

Wednesday, 19 October 2022

LICENSING SUB-COMMITTEE

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

Thursday, 27 October 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 Ellery
Councillor Barbara Lewis

Councillor Mills

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. **Minutes** (Pages 3 - 8)
To confirm as a correct record the Minutes of the meetings of the Sub-Committee held on 1 and 22 September 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. **Wall Park Touring Centry Road Camping, Berry Head, Brixham, TQ5 9ET** (Pages 9 - 30)
To consider an application for a new Premises Licence in respect of Wall Park Touring Centry Road, Berry Head, Brixham
7. **Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF** (Pages 31 - 59)
To consider an application for a new Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham.

Minutes of the Licensing Sub-Committee

1 September 2022

:- Present :-

Councillors Dart, Ellery and Barbara Lewis

21. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

22. Minutes

The Minutes of the meeting of the Licensing Sub-Committee held on 4 August 2022 were confirmed as a correct record and signed by the Chairman.

23. Licensing Act 2003 - An application for a Premises Licence in respect of Mr Favourite, 10 Victoria Street, Paignton, TQ4 5DL

Members considered a report on an application for a Premises Licence in respect of Mr Favourite, 10 Victoria Street, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Police	Application of supporting information for a Review Hearing.	3 August 2022

Oral Representations received from:

Name	Details
Applicant and his representative	The Applicant and his representative presented the application and responded to Members' questions.

Applicant's response to Representations:

At the meeting the Applicant and their representative advised that they would work with the Police to assess the CCTV system as necessary in order to meet the Licensing Objectives.

Decision:

That the application for a Premises Licence in respect of Mr Favourite, 10 Victoria Street, Paignton be approved as applied for, subject to the following conditions:

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 practicable. 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 timeframe for such action within 24 hours of the defect being identified.

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

Reason for Decision

Having carefully considered the written and oral representations, Members determined to grant the premises licence having been satisfied on the evidence before them, that with the additional conditions suggested by the Police and agreed by the Applicant, that the Licensing Objectives would be promoted and that the concerns of the Police would be alleviated.

Chairman/woman

Minutes of the Licensing Sub-Committee

22 September 2022

-: Present :-

Councillors Ellery, Barbara Lewis and Sykes

28. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

29. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Sykes instead of Councillor Barnby.

30. Oldenburg Inn, 46-48 Winner Street, Paignton

Members considered a report on an application for a Variation to a Premises Licence in respect of the Oldenburg Inn, 46-48 Winner Street, Paignton, TQ3 3BQ.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the variation to the Premises Licence in respect of the Oldenburg Inn, 46-48 Winner Street, Paignton on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	21 August 2022 and 15 September 2022
Member of the Public	Representation objecting to the variation to the Premises Licence in respect of the Oldenburg Inn, 46-48 Winner Street, Paignton on the grounds of the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance".	25 August 2022

Additional Information:

With the agreement of Members the Operator attended the hearing and made representation instead of the Applicant, who had returned their notice, due to them being unavailable at short notice.

The Member of the Public submitted an additional representation advising that they would be unable to attend the hearing and provided a short video, which was circulated to all parties prior to the hearing and played at the hearing and showed the fire doors being open and audible music from karaoke being heard from outside.

Oral Representations received from:

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

Applicant's response to Representations:

The Applicant's Representative advised that they would be willing to move the location of the karaoke from the front of the Premises towards the middle of the Premises to reduce the potential from noise outbreak when the doors were opened.

Decision:

That the application for a Variation to the Premises Licence in respect of the Oldenburg Inn, 46-48 Winner Street, Paignton be granted as applied for, subject to the following additional condition:

1. suitable signage be placed in the premises outside areas requesting that patrons keep their noise to a minimum so as not to unreasonably disturb nearby residents.

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 condition, would seek to ensure that the Licensing Objectives would be promoted.

In coming to their decision, Members had careful regard to the location of the Premises being within a residential area and the impact the extension of hours applied for, may have on those living in close proximity. In doing so, Members were assured, that the operating schedule, along with the additional condition, would alleviate the concerns raised by the two members of the public and would assist in promoting the Licensing Objectives 'the Prevention of Crime and Disorder' and 'the Prevention of Public Nuisance'.

