

From: [Matthew Phipps](#)  
To: [Carrie](#)  
Subject: Birdcage  
Date: 19 February 2024 16:23:18

You don't often get email from [matthew.phipps@bt.com](mailto:matthew.phipps@bt.com). [Learn why this is important](#)

Carrie

Good afternoon

Please find 3 photographs below of the interior of the Birdcage. For incorporation within the licensing committee papers please.

Matthew





Dear Carrie

I have had a review of the application with my clients, and we have reflected on the two representations.

Whilst my client does want to move forward with the extension to the hours on Friday and Saturday nights, this can be limited to the sale of alcohol and late-night refreshment (hot food and hot drink) only.

The two regulated entertainment elements, recorded music and live music, part of the application for Fridays and Saturdays, can be withdrawn.

We would like to convey this to the two representors, would you like me to draft an email to send across or you will engage with them direct?

Please can this be reflected in the licensing committee report.

Many thanks

Yours sincerely

Matthew Phipps  
Partner  
Head of Licensing England and Wales  
for TLT LLP

Dear Carrie

We act for the applicant for the licence variation and I am authorised to write on their behalf.

We have reflected on the two representations.

As you are aware the application has a couple of elements. In so far as regulated entertainment is concerned, namely recorded music and live music, with the request that this be extended on Fridays and Saturdays, this can be withdrawn.

My client does want to move forward with the extension to the hours on Friday and Saturday nights, however this will be limited to the sale of alcohol and late-night refreshment (hot food and hot drink) only.

Stevie, the manager is keen to ensure the premises does not cause any issues for residents, and will be carefully managing and supervising the outside areas and the departure of customers. If the residents would like to have direct contact details for Stevie then she is very happy to pass these along, so that any issues or concerns can be brought to her attention directly.

Please can you convey this amendment to the representors.

Yours sincerely

Matthew

Matthew Phipps  
Partner  
Head of Licensing England and Wales  
for TLT LLP

**From:** [Matthew Phipps](#)  
**To:** [Cottell, Carrie](#)  
**Subject:** Birdcage submissions - [TLT-TLT.FID9788114]  
**Date:** 21 February 2024 09:41:22

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Dear Carrie

### **Submission**

This submission is aimed at assisting the Torbay Council licensing subcommittee, and the remaining local resident objector who are party to the above matter, now listed for determination on 29 February. In essence it summarises the submissions that the applicant will make to the licensing committee and introduces the documents that will be before the committee.

### **Variation**

The variation seeks to permit an additional hour on Fridays and Saturdays only. Having reflected on the representations the applicants have now indicated to the authority that their proposal that regulated entertainment be extended, is to be withdrawn. The licensing officer kindly conveyed that information to the two resident objectors and one subsequently withdrew. It is not any part of this application, nor any part of future plans, that the Sunday-Thursdays permission will be extended beyond the existing midnight proposal. The only Sunday to Thursday element of this application, for late night refreshment, is to allow that permission to "catch up" with the existing alcohol and opening permission.

### **Birdcage**

The development of the Birdcage has been prolonged. For the last 2+ years it has operated to good effect under the same management team. It has developed itself as an inclusive environment, for all ages with a strong food proposition, sport on television and occasional entertainment, on the weekends. On Fridays and Saturdays, it is particularly popular with others who work in the hospitality sector, with a number attending later in the evening, after their work.

For the two years before Stevie took occupation the previous operator ran the premises to good effect. The offer was mainly focused on a premium food offering with occasional mid evening entertainment. James Farmer, the business development manager for Punch Taverns, has had responsibility for the premises for two and a half years and has not had any reported disturbances or complaints against the pub during that period.

### **Photographs**

Photographs disclosing the interior of the premises are included within the committee papers. A menu is also attached.

### **Blue Anchor**

Punch Pubs own a significant number of public houses throughout England and Wales. James also has responsibility for the Blue Anchor public house. This pub has been run responsibly by Punch Pub's managed partner there for the last four years and has no history of issues or difficulties.

### **Stevie (The DPS and operator)**

Stevie grew up in Brixham, is qualified as a primary school teacher but has worked in the hospitality industry for a number of years. Although new to the Birdcage, she has managed a popular local wet-let pub, to good effect, for a number of years.

