

From: [GIFFORD Olivia 31386](mailto:GIFFORD.Olivia.31386)
To: Licensing
Subject: RE: Torbay Council new premises licence application - 29 Ilsham Road, Torquay
Date: 05 February 2024 14:29:33
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Re: 29 Ilsham Road Premise Licence.msg](#)
[29 Ilsham Road - Suggested Conditions.docx](#)

Good Afternoon,

I wish to make a representation in the matter of the above application, on the basis that it did not provide conditions adequate enough to uphold the Licensing Objectives.

However, I have been able to reach a mutual agreement with the applicant as seen in the attached. Should these conditions be added to the premise licence, I would be happy to withdraw my representation.

Kind regards,

Olivia Gifford
Licensing Officer (Torbay) 31386
Alcohol Licensing Dept
Devon, Cornwall and Isles of Scilly
olivia.gifford@devonandcornwall.pnn.police.uk
Tel: [REDACTED]

From: Licensing <Licensing@torbay.gov.uk>
Sent: Tuesday, January 23, 2024 9:57 AM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Torbay Council new premises licence application - 29 Ilsham Road, Torquay

Dear all

Please find attached application with supporting information for a new premises licence for:

- **29 Ilsham Road, Torquay, TQ1 2JG**
-

The date to return any comments by is **Monday 19th February 2024**.

Kind regards

Joanne

Title: Torbay Council


This electronic email is confidential and may also be privileged. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately. The views in this message are personal; they are not necessarily those of Torbay Council.

.....
This e-mail is intended for the named recipient(s) only and may contain privileged information, which is protected in law. If you have received this e-mail in error, please contact the sender to advise them and delete this e-mail. Unauthorised use, disclosure, copying or distribution is prohibited.
.....

E-mail should not be regarded as a secure means of communication, we take all reasonable steps to ensure that e-mails are protected from malware, but cannot accept liability for any loss or damage, howsoever arising, as a result of their transmission to the recipients' computer or network.
.....

For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

From: [Sivarasa Suresh](#)
To: [GIFFORD Olivia 31386](#)
Subject: Re: 29 Ilsham Road, Premise Licence
Date: 05 February 2024 14:21:27
Attachments: [image006.jpg](#)
[image005.png](#)

Hi Olivia,

I have read the suggestions and they are good to go. We can follow them and implement the controls and procedures outlined.

Thank you,
Suresh

On Mon, 29 Jan 2024 at 14:35, GIFFORD Olivia 31386
<Olivia.Gifford@devonandcornwall.pnn.police.uk> wrote:

Good Afternoon,

I have received your application for a premise licence for [29 Ilsham Road](#), Torquay.

There are some additional/reworded conditions that I would like to see on the licence for the premise to meet the national licensing objectives. I have attached a document for your attention. If you could please review this and let me know your thoughts, I would be grateful.

Should you be happy to accept these conditions onto the licence, then I will inform Torbay Council as such. If we are unable to come to an agreement, then I may need to consider objecting to the licence.

Please respond to this email at your earliest convenience.

Kind regards,

29 Ilsham Road – Suggested Conditions.

Prevention of Crime and Disorder

- 1) All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Recognising the signs of drunkenness.
 - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 6 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months

- 2) An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
 - i. Any incidents of disorder or of a violent or anti-social nature
 - ii. All crimes reported to the venue, or by the venue to the police
 - iii. Any complaints received
 - iv. Any faults in the CCTV system
 - v. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

- 3) All alcohol on display will be in such a position so as not to be obscured from the constant view of the cashier/staff, either directly or via CCTV.
- 4) No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

- 5) The premises shall operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:
 - i. Cover all public areas of the licensed premises, including entry and exit points.
 - ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
 - iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
 - iv. Have a constant and accurate time and date generation.
 - v. Store recordings for a minimum period of 14 days with date and time stamping.
 - vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998.
 - vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
 - viii. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).
- 6) The CCTV system will be fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document <https://ico.org.uk/fororganisations/guide-to-data-protection/cctv/> (or any renewed equivalent guidance which is subsequently issued).
- 7) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with minimal delay, or within 72 hours of the initial request.

Protection of Children from Harm

- 1) All staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol and then at least every 6 months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.
- 2) There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
 - A photo driving licence
 - A passport
 - An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

- 3) The premises shall display prominent signage indicating that a Challenge 25 scheme is in operation.
- 4) An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:
 - i. the date and time of refusal
 - ii. the reason for refusal
 - iii. details of the person refusing the sale
 - iv. any known information about the customer
 - v. any other relevant observations.