Members noted the concerns raised by objectors which related to regulated entertainment and whilst this did not form part of this application, they were reassured

that the Operator took on board those concerns and would take steps to mitigate this, acknowledging that a nuisance could be caused from the karaoke and suggested that speakers could be located further inside the Premises to alleviate the nuisance complained of.

Whilst Members noted the oral representations of the Operator and the premises legal representative regarding the supervision of the premises outside areas, they determined it both proportionate and necessary to include the additional condition regarding signage, believing that this too would assist in promoting the Licensing Objective, 'The Prevention of Public Nuisance'.

In their careful consideration of the application, Members noted that no representations had been received from any of the Responsible Authorities objecting to the variation, and it was confirmed that the Applicant had consulted them on the application. Members therefore concluded, in the knowledge that the Responsible Authorities were very proactive in making representations where they had concerns, that there were none on this application.

In concluding, 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 or Interested Party.

Chairman/woman

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – Wall Park Touring Centry Road Camping, Berry Head, Brixham, TQ5 9ET

Wards Affected: **St Peter's with St Mary's**

To: **Licensing Sub Committee** **27th October 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", "Public Safety" 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.

forward thinking, people orientated, adaptable - always with integrity.

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 Supply of Alcohol for consumption both on and off the premises from 10:00 until 23:00 Sunday to Thursday and from 10:00 until 23:30 Friday to Saturday.

Premises opening hours from 12:00 until 24:00 Monday to Sunday for residents on site.

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

“Offsales from refreshments area in reception as shown on plan attached. There will be a temporary stage 2 x 2 meters square 16 inches height marked on map adjacent to the car park, this will be for events used for residents on site. This is a caravan and camping site and we wish to provide events for our guests.”

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 4 Representations from Interested Parties, in relation to the Licensing Objectives, the “Prevention of Crime & Disorder”, the “Prevention of Public Nuisance” and “Public Safety”. These are shown in Appendix 3.

There have been no other Representations received from any other Interested Party or any Responsible Authority, 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 Representations from 4 Interested Parties

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

Section 1 of 21

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

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

Nicholas

* Family name

Moss

* 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:

- 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.

Applicant 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

12860695

Business name

Park-Moss Ltd

If your business is registered, use its registered name.

VAT number

GB

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

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 21

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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

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

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.

Offsales from refreshments area in reception as shown on plan attached
There will be a temporary stage 2 x 2 meters square 16 inches height marked on map adjacent to the car park, this will be for events used for residents on site.
This is a caravan and camping site and we wish to provide events for our guests

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- 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

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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 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.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /

Continued from previous page...

Enter the contact's address

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"/>
Personal Licence number (if known)	<input type="text" value="WDCPer01324"/>
Issuing licensing authority (if known)	<input type="text" value="Warwick District Council"/>

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
- 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'.

Section 16 of 21

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.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

Page 19
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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

The grounds are only open for guests that have booked onsite.
Guests can access the site 24 hours a day.

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.

Section 18 of 21

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)

Continued from previous page...

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

(1)

The site shall be committed to providing a safe, friendly and comfortable environment for patrons, guests.

b) The prevention of crime and disorder

1) The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by responsible authorities on demand.

2) All staff engaged in licensable activity at the premises will receive training and information in relation to the following prior to being authorised to sell/supply alcohol at the premises:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. Recognising the signs of drunkenness.
- iv. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or v. v. appears to be making a proxy purchase.
- v. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- v.i. Staff shall be fully trained in the requirement of the Licensing Act 2003 including that in relation to persons under 16 and 18.
- vii. Staff shall receive training in the safe guarding of children.

3) Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be retained on the premises for a period of 12 months and made available to Responsible Authorities on demand.

4)

The site adheres to a zero tolerance policy in respect of underage drinking and anti-social behavior.

