

Memorandum

To: Steve Cox	From :	Karl Martin
c.c	Contact :	Karl.Martin@torbay.gov.uk
c.c.	Ext :	01803 208025
c.c	My Ref :	SR No: 205536 4PC (Form 150)
For the attention of: Mandy Guy	Your Ref :	
	Date :	22 July 2014

Subject: Premises – Licensing Act 2003

Premises Name & Address: Abbey Service Station, 47 Avenue Road, Torquay, Devon, TQ2 5LG

After careful consideration of the above application, I wish to make it known to the licensing committee my views on the proposed application to assist your deliberations.

Abbey service station is located on a busy main road in area of mixed residential and business use. The site currently operates 24hrs a day for the sale of petroleum products and the shop provides a typical range of consumable products offered by most petrol stations. Currently the shop closes to the public at 11:00pm and service is offered via the night hatch until 6:00am the following morning. This site like many petrol stations are single manned during the night period and to my knowledge this is the only 24hr petrol station serving Torquay.

The department in the last ten years has received one complaint about noise and rubbish in 2007. The site was under different management at the time and the owners were given advice and no further complaints have been received to date from members of the public or other businesses.

It is my view that as the site currently operates 24hrs a day without any recorded history of noise complaints to our department and if this application is therefore granted as applied for it is unlikely to add to the existing noise environment and therefore not currently undermine the licensing objective 'The Prevention of Public Nuisance'.

This opinion is based upon the fact that the current activities, i.e. the sale of groceries, which could be commercially expanded and have been a planning matter for consideration in the past, are not licensable activities and would arguably form the basis for the majority of sales during the night time period even if this application was agreed. This we have no power to manage via the Licensing Act 2003 but could form the basis for a complaint under other statutory provisions, and would be investigated through those provisions.

Kind Regards



Karl Martin
Public Protection Officer