She is knowledgeable about the local history and the people of Brixham, has good relationships with many of the young people who frequent the pubs in Brixham and has good relations with many of the other pubs and licensed premises in Brixham including the Blue Anchor, the Manor, the New Quay and the Bulls.

Stevie is familiar with the Jackie's premises and recognises and respects the concerns that have been articulated within the representations. She is also aware that other premises locally have had issues and difficulties and in one case, premises has been closed.

### **Pubwatch**

Stevie has been an active participant in Pubwatch with the licensing officer Olivia Gifford leading, she is keen to collaborate with other licensed premises and the officers so as to ensure that if someone is identified as being troublesome that they do not then gain access to the Birdcage.

### **Contact details**

Stevie is happy to have her direct contact details (mobile phone number and/or email) distributed to surrounding neighbours, including the representors, so that there can be an ongoing direct engagement if any issues arise.

### **Departure of customers**

The management and the applicant are aware that managing noise for neighbours is of critical significance. On departure customers now leave via the Brixham Theatre side door, with other doors being kept closed after 12 midnight.

### **Acoustic lobbies**

There are double doors at both entrances and during any live music or entertainment at least one of those sets of doors will be closed, save for access and egress.

### **Monitoring and supervision**

On Fridays and Saturdays Stevie will have enough staff to allow her to "patrol" the whole of the premises throughout the evening. This worked to good effect at the Manor public house which she previously managed. This allows for early identification of issues or concerns and allows customers to see that management are in and around the public parts of the premises, at all times. She will also take a lead in ensuring that people move on and depart the immediate vicinity at the end of a night, as well as monitoring and supervising the outside areas, with particular regard so as to ensure that noise levels are managed and appropriate. Whilst it is right that some groups do hang around the town centre after other licensed premises have closed, this has not been an issue at the Birdcage.

### **Antisocial behaviour**

The representations fairly articulate that there can be antisocial behaviour in and around Brixham, but we submit that that this is likely to be ameliorated by these premises being permitted a more gradual departure period rather than the slightly "hard stop" at midnight, that many other public houses operate.

### **Outside areas**

There is a rear courtyard to the pub, but the area is limited and will be supervised and monitored at all times. This courtyard is away from residential flats opposite the pub, there is housing on the street behind but not until further up the street or on opposite side. Regular patrols will be by staff and management to ensure nuisance does not occur, cameras also operate in this area.

### **Departure**

Although many will walk home provision for taxis is managed by the premises. Taxi cards available in bar and staff are able to call taxis, a Taxi rank and bus stops are across the road. Customers may wait inside the pub whilst waiting for transport .

### **First floor**

Whilst historically the first floor of the public house had residential letting rooms, the first-floor space is now given over to the manager's accommodation and no rooms are let out at all.

### **Live music/regulated entertainment**

It is not intended that the premises will have live music every day of its permission, nor every weekend. It is anticipated that this will likely be once a month and/or on key event days such as St Patrick's Day or similar.

### **Previous application**

These premises have made applications to the licensing committee before now. In 2017 there was an application to amend hours and revise (and update) the licence conditions. The extensive conditions that the committee will see on the face of the existing licence appear drawn from that 2017 variation. This 2017 variation application drew a representation from the Devon and Cornwall

Constabulary, but agreement was reached, moderating the application in line with the discussions. Following the withdrawal of the police representation we believe that the matter was granted under delegated authority (without the necessity for a licensing hearing).

### **Conditions**

The operating schedule for these premises is extensive. Conditions include but are not limited to: Prevention of crime and disorder – glassware, crime prevention advice, banning policy, zero tolerance, pub watch engagement, high visibility clothing for SIA supervisors. Public safety- taxi management and lighting. Prevention of public nuisance –retention of sound, signage, noise management plan, a prohibition on unaccompanied children, doors and windows being closed, amplified sound under managements control, CCTV, incident book, training, risk assessment for door supervisors. Protection of children from harm- challenge 25, no under 18's after 10pm.

