

Wednesday, 14 September 2022

LICENSING SUB-COMMITTEE

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

Thursday, 22 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 Barnby

Councillor Ellery

Councillor Barbara Lewis

Together Torbay will thrive

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Governance Support, 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. **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.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Oldenburg Inn, 46-48 Winner Street, Paignton**

To consider an application for a Variation to Premises Licence in respect of Oldenburg Inn, 46-48 Winner Street, Paignton.

(Pages 4 - 28)

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.

TORBAY COUNCIL

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Oldenburg Inn, 46-48 Winner Street, Paignton, TQ3 3BQ

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub-Committee** On: **22 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, in respect of the Premise detailed above, for a Variation to a Premises Licence.
- 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 own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are appropriate for the promotion of the licensing objectives. These are:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part, or
 - (c) to grant the application as applied for

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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

2. Introduction

2.1 An application has been made under Section 34 of the Licensing Act 2003 (hereinafter referred to as 'the Act') for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To increase the hours for the Supply of Alcohol, on and off the premises, from 10:00 until 24:00 on Sunday. Currently the Supply of Alcohol is from 12:00 until 23:30 on Sunday.

To increase the hours that the premises is open to the public from 10:00 until 00:30 on Sunday. Currently the premises is open to the public from 12:00 until 00:00 on Sunday.

To remove the non-standard timing for the Supply of Alcohol which states "On Sundays preceding Bank Holidays 12:00 to 00:00".

To remove the non-standard timing for the hours the premises is open to the public which states "On Sundays preceding Bank Holidays 12:00 to 00:00".

The Applicant has proposed to remove the following conditions:-

Annexe 2, Prevention of Crime & Disorder, Condition 1

"An incident book and recorded details of all incidents or public disorder shall be kept."

Annexe 2, Prevention of Crime & Disorder, Condition 7

"No bottles to be served that persons may intend to drink from."

Annexe 2, Prevention of Crime & Disorder, Condition 8

"After 22:00hrs no drinks to be taken in the garden area and suitable signage displayed."

Annexe 2, Prevention of Crime & Disorder, Condition 10

"SIA Door staff will be employed when live music is provided on the premises other than standard karaoke night. Door staff to be on duty from 20:00hrs to close and will wear reflective high visual jackets whilst working on the front door."

Annexe 2, Prevention of Crime & Disorder, Condition 12

"Smoking will be at the rear garden area of the premises and after 22:30hrs staff to manage no more than 6 persons outside at any time."

Annexe 2, Prevention of Public Nuisance, Condition 15

"There must be no entertainment in the outside area."

Annexe 2, Protection of Children from Harm, Condition 1

"A proof of age policy agreed by the police and local authority shall be enforced."

Annexe 2, Protection of Children from Harm, Condition 7

“There will be a personal licence holder present on the premises whilst alcohol is sold.”

The applicant has proposed to amend the following condition:-

Annexe 2, Protection of Children from Harm, Condition 5

From “No children under the age of 18 to be on the premises after 19:30hrs.”

To ‘No persons under the age of 18 years shall be permitted within the premises after 21:00 hours.’

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.

The exemptions under the Live Music Act 2012 apply to this licence.

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) of the Act but is unable to issue the Variation to the Premises Licence, as relevant Representations have been received from Interested Parties. The Licensing Authority is also satisfied that the Representations were received within the appropriate timescale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received 2 representations from Interested Parties in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. These are shown at Appendix 3 of this report.

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

- 2.4 The Licensing Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 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.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a

different way.

- 2.8 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	Copy of the Premises Licence
Appendix 3	Representations from 2 Interested Parties

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2021-2026.

* required information

Section 1 of 18

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

Your reference 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

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

16,500

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VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. 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.

1 - To vary the hours of licensable activities (sale of alcohol) on a Sunday only to 10:00-00:00.
2 - Vary the opening hours on a Sunday only to 10:00 - 00:30.
3 - Delete/Amend some conditions on the premises licence (see attached) further to liaison with Devon & Cornwall Licensing Police.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 alcohol at different times from those listed above, list below.

