

Tuesday, 23 August 2022

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 1 September 2022

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Dart

Councillor Ellery

Councillor Barbara Lewis

Together Torbay will thrive

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, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Minutes** (Pages 4 - 7)
To confirm as a correct record the Minutes of the meeting of the Licensing Sub-Committee held on 4 August 2022.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 - An application for a Premises Licence in respect of Mr Favourite, 10 Victoria Street, Paignton, TQ4 5DL** (Pages 8 - 23)
To consider and determine an application for a new Premises Licence in respect of Mr Favourite, 10 Victoria Street, Paignton, TQ4 5DL.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Minutes of the Licensing Sub-Committee

4 August 2022

-: Present :-

Councillors Barnby, Barbara Lewis and Chris Lewis

13. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

14. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillors Barnby and Chris Lewis instead of Councillors Ellery and Douglas-Dunbar.

15. Minutes

The Minutes of the meeting of the Sub-Committee held on 26 May 2022 were confirmed as a correct record and signed by the Chairwoman.

16. Licensing Act 2003 - An application for a Premises Licence in respect of The Still House, Unit 4 & 5 South Quay, Paignton, TQ4 6DT

Members considered a report on an application for a Premises Licence in respect of The Still House, Unit 4 & 5 South Quay, Paignton, TQ4 6DT.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application for a Premises Licence in respect of The Still House, Unit 4 & 5 South Quay, Paignton on the grounds of 'Prevention of Crime and Disorder and 'Public Safety.'	13 July 2022

Additional Information:

Members noted that an email had been received by the Police Representative giving their apologies for the hearing due to illness. They were aware that the Applicant had agreed to their three proposed conditions being added to their

Licence, if granted, and therefore did not feel it necessary to send an alternative representative to the hearing.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the Application and responded to Members' questions.

Applicant's response to Representations:

At the hearing, the Applicant apologised for not seeing and responding to the Representation from the Police sooner, to confirm that they agreed to the following conditions being added to the Licence, if granted, as suggested by the Police, and noted that had they had a chance to do so, the Licence would have been granted with these additional conditions without the need to come before the Licensing Sub-Committee:

1. Persons using the outdoor seating area will be seated at all times.
2. The supply of alcohol to persons using the outside area shall only be permitted by way of table service, and waiting staff shall ensure that customers are seated and that empty glasses are cleared away promptly.
3. In the outside area, there shall be no consumption of alcohol, or other beverages, from glass bottles from which it is intended or likely that a person shall drink.

The Applicant confirmed their acceptance of these conditions at the hearing.

Decision:

That the application for a Premises Licence in respect of The Still House, Unit 4 & 5 South Quay, Paignton, TQ4 6DT be granted as applied for, subject to the following additional conditions:

1. Persons using the outdoor seating area will be seated at all times.
2. The supply of alcohol to persons using the outside area shall only be permitted by way of table service, and waiting staff shall ensure that customers are seated and that empty glasses are cleared away promptly.
3. In the outside area, there shall be no consumption of alcohol, or other beverages, from glass bottles from which it is intended or likely that a person shall drink.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved to grant the application having been satisfied that the operating schedule, along with the additional three conditions, would seek to ensure that the Licensing Objectives would be promoted.

In coming to their decision, Members had regard to the additional conditions suggested by the Police and agreed that the imposition of these additional conditions, was both appropriate and proportionate, to ensure that the outside area of the premises is managed in a responsible manner which will assist in promoting the licensing objectives 'the prevention of crime and disorder' and 'the promotion of public safety', and would alleviate the concerns raised by the Police.

Should any issues arise as a result of this grant, Members noted that a Review of the Premises Licence was available to any Responsible Authority of Interested Party.

17. Licensing Act 2003 – Determination of continuance of a Personal Licence

The Licensing Sub-Committee considered a report on the determination of the continuance of Personal Licence (PA0129) held by Ms D J Winstanley, following notification of a conviction of a relevant offence under Schedule 4 of the Licensing Act 2003. Members noted that Ms Winstanley had failed to inform the Licensing Authority of receipt of her conviction for a relevant offence, as required by her as a Personal Licence Holder. Devon and Cornwall Police had notified the Licensing Authority of the offence on 27 April 2022.

