with this scheme. That is not wholly a criticism of the operator as arguably 'human behavior', to a degree is a matter that is largely beyond the control of the operator to successfully manage.
5. The Responsibly Authorities continuing resistance to any significant changes to the current license is borne out of the desire to prevent further nuisance to residents and business in

the surrounding area, particularly Kernou Road. This has been evidenced in the past and supported by those who live and operate businesses at this location.

6. The applicant relies heavily on a physically barrier to prevent patrons from existing onto Kernou road:-



7. The concept is simply, prevent a convenient line of sight exit onto Kernou Road with the aim of encouraging patrons to leave via Esplanade Road in the hope they will head towards Torbay Road.

However this does happen. In April 2021 Officers observed the barrier was in operation yet Patrons still naturally headed onto Kernou Road once left they left the premises via the exit

on Esplanade Road. The same situation was observed again on Friday the 10th of September 2021.

8. A view can be adopted that the applicants proposed management scheme does and will work, as long as it can be accepted it will not prevent all patrons from using Kernou Road. However the application is not supported by any numerical data to demonstrate whether the scheme prevents 90% or just 10% of patrons leaving the premises via Kernou Road.
9. In the absence of any supporting evidence which could quantify a response the view must remain that the barrier and use of stewards is not effective in preventing nuisance from the additional capacity of 250 persons.

Prevention of Public Safety

10. The application does not demonstrate matters raised by Devon and Cornwall Police Licensing in May 2021 in relation to the layout of the premises has been sufficiently addressed by this applicant. The Police raised these issues under the Prevention of Crime and Disorder but equally the responsibility Authority requires further assurance that the licensing objective prevention of Public Safety with not be undermined.
11. Concerns relating to the layout of the premises was a factor for refusal of the full variation application in April 2021. Extract from the decision notice: -

In respect of the internal layout and the concerns raised by the Police regarding pinch points, Members noted the revised plans showing minor widening of the corridor, an increase in the number of ladies toilets to six and the intention to have SIA Door Stewards at either end. However, Members were not satisfied that this had changed significantly from what was there previously. In forming this opinion, Members determined that there was still an issue of concern where patrons are queuing to use the toilets and those passing between the bar areas, particularly given the Applicants' proposed capacity of over 400 persons. In their oral submissions, the Applicants' tried to address how the flow of this area would be managed to avoid conflict between such patrons but failed to provide sufficient detail on how this would be effectively managed, with the other pressures intended to be placed on the SIA Door Stewards. In Members opinion, additional persons in this area, could contribute towards pinch points and gave members further concern.

12. At this time it is not appropriate to provide any recommendations to members of the licensing Sub-committee as the applicant has time to provide further reassurance and/or supporting evidence.
13. If necessary, an update will be provided to the licensing committee ahead of the hearing.

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Public Protection Officer
Torbay Council