The refusals register will be made available for inspection and copying on the request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

Public Nuisance

- 1) Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

Representations from Interested Parties in respect of an application for the grant of a premises licence at 29 Ilsham Road, Torquay

Interested Party 1:

The Co-op up the road operate a strict 'Challenge 25' policy in order to prevent the sale of alcohol to minors and this is detailed in their alcohol sale license. They have several staff working there who are able to support each other in refusing sales to those who are intoxicated or appear underage. This business does not mention this scheme and its justification that it will be protecting children from harm seems very weak to me. The statement in the license application: 'We strictly follow underage sale of alcohol.' doesn't even make sense. As a result I am really concerned this retailer will not enforce the law robustly and granting of this license will see young people purchasing alcohol illegally. Litter is already a problem in the area - cans and bottles left in the streets. I am concerned another retailer will further contribute to this issue. Anti-social behaviour is also an issue in this area. With a grave lack of policing I have felt unsafe when walking due to intoxicated persons hanging around on the street. Later opening than the co-op will further compound this problem, especially with the Torbay Council's proposal to move these issues out of the town centre.

Interested Party 2:

It is a well acknowledged fact that we have a serious alcohol problem within Torbay. We do not need yet another licensed premise in Ilsham Road as we already have the COOP and Kents Cavern Pub. At our Wellswood Community Partnership the Police have repeatedly advised us that drugs, alcohol and shoplifting are major blights within our society today.

1. Protect our children: we have a primary school directly opposite
2. Public safety: having a licensed premise open between 7am and till midnight will attract people who want to drink outside licensing hours. Too much alcohol is a blight to our Society today. It leads to domestic abuse, road safety issues and general disorder. In Geneva where i lived previously they ban the sale of alcohol by convenience stores after 9pm.
3. General disorder: it will not help the litter issues we experience locally. Beer cans are often found thrown on the green, under the bench and in the hedge outside Kents Pub.
4. Prevention of crime: Our police advised us at our Wellswood Community Partnership not to engage with shoplifters. They further advised their resources are focused on risk and that this often means shoplifting cannot be addressed. Having another convenience store selling alcohol is likely to increase the risk of shoplifting in Wellswood as it is another place to target.

Interested Party 3:

1) Ilsham Primary School faces the shop that will be selling alcohol throughout the day. Children should be guarded from any such potential danger or witnessing of any such disorder. 2) We had an issue with a person hanging around the school play ground area / fence approx 5 years ago in 2018 which was not very pleasant for the children , teachers or the community. Many were very anxious about the situation. 3) This village street and location is very well represented if alcohol is needed. 4) It is not in the best interest of the community to attract individuals to sit on the bench / green next to the school and consume alcohol . 5) There are many shops very close by that cater for alcohol etc hence why encourage this addiction and health problems. 6) This could create public nuisance and a danger to young and elderly. 7) Homeless , searching for cheap alcohol may be attracted to locate close by if knowing about this new low cost provider of alcohol. 8) There is a co-op , pub , restaurants and shops that already provided alcohol etc so any new shops will reduce the financial ability of the little village shops to trade , which then creates less shops in the long run . Then we have empty shops as well as public disorder.

Interested Party 4:

The proposed licence to sell alcohol until midnight at a premises in a quiet residential area of Torquay will almost certainly attract a different demographic to the area, with the potential to cause crime and disorder as a result of late night anti-social drinking. The area is made up of c. 7200 people of which the majority c. 68% are aged over 50 and the area is generally safe, quiet and peaceful during the day, and also at night. We often walk home from Wellswood after going out for dinner but I am not sure how comfortable we would feel if the area was taken over by people late night drinking on the streets, on benches near the church or in the numerous open spaces (Ilsham Green and Stoodley Knowle). Wellswood is a conservation area known for its green open spaces and it would be a tragedy if these areas were spoiled by litter, used bottles, cans, and all the other accompaniments associated with anti-social drinking. I am also concerned as a local resident how I would feel walking my dog at night. We only have to look at the situation at Kilmorie car park to see the nuisance caused by gangs of anti social people late at night - which still hasn't been resolved. There is a primary school located virtually opposite the proposed premises which has a bench and other seating areas nearby by the church, it is wholly inappropriate to grant a licence to sell alcohol so close to where children congregate. Children need to be protected from witnessing the effects and behaviour that certain individuals may display during and after drinking - you only need to see the issues in certain areas of town with vomiting and urinating in the street, shouting and fights. I would urge you to strongly reconsider and reject this application.