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

As existing premises licence save for deleting: on Sundays preceding Bank Holidays 12:00 to 00:00.

Section 14 of 18

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.

Provide 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.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

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 above, list below.

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

As existing premises licence save for deleting: on Sundays preceding Bank Holidays 12:00 to 00:00.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please see attached sheet.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

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.

As existing premises licence save for the removal of the conditions contained within this application.

b) The prevention of crime and disorder

As existing premises licence save for the removal of the conditions contained within this application.

c) Public safety

As existing premises licence save for the removal of the conditions contained within this application.

d) The prevention of public nuisance

As existing premises licence save for the removal of the conditions contained within this application.

e) The protection of children from harm

As existing premises licence save for the removal of the conditions contained within this application.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Oldenburg Hotel, Paignton – Amendment to conditions.

Delete the following conditions: In annex 2

Crime and disorder

- Condition 1 (incident book)
- Condition 7 (no bottles)
- Condition 8 (garden area)
- Condition 10 (SIA door staff)
- Condition 12 (smoking in garden)

Prevention of Public Nuisance

- Condition 15 (outside area)

Protection of Children from Harm

- Condition 1 (proof of age policy)
- Condition 7 (personal licence holders)

Condition 5 – Currently reads as ‘No children under the age of 18 to be on the premises after 19:30 hrs’ – This is to be replaced with the following:

‘No persons under the age of 18 years shall be permitted within the premises after 21:00 hours’.

Licensing Act 2003

Premises Licence

519

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Oldenburg Inn

46/48 Winner Street, Paignton, Devon, TQ3 3BQ.

Telephone 01803 555596

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
	Christmas Eve	10:00am	12:30am
	Boxing Day	10:00am	12:30am
	New Year's Day	10:00am	12:30am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
	On Sundays preceding Bank Holidays 1200 to 0000		
F. Playing of recorded music (Indoors)	Monday to Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
	Christmas Eve	10:00am	12:30am
	Boxing Day	10:00am	12:30am
	New Year's Day	10:00am	12:30am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
	On Sundays preceding Bank Holidays 1200 to 0000.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
	Christmas Eve	10:00am	12:30am
		10:00am	12:30am

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...	Boxing Day	10:00am	12:30am
	New Year's Day	10:00am	12:30am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
	On Sundays preceding Bank Holidays 1200 to 0000.		
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	12:30am
	Sunday	11:00pm	Midnight
	Christmas Eve	11:00pm	1:00am
	Boxing Day	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
	New Year's Day	11:00pm	1:00am
	On Sundays preceding Bank Holidays 2300 to 0100.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
	Christmas Eve	10:00am	12:30am
	Boxing Day	10:00am	12:30am
	New Year's Day	10:00am	12:30am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
	On Sundays preceding Bank Holidays 1200 to 0000.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	12:30am
Sunday	Noon	Midnight
On Sundays preceding Bank Holidays 1200 to 0000		
Christmas Eve	10:00am	1:00am
Boxing Day	10:00am	1:00am
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
New Year's Day	10:00am	1:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

The Craft Union Pub Company Limited



REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

The Craft Union Pub Company Limited

09429990

Licensing Act 2003

Premises Licence

519

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Phoebe May Saffron CURNOW



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No.



Issued by Torbay

Steve Cox
Environmental Health Manager (Commercial)
26 September 2018

ANNEXES**ANNEXE 1****MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is

ANNEXES continued ...

available to customers in the following measures:-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.

2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.

ANNEXES continued ...

- (b) In respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3) For the purposes of the aforementioned conditions:-

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. The licensees shall ensure that the premises do not become overcrowded.
2. The licensees shall ensure orderly conduct and check occupancy at all times.
3. The hours for which the premises shall be open shall be clearly displayed with confirmation of times for the supply of alcohol and late night refreshment.
4. The premises shall have no digression from their current purpose.

