

# Memorandum

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<b>To:</b>	<b>From</b>	<b>:</b>	<b>Community Safety</b>
<b>c.c</b>	<b>Contact</b>	<b>:</b>	Mr Karl Martin
<b>c.c.</b>	<b>Ext</b>	<b>:</b>	01803 208025
<b>c.c</b>	<b>My Ref</b>	<b>:</b>	1ZV SRU No:
<b>For the attention of: Mandy Guy</b>	<b>Your Ref</b>	<b>:</b>	
	<b>Date</b>	<b>:</b>	16 <sup>th</sup> October 2014

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**Subject: Premises– Licensing Act 2003**

**Premises Name & Address: Hop n Grapes, Lower Union, Torquay, Devon, TQ5 5PR**

- 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
1. I wish to object to the above named application as I do not believe the application promotes the licensing objective 'Prevention of Public Nuisance'.
2. The Hop 'n' Grapes public house is situated on lower lane, Torquay. The premises has a beer garden at the rear of the premises.
3. Residential accommodation on Abbey Road overlooks the rear of the premises and the beer garden. To the right is a BT exchange office, a car park to the left and the rear of commercial units at the front. Please see appendix 1.0
4. The applicant consulted with Licensing Officers before submission of the application and was advised to consult with all responsible authorities. The applicant has failed to consult as recommended:-

*'In order to reduce the risk of relevant representations and the cost and delay of a contested hearing, applicants are strongly recommended to consult with the relevant Responsible Authority...'*

5. Torbay Councils Licensing Policy leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

*'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'*

**Licensing Statement of Principles, Torbay Council, 2011, p37-38**

6. The Licensing Authority expects applicants to submit an operating schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant licensing objectives are promoted. Notable s2.3(ii)(iii) guides applicant where the following applies:-

*(ii) Noise from patrons and regulated entertainment where premises are in close proximity to residential properties and have a later opening time;*

*(iii) Public Safety matters for higher risk activities and one-off events.*

**Licensing Statement of Principles, Torbay Council, 2011, p13**

7. The applicant has not convinced me the application has considered Torbay council Licensing Statement of Principles. This is evident by the lack of clarity in how the applicant is going to control noise nuisance arising from the proposed extension of hours and associated activities applied for. Specifically the applicant has failed to address the following points 8-17.

8. The applicant makes references to *'Restrict the use of external areas after 10pm'*. Restrict suggests access to external areas will be controlled or reduced but restrict does not imply prohibit. Further to this the applicant has failed to define the meaning of external areas. Does this statement refer to the beer garden and/or the road outside the front of the premises?

The suggestion that the *'external areas'* which will not be closed at 10:00pm but instead, *'restricted'* is not acceptable. Does the 10:00pm logic apply 7 days a week?

9. *'All windows and doors will be closed at 23:00...'*, a condition on the license already requires doors and windows to be closed during regulated entertainment. If this statement becomes a condition of the license, will regulated entertainment start at 11:00pm in order both conditions can be complied with or does the applicant wish to remove the existing doors and windows conditions?

10. *'...and music level turned down at 11:00pm'*. Turned down to what volume and who should be consulted to ensure the volume will not give rise to nuisance. How will the volume be turned down, by way of limiter or relying on management to be responsible and reliable to turn music down? How will the applicant assess the volume ensuring breakout does not occur and disturb nearby residents.

11. The applicant has applied for live music both indoors and out until 3:00am 7 days a week. This is not acceptable in a residential area. The applicant has not provided any supporting information or sought advice from noise consultants nor offered any effective conditions to control noise nuisance. The applicant has clearly not considered the criteria in appendix 4 of the Licensing statement of principles. No licensed premises or a temporary event notice has granted live music outside until 3:00am.

12. Regulated entertainment has been applied for by the applicant for the same times as live music. As in the case of live music I find this unacceptable and the applicant has not applied the criteria referred in point 11.
13. The applicant has requested late night refreshment, however offered no insight into what the applicant intends to provide. Are the residents expected to hear kitchen extractors operating until 3:00am 7 days a week? The operation schedule offers no conditions or controls to ensure noise nuisance associated with providing food and refreshment is not going to give rise to nuisance. Perhaps another oversight but if no food or no alcoholic refreshment will be offered the applicant has also not considered higher levels of drunkenness can result in increased noise levels.
14. The applicant in the operating schedule refers to 'SIA licensed door supervisors' and 'Sufficient numbers of door staff'. Does this mean some will be SIA trained and others not? Has the applicant considered how many will be required? A critical role of door supervisor is to help prevent and manage disorder in a premise not only to reduce crime and disorder but to help uphold the prevention of public nuisance licensing objective. If the 'external' area are to be restricted after 10:00pm will SIA staff be situated in the external areas to help facilitate the prevention of public nuisance?
15. The operating schedule refers to 'CCTV= 23 Cameras inside + out'. Where will these cameras be situated? Will there be cameras in the 'external areas' that are positioned to allow staff to easily view and assess if customers are behaving inappropriately? Will there be monitors in the bar for staff to easily view or out of sight. No consideration given by the impact on the role CCTV can play in the prevention of public nuisance.
16. The applicant has applied for Boxing until 3:00am 7 days away. Again it may be an oversight and the applicant does not intend events to take place as applied for. The applicant needs to clarify the nature of these boxing events. Where will the event be held? Will additional PA equipment be used and what pre-cautions will be taken to ensure nuisance does not occur? Has the applicant considered and had regard to professional bodies guidance and requirements?
17. The applicant has not offered a drinking up time. Are patrons at 3:00am expected to down drinks and all leave the premises in one go and impact on the noise environment or is it likely patrons will occupy the premises for another half an hour or more creating potential nuisance closer to 4am. Though there is no legal requirement for drinking up times the licensing policy clearly suggests applicants:-