Members noted that the conviction related to an offence committed under the Road Traffic Act 1988 (c52) (b) Section 4 (driving etc. a vehicle when under the influence of drink or drugs). Ms Winstanley was ordered to pay a fine of £120, costs of £85, a victim surcharge of £34 and was disqualified from driving for an obligatory period of 14 months (the conviction would be spent on 26 June 2023).

The Licensing Authority had written to Ms Winstanley on 27 May 2022, at the address provided by her on her Personal Licence, to notify her that the Licensing Authority was considering suspending (for a maximum of six months) or revoking her licence and inviting her to make representations within 28 days of the date of the notice. Ms Winstanley failed to respond to this notice. The Interim Licensing Manager had since become aware that the address the Licensing Authority holds on file no longer exists, in that the name of the property had changed. Members noted that Ms Winstanley was under a duty under Section 127 of the Licensing Act 2003 to inform the Licensing Authority of any change to address and that a person commits an offence if they fail without reasonable excuse to comply with this requirement.

The Licensing Authority also wrote to Ms Winstanley on 25 July 2022 advising her of the date of the hearing and inviting her to attend the hearing and submit further information. This letter was sent to the address provided on her Personal Licence and a copy was also sent to an address provided by the Police, as given by Ms Winstanley in Court. No response was received to these letters and the letter sent to the address provided by the Police was returned to the Council offices on 3 August 2022 advising that she was not known at that address.

Members resolved to consider the continuance of a Personal Licence in the absence of Ms Winstanley, as she had failed to respond to any communications from the Licensing Authority, or to notify the Licensing Authority of a change of

address, having been satisfied in the circumstances, that it was in the public interest to determine this matter.

Decision:

That Ms D J Winstanley's Personal Licence be revoked in accordance with 132(8) of the Licensing Act 2003 and that this revocation shall have immediate effect.

Reasons for Decision:

Having carefully considered the information provided in the Licensing Officer's Report of 4 August 2022, Members resolved to revoke Ms Winstanley's Personal Licence having voted unanimously that in the absence of evidence to the contrary, they could not be satisfied that she was a suitable person to hold a Personal Licence.

In coming to their decision, Members noted Ms Winstanley's failure to report her change of address and conviction of a relevant offence to the Licensing Authority. She had also failed to respond to any communications from the Licensing Authority in respect of this matter and that, as a responsible person, she should have been aware of the requirements of her Personal Licence to keep the Licensing Authority informed. Members felt that Ms Winstanley's actions were not those of a responsible Personal Licence Holder and were not satisfied that she was a suitable person to promote the Licencing Objectives in respect of the sale of alcohol.

Members noted that Ms Winstanley had the right to appeal their decision at the Magistrates' Court.

Chairman/woman



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Mr Favourite, 10 Victoria Street, Paignton, TQ4 5DL

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee** **1st September 2022**

Contact Officer: **Carrie Cottell**

☎ Telephone: **01803 207079**

✉ Email: **licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application for a new Premises Licence, in respect of the Premise detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives the “Prevention of Crime and Disorder” and the “Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its merits, having received details of the issues arising either at a hearing or by written Representation. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant, Responsible Authorities and all Interested Parties, following the determination of the matter.

2. Application

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:-

The provision of Late Night Refreshment indoors from 23:00 until 02:00 Monday to Sunday.

Premises opening hours from 12:00 until 02:00 Monday to Saturday and from 16:00 to 02:00 on Sunday.

The Applicant has given the following description of the premises: -

“Food take-away business. Hot food and soft drinks. No alcohol sold or consumed on the premises. No customer 'eat-in' facilities, take-away only. Basically we just want to close at 02:00 (2am) instead of 23:00 (11pm). The layout of the premises makes the area open to customers approximately a 5ft long x 10ft wide rectangle from the front door to the counter for ordering.”

The plan accompanying the application is shown in Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale and has not been subsequently withdrawn.

We have received 1 Representation from a Responsible Authority. This is from Devon and Cornwall Police, in relation to the Licensing Objectives, the “Prevention of Crime & Disorder” and the “Prevention of Public Nuisance”. This is shown in Appendix 3.