5)

Anti-social behaviour will be dealt with immediately, ensuring a safe environment for all. The site adopts a zero tolerance policy in respect of anti-social behaviour. An incident log book shall be maintained by the Premises Supervisor and will be available for inspection by the responsible authorities.

6)

An appropriate and adequate number of staff must be employed at all times to ensure that the premises remain at a safe occupancy level. The Premises Supervisor will closely monitor recommended capacity numbers in the grounds and reception.

7)

Non-alcoholic drinks shall be stocked and promoted.

8)

A range of snacks will be available at the bar at all times.

9)

All drinking glasses in which drinks are served must be made of plastic and toughened glass.

10)

A CCTV system will be installed and operative at all times while the premises are trading and equipment shall be maintained to the satisfaction of the Chief of Police. Recorded images shall be retained for 30 days and made available to

Continued from previous page...

the Police on request at any reasonable time. 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.

c) Public safety

1)

Adequate access must be provided for emergency vehicles.

2)

Facilities and equipment suitable for the number of patrons and type of event must be provided to enable first aid treatment to be given promptly to patrons or staff.

3)

All doors and fastenings must at all times be kept in proper working order.

4)

Gangways, exits routes and steps must be maintained in good order with non-slippery and even surfaces.

5)

The Premises Supervisor will ensure that all entrances and exits are unobstructed.

6)

An appropriate system must be in place to deal with spillages.

7)

The Premises Licence Holder 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 customers.

8)

Staff will ensure that regular glass collection takes place within the premises.

d) The prevention of public nuisance

1)

As far as is practical persons on or leaving the premises and using adjacent car parks and highways will be reminded to conduct themselves in an orderly manner and to not in any way cause annoyance to residents or persons passing by. This shall be done through suitable signage displayed and staff requests.

2)

Staff who arrive early in the morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents and leave the premises as quietly as possible.

3)

Prominent, clear and legible notices must be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

4)

A specific taxi operator shall be nominated for staff and customer use. The operator shall be made aware that they must arrive and depart as quietly as possible, should not sound horns as a signal of their arrival or leave their engines idling unnecessarily.

5)

Regular maintenance must be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

Continued from previous page...

6)

Flashing or particularly bright lights on or outside the licensed premises must be positioned and screened in such a way so as not to cause a disturbance to nearby properties.

7)

The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night or in the early morning, when the noise generated could cause a nuisance particularly outside buildings.

8)

Bottle skips and bins containing cans or bottles must not be emptied outside after closing but shall be dealt with the next day during normal office hours.

9)

All rubbish produced by the premises must be stored securely in a designated area or in a bin with a tight fitting lid.

10)

Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11 pm. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises.

11)

A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

12)

The Premises Supervisor shall keep a log book of all accidents and incidents including disruptive behaviour and any complaints made by the public.

e) The protection of children from harm

1)

Children must only be admitted on the premises when accompanied by a responsible adult.

2)

A log book must be maintained showing record of refused sales.

3)

Children shall be supervised by responsible adults at all times they are on site.

4)