The Prevention of Crime and Disorder

1. An incident book and recorded details of all incident or public disorder shall be kept.
2. Staff shall be trained to be vigilant and regularly supervise the premises indoor and out to check orderly conduct.
3. Proof of age shall be asked for and necessary for the supply of alcohol to patrons.
4. CCTV system will be installed and operative at all times while the premises are trading and the equipment to be maintained to the satisfaction of the chief of police. Recorded images to be retained for 30 days and made available to Police Officers on request. If the CCTV equipment is inoperative the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
5. Full CCTV must be installed including the front, rear of premises and a bar monitor to be placed behind the serving counter to view all areas of licence premises.
6. DPS should be able to operate CCTV and produce recordings when required.
7. No bottles to be served that persons may intend to drink from.
8. After 2200hrs no drinks to be taken in the garden area and suitable signage displayed.
9. No drinks to be taken or consumed at the front of the premises and suitable signage displayed.
10. SIA Door staff will be employed when live music is provided on the premises other than standard karaoke night. Door staff to be on duty from 2000hrs to close and will wear reflective high visual jackets whilst working on the front door.
11. DPS to be a member of the Paignton Licensing group and must attend regular meetings.
12. Smoking will be at the rear garden area of the premises and after 2230hrs staff to manage no more than 6 persons outside at any time.
13. An anti-drug policy to be in place agreed by the police and a secure facility made available for any seized items until handed over to police.

ANNEXES continued ...

14. A customer "code of conduct" poster must be displayed warning customers that inappropriate behaviour will not be tolerated on the premises and a banning policy to be in place.
15. An incident book recording all details of instances of disorder must be kept and close liaison with Police Licensing in relation to violence on the premises.

Public Safety

1. The fire safety measures with which the premises are provided shall be maintained in good working order and their adequacy shall be determined on a regular basis by the carrying out of a fire risk assessment as required by and in accordance with the fire precautions (workplace) regulations.
2. The licensees shall undertake to maintain a safe level of occupancy.
3. All exit doors shall be easily openable without the use of a key, card, code or similar means and shall be available for egress while the public are on the premises.
4. Means of escape shall be maintained, unobstructed, immediately available and identifiable.
5. Exit doors shall be regularly checked to ensure they function satisfactorily.
6. Records of these checks shall be kept and produced on request.
7. Any removable security fastenings shall be removed whenever the premises are open to the public or staff.
8. All gangways, exit routes and steps shall maintain non-slippery and even surfaces.
9. All floor coverings shall be secured and maintained so they will not ruck.
10. Hangings/curtains and temporary decorations shall be maintained in flame-retardant condition.
11. Upholstered seating shall be fire-retardant and shall comply with current fire safety regulations.
12. Curtains, hangings and temporary decorations shall not obstruct exits.
13. Fire safety signs or fire fighting equipment notices detailing any actions to be taken in the event of fire or other emergency shall be properly displayed and maintained in good condition.
14. Access shall be provided for emergency vehicles and this access shall be kept clear and free from obstruction.
15. An evacuation policy shall be in place and to the satisfaction of the fire authority. All staff members shall be trained in the evacuation policy.
16. Exit doors shall open outside (or shall be secured in the open position).
17. Fire alarms, fire fighting equipment must be serviced and tested annually by an approved contractor.
18. The electrical system shall be inspected and tested annually by a competent person to ensure safety.
19. Where temporary electrical equipment is to be used, a suitable circuit breaker device shall be installed to cover this equipment. The circuit breaker should operate at a current not exceeding 30 MA and should comply with BS 4293. The device shall be tested monthly and tests shall be recorded.
20. Temporary electrical wiring and distribution systems shall not be installed unless inspected by a suitable qualified electrician. Temporary electrical wiring and distribution systems shall comply with BS 7671 and where applicable BS 7909.
21. Cellar Gas System maintenance, testing and staff training in accordance with the Pressure Vessel Regulations and Carbon Dioxide alarm shall be fitted to the cellar.
22. Free drinking water shall be available at all times.
23. When disabled people are present, adequate arrangements shall exist to enable their safe evacuation in the event of

ANNEXES continued ...

an emergency. Review and assessment of accessibility in line with the Disability Discrimination Act shall be complete and kept on the premises.