There have been no other Representations received from any other Responsible Authority or any Interested Party, other than that mentioned above.

- 2.3 The Authority is required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted

by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-

(a) The holder of the licence against any decision

- (i) to impose conditions on the licence, or
- (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.

(b) Any person who made a relevant Representation who desires to contend

- (i) that the licence ought not to have been granted, or
- (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

2.7 Following such Appeal, the Magistrates' Court may:-

- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1 Relevant sections of the application form

Appendix 2 Plan of the Premises

Appendix 3 Representation from 1 Responsible Authority

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2021-26

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Mr Favourite Late Opening

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

TUNCAY

* Family name

SEZEK

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="10"/>
* Street	<input type="text" value="VICTORIA STREET"/>
District	<input type="text"/>
* City or town	<input type="text" value="PAIGNTON"/>
County or administrative area	<input type="text" value="DEVON"/>
* Postcode	<input type="text" value="TQ4 5DL"/>
* Country	<input type="text" value="United Kingdom"/>

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="10"/>
Street	<input type="text" value="VICTORIA STREET"/>
District	<input type="text"/>
City or town	<input type="text" value="PAIGNTON"/>
County or administrative area	<input type="text" value="DEVON"/>
Postcode	<input type="text" value="TQ4 5DL"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value="██████████"/>
Non-domestic rateable value of premises (£)	<input type="text" value="11,250"/>

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/>
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

FOOD TAKE-AWAY BUSINESS. HOT FOOD AND SOFT DRINKS. NO ALCOHOL SOLD OR CONSUMED ON THE PREMISES. NO CUSTOMER 'EAT-IN' FACILITIES, TAKE-AWAY ONLY. BASICALLY WE JUST WANT TO CLOSE AT 02:00 (2AM) INSTEAD OF 23:00 (11PM). THE LAYOUT OF THE PREMISES MAKES THE AREA OPEN TO CUSTOMERS APPROXIMATELY A 5ft LONG X 10ft WIDE RECTANGLE FROM THE FRONT DOOR TO THE COUNTER FOR ORDERING.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

JUST TAKE-AWAY FOOD AND SOFT DRINKS. NO ALCOHOL SOLD OR CONSUMED ON THE PREMISES. NO CONSUMPTION OF FOOD INSIDE PREMISES FOR CUSTOMERS. BASICALLY WE JUST WANT TO CLOSE AT 02:00 (2AM) INSTEAD OF 23:00 (11PM). THERE WILL BE NO LOUD MUSIC OR LOUD NOISE EMANATING FROM THE PREMISES.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor

Continued from previous page...

As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NO ADULT ENTERTAINMENT OR ANYTHING THAT MAY GIVE RISE TO CONCERN IN RESPECT OF CHILDREN.
JUST FOOD AND SOFT DRINKS TAKE-AWAY.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

THERE IS A MAXIMUM OCCUPANCY OF 5 CUSTOMERS AT ANY TIME, CHECKED VISUALLY BY THE PREMISES SUPERVISOR. CHILDREN UNDER THE AGE OF 18 WOULD NOT BE ALLOWED TO ENTER THE PREMISES AFTER 23:00 (11pm). CLEAR AND LEGIBLE NOTICES WILL BE DISPLAYED TO INFORM CUSTOMERS OF OPENING HOURS, AGE RESTRICTION, CCTV, NO ALCOHOL ALLOWED ON THE PREMISES. THERE IS VERY ADEQUATE ACCESS FOR EMERGENCY VEHICLES AT THE PREMISES.

b) The prevention of crime and disorder

THERE IS A NEW CCTV SYSTEM INSTALLED AT THE PREMISES, WITH 6 CAMERAS COVERING THE INSIDE AND OUTSIDE. THE FOOTAGE IS KEPT FOR AT LEAST 14 DAYS, AND CCTV RECORDINGS WILL BE MADE AVAILABLE TO POLICE ON REQUEST. SIGNAGE INFORMS THE CUSTOMERS OF THE CCTV. THERE WILL BE CLEAR SIGNAGE STATING THAT NO ALCOHOL IS ALLOWED ON THE PREMISES, AND WARNING OF CONSEQUENCES OF ANY CRIMINAL ACTIVITY INSIDE OR OUTSIDE (POLICE WILL BE CALLED).