Interested Party 5:

Prevention of Crime and Disorder Crime and disorder are prompted by alcohol-fuelled anti-social behaviour. Torquay already has alcohol-fuelled antisocial behaviour problems. Torbay Council is consulting on introducing alcohol-free zones in Torquay. However, this will likely lead to a re-location of street drinking to areas outside of the alcohol-free zone, and Wellswood abuts the town centre. There are already plenty of outlets in Wellswood

village where alcohol can be purchased: in the Kents pub; village restaurants and Co-op store. There is no shortage of places selling alcohol across Wellswood, especially as there is already a Premier Convenience store only 0.4 miles away on Babbacombe Road. As Dr Lincoln Sargeant (Director of Public Health for Torbay Council) has reported (<https://www.torbay.gov.uk/council/policies/health/phar-2022/#Crime>), alcohol is a factor in approximately two of every five violent crimes committed in England. Furthermore, there is a strong, and well evidenced relationship between alcohol and domestic abuse and sexual violence with alcohol often consumed at the time of assault by a perpetrator. For 2021/22, 20% of recorded crimes in Torbay had alcohol recorded as a factor, this was up from 17% during 2020/21 and 15% during 2019/20. Public Safety Increased availability of low-cost alcohol is detrimental to health. This is why the Scottish Government has introduced Minimum Unit Pricing for alcohol, and this will be raised by 30% from September. The Public Health report "Wellswood Ward Profile" (<http://www.southdevonandtorbay.info/media/tixgmu4d/wellswood.pdf>) states: "Public Health England estimate that alcohol abuse costs approximately £21 billion a year (£11 billion in alcohol related crime, £7 billion from lost productivity, £3.5 billion to the NHS). The number of alcohol specific admissions over the previous five years have been significantly higher in Wellswood than Torbay as a whole. Compared to national figures they are significantly higher than England". As alcohol-related health problems are already a problem, Wellswood does not need to exacerbate the problem with a low-cost alcohol retailer. As Dr Lincoln Sargeant (Director of Public Health for Torbay Council) has reported (<https://www.torbay.gov.uk/council/policies/health/phar-2022/#Crime>), in England, alcohol misuse is the biggest risk factor contributing to early death, poor health and disability for people aged 15 to 49 years old. Torbay's level of hospital admissions related to alcohol is significantly above these national rates. Torbay consistently has higher rates of alcohol-related admissions than other places with those living in our most deprived communities being most affected. The nature of alcohol consumption in Torbay is having a more severe impact upon Torbay's residents' health than is being seen either regionally or nationally. Dr Sargeant also reports that Torbay is a premier tourist destination in the UK, with hospitality and leisure being integral to the tourist offer. With alcohol having a key role in the hospitality sector, by default it contributes to the economy of the Bay. When taken as a whole, Torbay has a significantly higher rate of licensed premises than almost all its comparators. Devon Live has reported that the applicant for this licence (Mr Suresh Sivarasa) has a criminal record for breaches of fire safety regulations at a convenience store in Cullompton, Devon. See <https://www.devonlive.com/news/devon-news/shop-owner-ordered-pay-6000-1387514>. A fire authority inspection by Devon & Somerset Fire & Rescue Service was made after fire safety concerns were raised by a local licensing officer. The inspection revealed several deficiencies which included a lack of emergency escape lighting, the lack of a suitable alternative fire exit, inadequate fire detection and warning systems and breaches in the fire separation between the shop and the home above. Because of the risk to people living above the shop an emergency prohibition notice was served. This was withdrawn the next day after the installation of a temporary interlinked fire alarm system. The owner was then issued with an enforcement notice specifying the works required to bring the premises up to the required standard and a timescale in which to complete them. A subsequent re-inspection of the premises found the fire separation between the shop and residential accommodation had not been addressed, despite being given an extension of time. As a result, he was prosecuted and pleaded guilty at Exeter magistrates' court. This premises in Wellswood is in a terrace of shops and in a conservation area so obeying fire legislation is of particular importance. Prevention of

Public Nuisance A convenience store selling low-cost alcohol and operating late opening hours until midnight will attract undesirable behaviour causing public nuisance including: Rowdy or inconsiderate behaviour Begging Littering Vandalism Street drinking Torquay already has alcohol-fuelled antisocial behaviour problems. This is why Torbay Council is consulting on introducing alcohol-free zones in Torquay. However, this will likely lead to a re-location of street drinking to areas outside of the alcohol-free zone, and Wellswood abuts the town centre. Protection of Children from Harm The proposed convenience store is sited immediately opposite Ilsham Primary School As Dr Lincoln Sargeant (Director of Public Health for Torbay Council) has reported, the proportion of children permanently excluded from school due to drug or alcohol use in Torbay is much higher than the national average. Torbay has a higher rate of Child in Need assessments where alcohol is a factor than the rest of England, the South West and other coastal areas. Whilst the store should not sell alcohol to persons under 18, the store will attract people likely to indulge in undesirable behaviour which young impressionable children at the school will witness and be influenced by in their future lives. I urge the Licensing Committee to refuse this application.