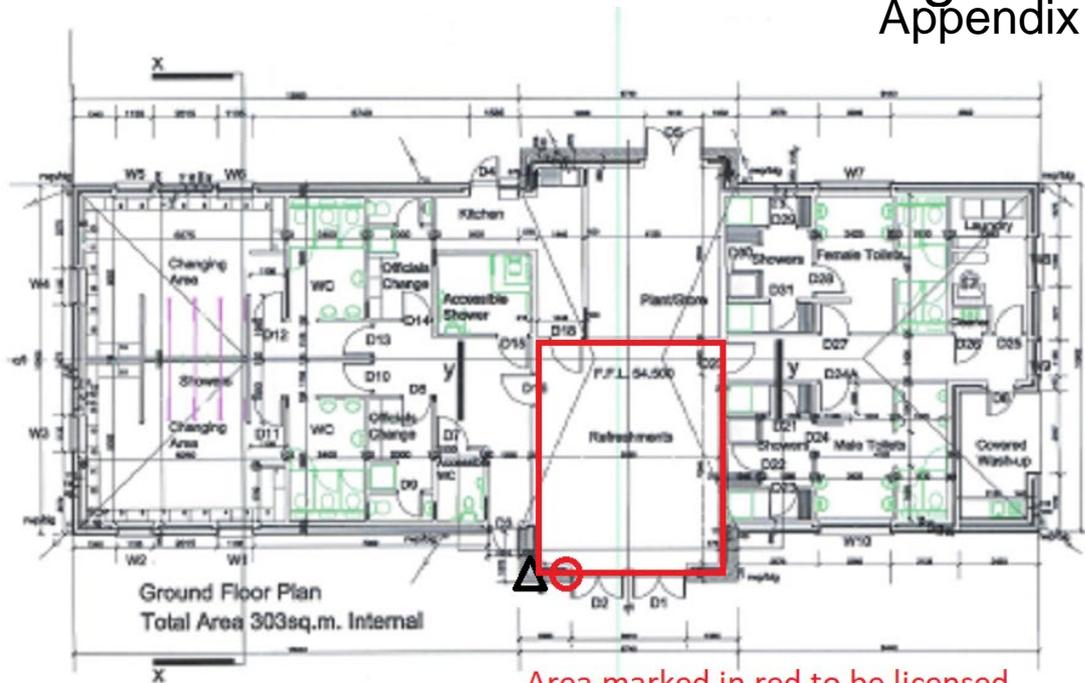
The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.

5)

Challenge 25 posters shall be prominently displayed within the premises.

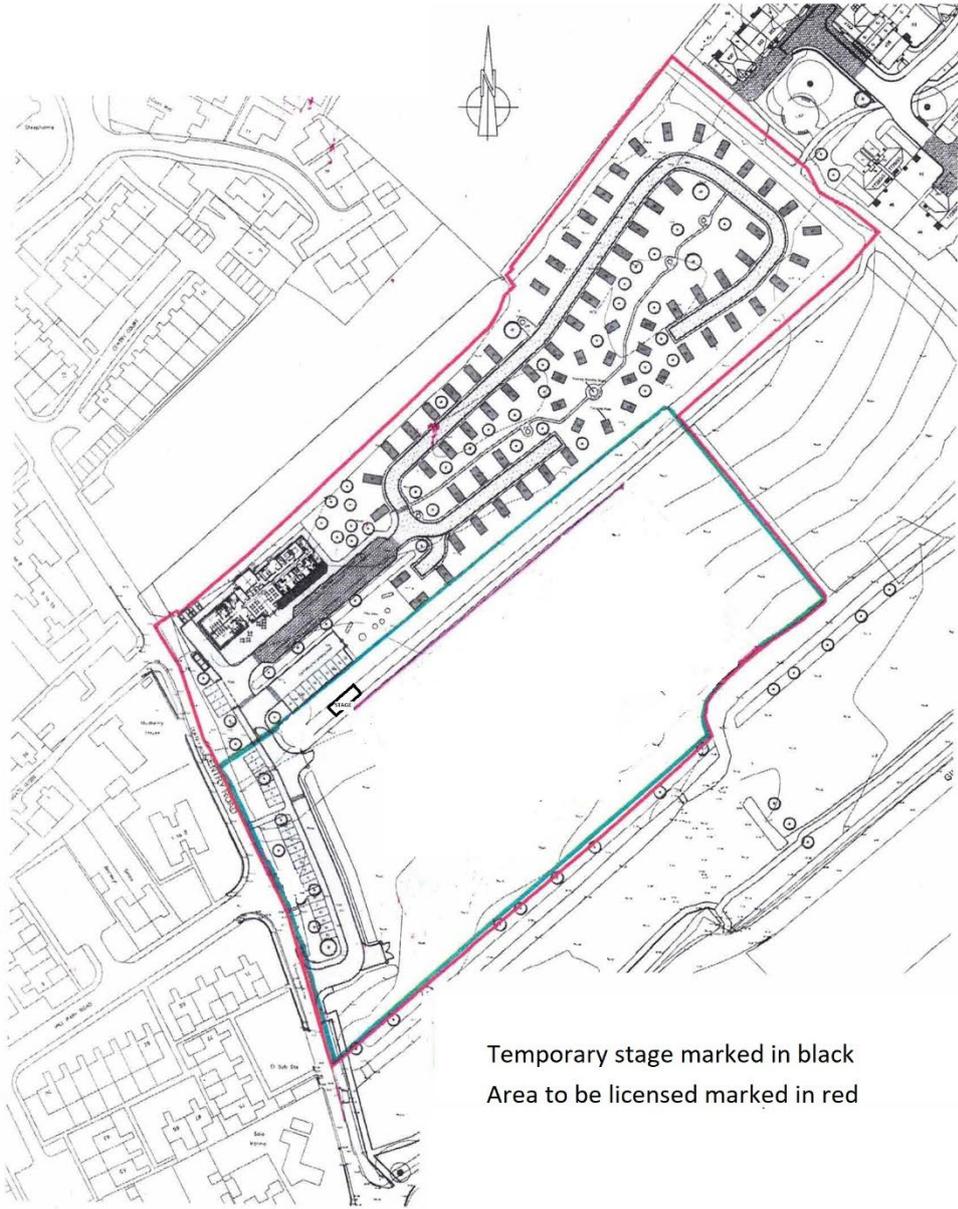
Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK



- △ Fire blanket
- Fire extinguishers

All site dimensions shall be verified by the contractor on site prior to work commencing
 Do not scale from this drawing
 Only work to written dimensions
 This drawing is the property of Whittle Jones and copyright is reserved by them. The drawing is not to be copied or used without their prior written consent.
Notes



Temporary stage marked in black
 Area to be licensed marked in red

WHITTLE JONES
 CHARTERED SURVEYORS

WHITTLE JONES NORTH WEST
 LYNCH HOUSE, ACKHURST PARK, CHORLEY PR7 1NY
 Tel: 01257 238 666 Fax: 01257 238 667
 Email: ackhurst@whittlejones.co.uk

Project
Caravan Site
 Wall Park, Brixham

Drawing
Disposal Plan

Client
NORTHERN TRUST
INVESTMENT / DEVELOPMENT / ADMINISTRATION

Drawn By dg Date 02-03-16
 Checked By dg Date 02-03-16
 Scale 1:1250 @A3

Rev.	Date	Details	By
Issued for: PRELIMINARY			
Drawing No.		Rev.	
WJ_072-0015			



11.09.2022

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

Dear Sir or Madam,

Re: Objection to Licensing Application 062291 Wallpark Touring and Centry Rd Camping TQ5 9ET

I am writing to object to the proposal to allow alcohol to be served at "Wallpark Touring & Centry Rd camp site".

I am already aware of persons staying at the site annoying vulnerable residents in close proximity to the entrance by entering their premises. The homes adjacent to the site are designated by sanctuary housing for 'older and vulnerable people'. Allowing the free sale of alcohol throughout the day is likely to increase the **public nuisance** that many of us already experience in the early hours. Also, an increase in litter which is already noticeable in streets and lanes nearby.

We already have Brixham Rugby Club nearby, open to non-guests. It allows holiday makers to drink there in a controlled environment, it is 5 minutes away from the camp site. The Co-op on Great Rea is another source of alcohol as are many pubs and bars down town (10 to 15 minutes away). Other than to make money there is no rational for this application which likely to cause greater disturbance to our locality.

The site was originally given permission as part of the Wallpark holiday site 'rebuild' on the basis that these grounds would be used for overspill rugby and football matches/training and a camp site in the summer when not needed. It has moved a long way from that with increasing traffic along Centry Rd, many ignoring the no entry signs. Now the site is proposing being open to allow people to drink from 10am until late – 11pm or 11.30pm at weekends. Even more worrying it appears that anyone can walk in and purchase alcohol.

I assume there will not be a controlled place within the site, so people will be at liberty to take it to their tents and off premises.

This is a recipe for crime and disorder as well as increased public nuisance. I trust you will turn down the application.