c) Public safety

ALL PARTS OF THE PREMISES ARE ADEQUATELY ILLUMINATED. ALL PARTS OF THE PREMISES AND ALL FITTINGS AND APPARATUS THEREIN WILL CONTINUE TO BE MAINTAINED AT ALL TIMES IN GOOD ORDER AND IN A SAFE CONDITION. THE PREMISES HAS A FIRE RISK ASSESSMENT IN PLACE AND WILL ENSURE IT IS REGULARLY REVIEWED. THERE IS A FIRST-AID KIT IN THE PREMISES FOR EMERGENCY USE.

d) The prevention of public nuisance

THERE WILL BE NO NOISE OR MUSIC EMANATING FROM THE PREMISES DISTINGUISHABLE ABOVE BACKGROUND LEVELS OF NOISE. ADEQUATE WASTE RECEPTACLES WILL BE PROVIDED AT THE PREMISES, AND ANY LITTER FROM CUSTOMERS

Continued from previous page...

WILL BE CLEANED UP AT CLOSE OF BUSINESS. THERE WILL BE CLEAR SIGNAGE TO REQUEST CUSTOMERS REFRAIN FROM LOITERING OR MAKING NOISE IN THE AREA.

e) The protection of children from harm

NO UNDER 18's WOULD BE PERMITTED IN THE PREMISES AFTER 23:00 (11pm), WITH CLEAR SIGNAGE TO INDICATE THIS. INSIDE AND OUTSIDE THE PREMISES IS COVERED BY CCTV, AND VISUALLY BY THE PREMISES SUPERVISOR TO ENFORCE THE AGE RESTRICTION.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

GROUND FLOOR



LOWER GROUND FLOOR



From: [SMART Julie 50403](#)
To: [REDACTED]
Subject: MR FAVOURITE, VICTORIA STREET, PAIGNTON
Date: 03 August 2022 11:11:30
Attachments: [image001.png](#)
[image003.jpg](#)
[image005.png](#)
[image002.png](#)
[image004.jpg](#)
[image006.png](#)

Good morning

I refer to an application for the grant of a premises licence at the above premises and request that you accept this email as a representation.

The application seeks late night refreshment at the premises between 2300 and 0200 hrs daily.

Information held by the police shows that late night takeaway premises often experience crime, disorder and public nuisance issues, particularly by persons who are heavily intoxicated in the early hours of the morning.

The applicant proposes several measures within the operating schedule to promote the licensing objectives, however the proposed conditions in relation to CCTV are lacking in sufficient detail and will not ensure that the system is capable of meeting police requirements. I therefore recommend that the below condition is added to the licence:

1. CCTV

- i. The premises shall install, operate and maintain comprehensive digital colour CCTV.
- ii. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.
- iii. A monitor shall be located behind the counter for viewing by staff.
- iv. The system must 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.
- v. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- vi. All equipment must have a constant and accurate time and date generation.
- vii. All recordings will be stored for a minimum period of 28 days with date and time stamping.
- viii. Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) 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 absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or

any replacement legislation).

- ix. The PLH shall be responsible for purchasing suitable storage devices and a quantity of these shall be kept on the premises at all times to ensure footage is provided with minimum delay.
- x. The CCTV system will be capable of downloading images to a recognisable viewable format.
- xi. There will be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images.
- xii. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified.

A Nitenet radio scheme is in use by all late night premises within Torbay. The system provides an effective and efficient communication system between late night licensed premises, the police and CCTV control room in relation to incidents occurring, ensuring that council CCTV cameras and appropriate resources can be directed to assist as quickly as possible. Therefore, to further support the licensing objective the prevention of crime and disorder, I recommend that the below condition is added to the licence.

The premises shall join and actively participate in the Nitenet Radio Communications Scheme.

Should you require any further information, please do not hesitate to contact me.

Kind regards

Julie Smart
 Alcohol Licensing Officer - Torbay


Prevention Department
 Devon and Cornwall Police, Police Station, South Street, Torquay, TQ2 5EF

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