Interested Party 6:

This application relates to the sale of alcohol between 6am to midnight. This will only serve to attract individuals who want to purchase alcohol late at night in a residential area (most of the shops have people living above them) with the usual after effects this brings eg. anti-social behaviour, noise, drugs, using Wellswood Green especially during the summer months, leaving litter etc. There's already been a recent case of vandalism to the Snelgrove Memorial in Wellswood Green late at night/early hours of the morning and Wellswood should not have to suffer a late night opening premises which will result in the aforementioned problems. This premises is situated almost directly opposite the Ilsham Academy for children. Traffic parking is already a problem with parking on zig-zag lines & on the pavement with very little being done about it and having this licensed premises will only exacerbate the problem & be a public nuisance with increased safety concerns.

Interested Party 7:

It is acknowledged by police, Torbay Council & other agencies that Torbay has a serious problem with anti-social behaviour, much of which is fuelled by the excessive consumption of alcohol. One only has to visit Castle Circus to witness the issues caused to both retailers and the public. Whilst powers exist under the Anti-Social Behaviour Crime and Police Act 2014, these are rarely enforced in the town centre, and so with the lack of police resources, especially in the surrounding villages, there is little chance of action being taken to prevent anti-social behaviour in Wellswood. There are numerous retailers including the Kents pub and Co-op which sell alcohol in Wellswood, and this application fails to provide any evidence of need for the sale of alcohol from 6.30am (7am Sunday) until midnight. Indeed, under the Licencing Act 2003 the sale of alcohol is prohibited until 10am on Sunday. This store is located opposite a primary school. The most recent statistics from Government sources show that in Torbay, "the rate per 100,000 young people being admitted to hospital due to alcohol consumption locally is 72, compared to the national average rate of 31". This is a very concerning statistic and

to offer an opportunity for the purchase of alcohol and these extended hours does nothing to combat this worrying situation. Whilst the applicant states that they will restrict sales age appropriately, it is probable that those who can offer ID (genuine or not) are likely to be young people, which will increase this problem on the streets of Wellswood. Given that there does not appear to be any benefit to the community for both residents and retail outlets, together with a lack of any argument for need for such a retail offering, I would urge the authority to reject this application.

Interested Party 8:

There are already a number of premises in Wellswood where alcohol can be bought, including a Co-op which is open daily from 7am to 11 pm and there is a clear link between the availability of alcohol and excess drinking leading to drunkenness, anti-social behaviour, violence against women, and public nuisance. Excess alcohol consumption is a high risk factor in some chronic illnesses and early death. Figures indicate that Torbay is above the national average for alcohol related illnesses. Current Council action on curbing drinking alcohol in public spaces is likely to lead to this behaviour merely moving to areas without these curbs and close to readily available and cheap sources of alcohol. The proposed premises are directly opposite a primary school. There is therefore the risk of young impressionable children encountering inappropriate role models on a daily basis, thus normalising excessive alcohol consumption for the next generation.

Interested Party 9:

Wellswood already has a licensed for the retail sale of alcohol. Sales at the existing Co-op site is limited by its opening hours and the proposed licensing until midnight represents a significant change increasing the likelihood of late night drinking in the area and the associated potential for anti social behaviour and crime. This is borne out by the applicants installation of CCTV and additional outside lighting.

Interested Party 10:

This ubiquitous franchise Premier Stores litters the Bay and Devon. In HELE there is a store which has unsightly banners offering cheap alcohol and food. This is a "PREMIER" RESORT according to the Conservative administration. Why is the gaudy purple and yellow signage being even considered for a Victorian row of independent shops? It is appalling. These stores are cheap low end and will encourage late night alcohol sales and vagrancy already seen at the CoOp in Wellswood. For goodness sake Councillors deliver on your promises of "regeneration" not descending into the lowest form of retailing possible. Premier is not this retailer we have to say NO NO NO...Leave Wellswood alone and let a quality independant approach this authority.