Yours sincerely



TORBAY COUNCIL

13 SEP 2022

Dear Sir / Madam COMMUNITY SAFETY

I'm writing to object as a resident in the vicinity of wallpark Camping which I believe is applying for a licence to sell alcohol from 10pm until late.

My main concern is the potential increase in public nuisance to the surrounding area particularly late at night, in what is a residential area. It will of course bring more traffic (& traffic at speed) along Gillard Road as well as litter as campsite residents & locals use this facility.

There are already ample places selling alcohol in the area (Rugby Club, Co-op) without further being granted.

Yours Sincerely



28th Sept 2022

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

Dear Sir or Madam,

Re: Objection to Licensing Application **062291** Wallpark Touring and Centry Rd Camping
TQ5 9ET

I am writing to strongly object to the proposal for the licensing application to allow alcohol to be served at "Wallpark Touring & Centry Rd camp site". I am objecting under 3 headings, please see below for my reasons.

1. Prevention of Crime and Disorder

This camp site is on the edge of a housing estate comprising of elderly and vulnerable people, some of whom are housed by the Housing Association of Sanctuary Housing. We are aware that some of these residents have already been subjected to abuse by the visitors to this site, I have witnessed this myself. We also have had an increase in vehicle vandalism in this area and an increase in litter crime. A local resident is already collecting this excess litter on a regular basis as a voluntary necessity to keep this area of Outstanding National Beauty Area, litter free. This was never a problem before the camp site arrived. We have concerns that the licensing hours will increase this problem locally.

2. Prevention of Public Nuisance

This campsite is situated between a resident area and an area of Outstanding National Beauty, this being Berry Head National Park. This addition of behaviour and associated noise from alcohol infused holiday visitors, will be increased especially late at night, and will impact on all in this quiet residential area. Brixham Rugby Club, which is a 5 min walk from this site, omits a huge amount of noise pollution during the Summer Months when they turn their Rugby Pitch into a Camp Site, with loud live music and increase in verbal and vulgar language.

3. Public Safety

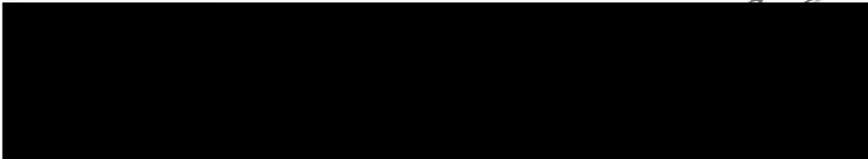
The access road to the campsite is narrow and is also clearly signposted as a one way road. Arriving travellers are constantly blatantly ignoring the clear signage stating that this road is a One Way road and therefore this is an 'accident waiting to happen' especially with alcohol

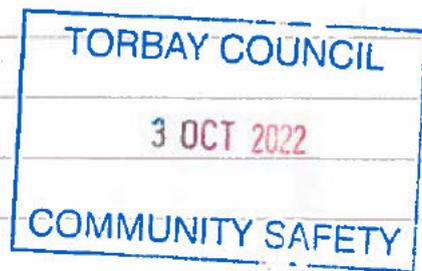
infused visitors who are leaving the site on foot, and their children. The increase in anti social behaviour in this local area is a concern for us as residents especially with the ease of being able to purchase alcohol for these long hours.

The original proposal for this Camp Site was never intended to be of this magnitude and I would be interested to hear your comments on how this site has developed over and above it's agreed original planning application.

I wish for you to take all of the above views into consideration when discussing this licensing proposal.

Yours faithfully

A large black rectangular redaction box covering the signature area.



29.10.22

Re: Drinks license application: Wall Park Camping and caravanning site

Dear Sir,

We are writing to you to object to the proposed drinks license for the above mentioned. our reasons are: during this summer there was on three occasions at 1 am and 2 am in the morning disturbances from drunken holiday - maker outside the entrance to the site, [redacted] or home.

They made a big disturbance climbed our wall, ran up and down outside our home and our neighbour homes also opening people's garden/patio gates. We had hoses with dogs off back on the site coming into people's backyards.

On complaining to the management they basically laughed in our faces and said that they couldn't police the site. After contacting our local police, who had a word with the owner, the owner [redacted] The result being it was limited what they could do.