*'Demonstrate a responsible approach to alcohol sales by ending alcohol sales by a time specified in the application that is some time before the premises themselves are closed'*

**Licensing Statement of Principles, Torbay Council, 2011, s3.1 (v) p16**

18. An interrogation of the authorities data base has identified the following noise complainants associated to this premises:-
  - a. June 2002 – complaint about noise emanating from the premises, resident lives in a flat on Abbey Road.
  - b. September 2005 – complaint about beer bottles being emptied at 6:00am, resident lives in a flat on Abbey Road.
  - c. June 2009 – complaint about noise from the beer garden, complainant lives in a flat on Abbey Road.

## Conclusion

19. The application seeks to extend an existing premises licence, currently limited to 11:00pm, until 3:00am 7 days a week. The applicant has not demonstrated knowledge and understanding of their responsibility to ensure the proposed application will promote the Licensing objectives, especially the Prevention of Public Nuisance and Crime and disorder. In accordance I recommend the Licensing Sub-Committee give their due consideration to the following recommendations.

## Recommendations

20. I respectfully request the Licensing Sub-Committee give their due consideration to the following recommendation:

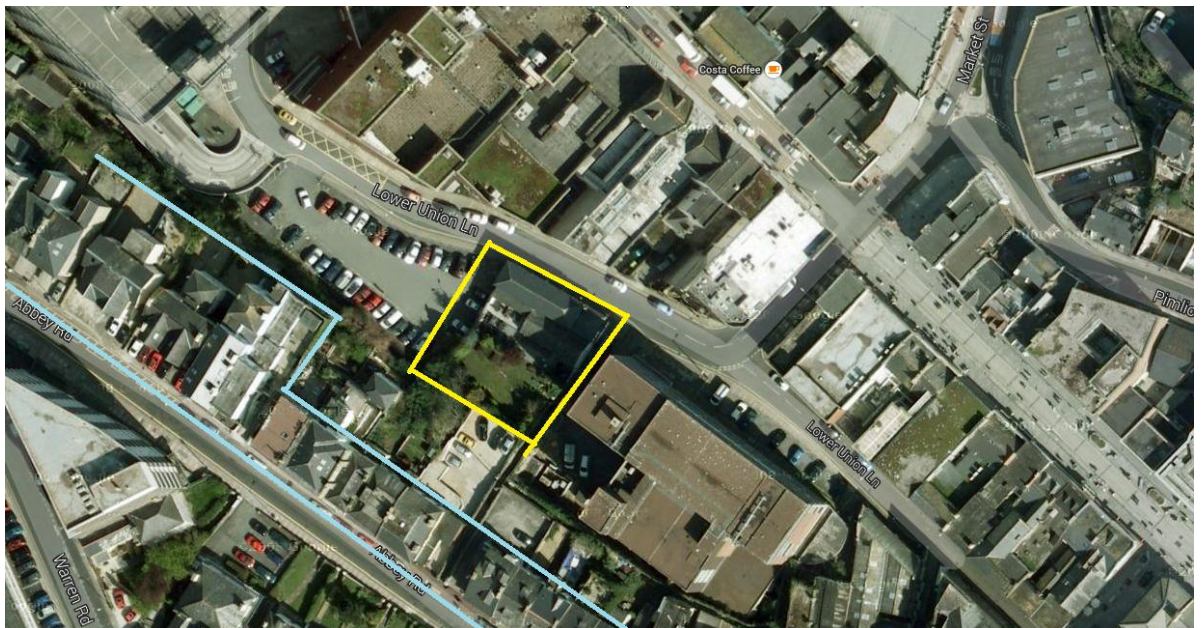
- a. *Refuse the application outright on the grounds the application does not promote the licensing objects.*

## Appendices

21. Appendix 1.0 – Street view and Plan of the locality of Grape n Hopes.

**Mr Karl Martin**  
Public Protection Officer

Appendix 1.0 – Maps and photographs of the Hop n Grapes.



Yellow- perimeter of the Hop n Grapes public House  
Blue- area of mixed residential and commercial properties



Above – Looking North – Lower Union Lane

Below – Looking West, residential accommodation can be seen along Abbey Road.