24. The licensees shall ensure that at all times there are adequate first aid arrangements. The arrangements for first aid provision include a first aid box, an adequate and appropriate supply of first aid equipment and materials to be used by patrons. Suitable protective equipment shall be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures shall be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable diseases.
25. Gangways, exit routes and steps shall be maintained in good order with non-slippery surfaces; edges of steps and stairwells shall be conspicuously marked.
26. Means of addressing patrons during operating hours, which can be heard above entertainment, or as a means of interrupting the entertainment and making important safety announcements shall be available.
27. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
28. All external doors and windows shall be kept shut where possible, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise are taking place.
29. Sufficient ventilation shall be provided so as to ensure that doors and windows can be kept closed, where possible.
30. Suitable signage at all relevant exits requesting that patrons make as little noise as possible when leaving the premises shall be displayed.
31. Patrons shall be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
32. An announcement shall be made prior to closing requesting patrons' co-operation in leaving the premises and vicinity as quietly and quickly as possible.
33. The volume of amplified sound used in connection with the entertainment shall at all times be under control of the management.

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
2. All external doors and windows shall be kept shut where possible, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise are taking place.
3. Sufficient ventilation shall be provided so as to ensure that doors and windows can be kept closed, where possible.
4. Suitable signage at all relevant exits requesting that patrons make as little noise as possible when leaving the premises shall be displayed.
5. Patrons shall be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
6. An announcement shall be made prior to closing requesting patrons' co-operation in leaving the premises and vicinity as quietly and quickly as possible.
7. The volume of amplified sound used in connection with the entertainment shall at all times be under control of the management.
8. Provision of mechanical ventilation and air conditioning systems shall not allow noise breakout from premises or cause a nuisance by its operation. Where plant and machinery has the potential to cause a noise problem it shall be positioned in such a way that the building structure provides as much screening as possible for nearby noise-sensitive properties. Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvers, silencers, or acoustic screening shall be considered.
9. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such

ANNEXES continued ...

sources is kept to a minimum.

10. Regard shall be had to BS 4142 rating industrial noise affecting mixed residential and industrial areas and the institute of acoustic good practice guide on the control of noise from pubs and clubs.
11. The delivery of goods shall be restricted to the following times - between 0800 and 1700 hours.
12. The handling of beer kegs, bottles and other similar items shall not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
13. Bottle skips and bins containing cans or bottles shall not be emptied outside after closing but shall be dealt with the next day during normal office hours (save as for Sundays and New Years Day).
14. The movement of bins and rubbish outside the premises shall be kept to a minimum/prohibited after 5pm.
15. There must be no entertainment in the outside area.
16. Patrons using the outside area shall observe signage requesting them to be as quiet as possible.
17. Management shall ensure that the garden is visited frequently during opening hours to ensure non disturbance to neighbours.
18. The use of lighting in the outside area shall be such as not to disturb by way of light pollution to neighbours or residents.

The Protection of Children from Harm

1. A proof of age policy agreed by the police and local authority shall be enforced.
2. Children shall be only allowed on the premises with an adult and must be supervised including the outside area.
3. Challenge 25 policy in place and relevant posters to be displayed.
4. Children are to be accompanied by a responsible adult whilst on the premises.
5. No children under the age of 18 to be on the premises after 1930hrs.
6. Staff will be regularly trained in relation to the sale of alcohol and records will be kept on the premises.
7. There will be a personal licence holder present on the premises whilst alcohol is sold.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 11pm. The criteria applied, from boundary to nearest residential property, are:
 - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The Local Authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties) to make further assessments from within the residential property.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
3. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
4. During amplified music and entertainment the door lobbies shall be effectively used throughout the time of

ANNEXES continued ...

entertainment to prevent noise breakout.