If this is the case (being disabled and sheltered accommodation) what chance have we got of quality of life, when this drinks license is permitted?

When you decide to give the drinks license to the camp site, please come out and see how close we are to the camp-site entrance. Then you'll understand why we are unhappy.

Yours Sincerely [redacted]

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF

Wards Affected: **St Peter's with St Mary's**

To: **Licensing Sub Committee** **27 October 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 Public Nuisance" and the "Prevention of Crime and Disorder".

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.

forward thinking, people orientated, adaptable - always with integrity.

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:-

Recorded Music indoors from 10:00 until 00:00 Monday to Sunday. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

The Supply of Alcohol for consumption both on and off the premises from 10:00 until 00:00 Monday to Sunday. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

Late Night Refreshment both indoors and outdoors from 23:00 until 00:30 Monday to Sunday. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

Premises opening hours from 10:00 until 00:30 Monday to Sunday. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

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

"Cocktail bar by the harbour, has previously traded for 5+ years. 3 unisex toilets. Small food prep area out the back."

The plan accompanying the application is shown as 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 relevant Representations have been received. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale and have not been subsequently withdrawn.

We have received 4 Representations. 3 Representations were from Interested Parties outlining their objections in relation to "The Prevention of Public Nuisance" and "The Prevention of Crime and Disorder". These are shown as Appendix 3.

We have received 1 Representation from a Responsible Authority. This is from Torbay Council's Public Protection Officer and is a neutral representation in relation to "The Prevention of Public Nuisance". This is shown as Appendix 4

There have been no other Representations received from any other Responsible Authority or any other Interested Party, other than those 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 Representations from 3 Interested Parties
- Appendix 4 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



**APPLICATION
FOR THE GRANT OF A
PREMISES LICENCE**

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

Environmental Health Manager (Commercial)

Torbay Council

Community Safety

C/O Torquay Town Hall

Castle Circus

Torquay

TQ1 3DR

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/ We Stephen Edward Dare

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Hennessey Cocktail Lounge 2 King Street			
Post town	Brixham	Postcode	TQ5 9TF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 11750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Other Title (for example, Rev)
Dare	Stephen Edward
Date of Birth over	I am 18 years old or <input checked="" type="checkbox"/> yes
Nationality	██████████
Current residential address if different from premises address	████████████████████
Post town	██████████
Postcode	██████████

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY
2 1 0 9 2 0 2 2

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises (please read guidance note 1)
Cocktail Bar by the harbour, has previously traded for 5+ years.
3 Unisex toilets.
Small food prep area out the back.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F) Y
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) Y

Supply of alcohol (if ticking yes, fill in box J) Y

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place in- doors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors Y
				Outdoors
				Both
Day	Start	Finish		
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 4)	
Tue	10:00	00:00		
Wed	10:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Thur	10:00	00:00		
Fri	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat	10:00	00:00		
Sun	10:00	00:00	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	

Late night refreshment Standard days and tim- ings (please read guid- ance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
					X
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night re- freshment</u> (please read guidance note 5)		
Thur	23:00	00:30			
Fri	23:00	00:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) 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		
Sat	23:00	00:30			
Sun	23:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises			
Day	Start	Finish		Off the premises			
				Both		Y	
Mon	10:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)				
Tue	10:00	00:00					
Wed	10:00	00:00					
Thur	10:00	00:00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri	10:00	00:00					
Sat	10:00	00:00					
Sun	10:00	00:00					
			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				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Stephen Edward Dare	
Date of Birth	██████████
Address	████████████████████ ██████████
Postcode	██████████
Personal licence number (if known) PA3809	

Issuing licensing authority (if known) Torbay Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) 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

Sun	10:00	00:30

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

General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority

All staff engaged in licensable activity at the premises will receive training and information in relation to the following prior to being authorised to sell/supply alcohol at the premises:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- vii. Staff shall be fully trained in the requirement of the Licensing Act 2003 including that in relation to persons under 16 and 18.
- viii. Staff shall receive training in the safe guarding of children.

ix. All staff are trained in the operation of the CCTV.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be retained on the premises for a period of 12 months and made available to Responsible Authorities on demand.

