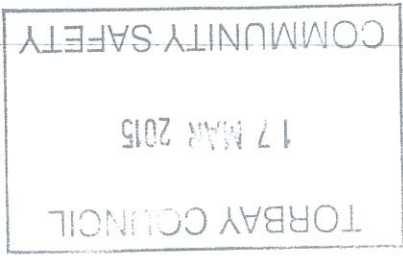


Memorandum

To:		From :	Community Safety
c.c		Contact :	Mr Karl Martin
c.c.		Ext :	01803 208025
c.c		My Ref :	1ZV SRU No: 214853
For the attention of: Mandy Guy		Your Ref :	
		Date :	16 TH March 2015

Subject: Premises– Licensing Act 2003

**Premises Name & Address: Babbcombe cliff railway cafe,
Babbacombe Downs Road, Torquay, Devon, TQ1 3LF**

- 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 department has not to date received any noise complaints about this premises. In 2006 three separate Temporary Event notices (TENS) authorising the sale of alcohol were applied for and granted which did not give rise to complaints.
3. The applicant only wishes to seek the sale of alcohol on the premises. No regulated entertainment has been applied for. The premises wishes to close at 11:00pm and therefore will benefit from the deregulation of live music under the Live Music Act 2012. Consequently live music has not been considered as part of this representation.
4. The applicant is seeking to incorporate an outside terrace garden for consumption of alcohol as part of the licensed area.
5. Outdoor areas are a frequent source of complaints from residents and business of Torbay and therefore any applicant must consider careful how outside areas will be managed. The applicant has not fully considered in the operating schedule how the usage of an outdoor terrace area will impact on the local noise environment.

Recommendations

6. I respectfully request the Licensing Sub-Committee give their due consideration to the attachment of the following conditions which will ensure the licensing objective 'The prevention of Public Nuisance' is upheld:-
- a. *There should be a prominent, clear and legible notice displayed within the terrace area stating that patrons are required to respect neighbours by keeping noise to a minimum.*
 - b. *Patrons of the premises must be reminded by staff to leave in a quiet and orderly manner so as not to unreasonably disturb nearby residents and a prominent notice shall be displayed to this effect at the exit.*
 - c. *All patrons must be seated when using the licensed terrace area as shown on the premises plan.*
 - d. *Service of alcohol must be by waiter / waitress service only and alcohol may only be purchased for consumption on the premises when ordering a table meal.*
 - e. *The placing of refuse, such as bottles, into receptacles outside the premises must take place between 8am and 9pm to prevent disturbance to nearby properties.*
 - f. *The designated smoking area must be monitored by staff to ensure that patrons do not unreasonably disturb nearby residents.*

Please note the applicant suggests in the operating schedule that patrons whom wish to smoke will not be allowed to use the licensed terrace. Therefore condition (f) aims to address smokers using the public highway to prevent public nuisance. This is only an assumption as the applicant has not identified on the premises where smokers will be allowed to smoke.

Mr Karl Martin
Public Protection Officer

Appendices

1. Appendix 1.0 – Street view of Cliff railway café.



Appendix 1.1 – Aerial view of Cliff railway café.