### **Responsible Authorities**

The responsible authorities do not object to this application. The licensing committee will be familiar with section 9:12 of the national guidance issued under section 182 of The Licensing Act 2003. This states: .... *Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.*

### **Licensing Policy**

The following elements of the licensing policy appear to us to merit comment:

1.4 – The Authority acknowledges the important role which pubs and other licensed premises play in both tourism and in local communities. The Authority therefore believes that providing licensed premises operators compliant, well regulated businesses and that their management act responsibly in promoting the licensing objectives, they make a positive contribution toward building local communities and supporting cultural development and Torbay's tourism offer. It is also important to appreciate that alcohol does play an important and inherent role within the leisure and entertainment industry.

8 – The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible poorly managed operators.

6 – The Policy therefore seeks to provide a necessary balance between providing a platform upon which compliant, well regulated businesses may operate and contribute toward a successful business and night time economy, and ensuring that the quality of life of those who live and work in the Bay are protected through our robust licensing procedures. We believe these aims are achievable, if all parties work together.

1.7 – Whilst the Authority will not use Licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place and beyond the direct control of the Licensee, where there is a cause or link between the behaviour complained of and patrons of the licensed premises, it is expected that the Premises Licence holder will take immediate steps to mitigate such impact within the vicinity of their premises....Premises Licence holders will be required to demonstrate that they have taken and intend to take appropriate action in his respect.

2.4 – The Authority will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays.

1.28 – The Authority recommends that all applicants seeking to supply alcohol should have regard to the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks.

3 – Where there have been relevant representations the Authority will consider the content of any application with respect to the following matters. The adequacy of measures proposed to prevent

crime and disorder and the history or any previous relevant enforcement action particularly ...the measures the applicant is taking or proposes to take to improve security or public safety, for example by: CCTV, risk assessment, SIA door stewards, safe capacities, bag sizes, cloak room facilities, metal detectors.... Working to reduce the likelihood of violence or public disorder.... Implementing the outcomes of consultations with the Police.... Attendance and participation at local Licensing Forums.

Steps taken by or proposals of the applicant to (variously)...Prevent noise escape including music and human voices, such measures may include the installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices.....Managing the outside spaces notably beer gardens, designated smoking areas, car park areas to prevent noise from patrons and entertainment creating a public nuisance to nearby neighbours.....Prevent disturbance by patrons arriving at or leaving the premises, or in the vicinity of the premises especially when smoking.

**Temporary event notices**

Our clients applied for and obtained two temporary event notices to broadly mirror the proposed application. These were across the weekend of 3 and 4 February and the weekend of 27 and 28 January. The premises operated those permissions, until 1am on Fridays and Saturdays, to good effect. They demonstrate, we submit, that the premises can correctly manage its affairs so as to avoid any undermining of the licensing objectives, in line with the proposed variation.

**Conclusion**

This application strikes the right balance between proportionate, appropriate, sustainable, necessary growth that promotes the licensing objectives so as to ensure that the impact upon residents, neighbours and others is managed and manageable.

We will be in attendance before the licensing committee to support the application and to develop these points.

Matthew Phipps  
Partner  
Head of Licensing England and Wales  
for TLT LLP

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



# Food Menu

## BAR SNACKS

### ANY 3 FOR £15.99

#### CRISPY KING PRAWNS 6.75

Marinated in a blend of South Asian spices with tandoori mayo (†)

#### ONION RINGS & DIP 5.75

Crispy battered onion rings with a choice of dip  
Stilton mayo (v), spicy mayo (v), sweet chilli (ve)

#### MOZZARELLA STICKS 6.75

With sweet chilli sauce (v)

#### CHICKEN WINGS 6.75

With a salt & chilli rub (†)

#### CALAMARI 6.75

With a dill & pickle mayo (†)



## STARTERS

#### SOUTHERN-FRIED CHICKEN STRIPS 6.75

With Southern-style gravy

TREAT YOURSELF! ADD 2 MORE STRIPS FOR AN EXTRA £2

#### TOMATO & BASIL SOUP 5.75

Served with warm sourdough (v) (ve option available)

#### GARLIC BREAD 4.50

Oven-baked garlic sourdough (v)

ADD CHEESE £1

## PUB CLASSICS

#### STEAK & ALE PIE 13.50

With a choice of buttery mash or skin-on chips, garden peas and gravy

#### PORK SAUSAGE & MASH 10.99

With a Yorkshire pudding, garden peas and roast onion gravy

#### VEGETARIAN SAUSAGE & MASH 10.99

With a Yorkshire pudding, garden peas and roast onion gravy (v)