5. No music or speech shall be relayed by external amplified speakers.
6. Cooking, noxious or persistent smells shall not cause a nuisance to nearby properties.

The Protection of Children from Harm

1. All amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
2. A management system shall be introduced to ensure that staff are aware of the legal requirements relating to underage sales and the prevention from use of AWP machines by those under eighteen.

ANNEXE 4

PLANS

Copy attached to Licence.



21st August 2022.

Dear Sir or Madam,

We are writing to object to the application to extend opening hours on a Sunday evening submitted by Craft Union Pub Company Ltd regarding the Oldenburg Inn at 46-48 Winner Street Paignton TQ33BQ.

As the Oldenburg Inn is situated right in the middle of a densely populated residential area we feel that the application to extend the hours that the pub is open and able to serve alcohol to 00.30 on a Sunday evening going into the early hours of Monday morning is almost certain to cause excessive noise & potential anti-social behaviour. Also, some of our neighbours who live even closer to the Oldenburg than ourselves have children whom are primary school age, the potential noise late on a Sunday night going into early Monday morning could very likely disrupt their sleep for school on the Monday morning.

Furthermore only 2 nights ago on the evening of Friday 19th August 2022 we were kept awake by Karaoke at The Oldenburg Inn by excessive noise, the sound system was turned up full volume with windows and doors open which still went on past 11.20pm. This is not the first time has happened.

Whilst we do not mind whatsoever customers enjoying themselves with entertainment provided by the Oldenburg Inn ,due care and consideration 'MUST' be taken by the owners and Managers of the premises bearing in mind the pub's location in the middle of a highly populated residential area.

We are still not sure the reason why Craft Union feel they want to keep the Oldenburg Inn open until the early hours of Monday morning but we feel this extension could only lead to potential problems as noted above.

Yours Sincerely

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A black rectangular redaction box covering a line of text, likely a signature or name.

A large black rectangular redaction box covering a signature block, likely containing a name and contact information.

From: [REDACTED]
To: [Licensing](#)
Subject: Objection to planned licence change to application 062189
Date: 25 August 2022 21:20:20

RE: Application for licence extension for Oldenburg Public House, Winner Street
Application Number 062189

To whom it may concern,

I wish to place my objection to the recent application to the licence extension for the Oldenburg Inn, 46/48 Winner Street, Paignton. They wish to increase the hours on Sunday to 00.30. This is a densely residentially populated area which plays loud music on Friday and Saturday nights till beyond 00.00 regularly and has been known to do this on a Sunday as well regardless of the current licenced hours.

Although I have no issue with local businesses earning a living and providing entertainment I do take issue with the anti-social behaviour this incurs. There have been several fights and general rowdy behaviour which is bad enough. However, my biggest concern is with the noise that is created on Friday to Sunday nights by the karaoke. They have made no provision for increased noise levels which this creates. Quite often the pub leaves both front doors open (porch and main door), especially in the summer, which is made worse by having the speakers right by the door. I understand that the building may be hot but it increases the noise considerably, however no effort has been made to reduce the noise levels.

I am reasonable enough to accept that they have a business to run and entertainment does help with this. But there needs to be consideration for the neighbours and residents of the area. I have four children living with me across the road at [REDACTED] ranging from six to twelve years of age so have school on Monday mornings. I, myself work Saturday and Mondays so have to be awake by 6.00 to get in on time. Having the extra noise as well as the extended hours isn't fair when there are local residents so close. I'd be interested to see what decibel levels are from 22.00 onwards. And when they have two doors there is no excuse to not have one shut but they are normally both wedged open. I fear that the hours extension will inevitably result in later noise disruption at more unsociable times being extended.

Because of this I strongly object to the Oldenburg extending their hours.

Yours Sincerely,

[REDACTED]