#### SCAMPI & CHIPS 11.50

With a choice of garden or mushy peas, tartare sauce and lemon (†)

#### HUNTER'S CHICKEN 12.50

Chargrilled chicken breast with bacon, melted cheese and BBQ sauce, served with skin-on chips and salad

#### BEEF LASAGNE 13.50

Slow-cooked in a red wine & tomato sauce, topped with Cheddar and pesto, served with salad

ADD SKIN-ON CHIPS £2.50

ADD GARLIC SOURDOUGH £2.50

#### CHICKEN TIKKA MASALA 13.50

With pilau rice, naan bread and poppadom

#### BEER-BATTERED FISH & CHIPS 12.99

With a choice of garden or mushy peas, tartare sauce and lemon (†)



#### MUSHROOM & TARRAGON PUDDING 13.50

With sautéed potatoes, garden peas and gravy (ve)

#### 10oz GAMMON & EGGS 13.99

With skin-on chips, grilled tomato and garden peas

ADD CRISPY ONION RINGS £2

ADD SCAMPI £3

ADD CHICKEN WINGS £3

# BURGERS

Served in a toasted brioche-style bun with skin-on chips

UPGRADE TO SALT & CHILLI CHIPS 50p



## HUNTER'S CHICKEN BURGER 13.99

Chargrilled chicken breast with bacon, BBQ sauce and cheese

## CHEESE & BACON 12.50

Two 3oz beef patties with bacon, cheese, caramelised red onion and burger sauce

## SOUTHERN-FRIED CHICKEN 11.99

Hand-coated Southern-fried chicken with garlic mayo

## THE LOUISIANA 12.50

Southern-style cornbread coated patty with pickled gherkins, BBQ sauce and mayo (ve)

## LOAD YOUR CHIPS FOR AN EXTRA £3

CRISPY CHILLI CHICKEN

SOUTHERN-FRIED CHICKEN

BREADED MOZZARELLA (v)

## TOP YOUR BURGER

BACON £1.50

CHEESE (v) £1.00

BEEF PATTY £1.99

BURGER SAUCE (v) 50p

# LOADED CHIPS

## CRISPY CHILLI CHICKEN 7.99

Skin-on chips topped with sweet chilli chicken, cheesy nacho sauce and Southern-style gravy

## SOUTHERN-FRIED CHICKEN 7.99

Skin-on chips topped with crispy fried chicken, cheesy nacho sauce, Southern-style gravy and garlic mayo

## MOZZARELLA 7.99

Skin-on chips topped with breaded mozzarella, cheesy nacho sauce and sweet chilli sauce (v)

# ON THE SIDE

## CRISPY ONION RINGS (ve) 3.75

## SKIN-ON CHIPS (ve) 3.75

## SALT & CHILLI SKIN-ON CHIPS (ve) 4.25

## BREAD & BUTTER (v) 1.99

# DESSERTS

## HAND-MADE STICKY TOFFEE PUDDING 5.99

From award-winning Cartmel, with your choice of creamy custard or vanilla ice cream (v)

## SALTED CARAMEL CHOCOLATE BROWNIE 6.25

With salted caramel sauce and vanilla ice cream (v)

## LOTUS BISCOFF SUNDAE 5.99

With vanilla ice cream, Lotus Biscoff sauce, whipped cream and Lotus biscuits to finish (v)

## CHERRY SUNDAE 5.99

With coconut ice cream, cherry sauce and Belgian waffle (ve)



### DIETARY REQUIREMENTS

We don't claim to be a 'free from' restaurant but tell us your specific allergen requirements and we will check everything and take extra care with your meal. Scan the QR code for our allergens guide and calorie information or visit: <https://links.digitalpubs.co.uk/xxxxxx>. A printed copy of the allergy information is also available from a team member. All weights stated are approximate uncooked weights.

(v) vegetarian (ve) vegan (h) may contain bones or shells. Cartmel is a registered trademark of Cartmel Sticky Toffee Pudding Co Ltd. Biscoff is a registered trademark of Lotus Bakeries



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