The premises shall sign up to a licensing support scheme such as Best Bar None and ensure that they meet the standards required by that scheme at all times.

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on the request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

All persons within the premises shall be seated at tables (other than when using the toilets/entering/leaving or ordering at the counter). All customers shall be served by waiter/waitress service.

Facilities shall be available for the provision of food items which involves minimal preparation and heating, for example sandwiches/pizza/cake. Food items shall be available throughout the time the premises are open to the public.

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 bar 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/DPS 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.

b) The prevention of crime and disorder

All off sales of alcohol shall be provided in original sealed containers. Staff shall advise customers that the alcohol should not be consumed within the Public Space Protection Order area (PSPO) and refer them to the PSPO map, which shall be displayed at the point of sale and the premises exit.

When door supervisors are on duty they shall carry out random searches of individuals to promote the premises drugs policy and identify individuals in possession of items that could be used as a weapon, ie knives.

The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by responsible authorities on demand.

c) Public safety

17. The Premises Licence Holder 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 customers. 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. The Premises Licence Holder 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 customers. 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.

18. Staff will ensure that regular glass collection takes place within the premises.

d) The prevention of public nuisance

On Friday and Saturday evenings, Bank Holiday Sundays, Christmas Eve, Christmas Day, Boxing Day and New Years Eve, SIA door supervisors shall be employed on the premises from 2100 hrs un-

til all customers have left the vicinity of the premises, at a ratio of 2 stewards for the first 100 customers and one additional steward for each 100 persons thereafter. The Premises Licence Holder shall also carry out a risk assessment taking the layout of the premises and the proposed activity to be carried out into consideration to determine whether any additional stewards are required.

On all other occasions when door stewards are not required as indicated within condition 2 above, the Premises Licence Holder shall carry out a written risk assessment to determine whether SIA door stewards shall be employed at the premises, taking the layout of the proposed activity to be carried out and any previous incidents, complaints or concerns brought to the attention of the Premises Licence Holder into consideration. All risk assessments shall be kept on the premises for a period of 12 months and produced on demand to Responsible Authorities.

Notices shall be displayed at all exits requesting customers to respect the needs of local residents by ensuring they do not cause noise outside the premises or when leaving.

From 2100 hrs daily staff and/or door stewards shall monitor customers outside smoking or queuing to ensure they do not engage in anti-social behaviour and control noise levels so as not to disturb nearby residents.

On calling last orders an announcement shall be made requesting customers to leave the area as quickly and quietly as possible.

After the premises close, staff and/or door stewards shall ensure that customers leave the area in a quiet and orderly manner, with customers being told not to stand around talking in the street.

The premises shall have a written management policy in respect of managing customers queuing outside the premises. This policy shall be kept on the premises and produced on demand to responsible authorities.

There is no designated smoking area at the premises, so customers who wish to smoke will have to do so in the road or directly opposite the premises. After 2100 hrs only 5 customers will be permitted to smoke outside at any time. Any customers that behave in a noisy or disorderly manner in the smoking area or queue shall be removed from that area and where appropriate asked to leave the premises. Details of this shall be recorded in the incident book.

A noise limiter will be installed and set at an agreed level by the local authority. The limiter will be set with doors and windows open.

e) The protection of children from harm

19. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
20. No persons under the age of 18 years shall be permitted in the premises after 2100 hrs. Any under 18's allowed entry to the premises before this time must be accompanied by a responsible adult and shall be required to leave the premises at 2100 hrs.
21. Challenge 25 posters shall be prominently displayed within the premises.

Checklist:

Please tick to indicate agreement

- | | |
|--|---|
| I have made or enclosed payment of the fee. | Y |
| I have enclosed the plan of the premises. | Y |
| I have sent copies of this application and the plan to responsible authorities and others where applicable. | Y |
| I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. | Y |
| I understand that I must now advertise my application. | Y |
| I understand that if I do not comply with the above requirements my application will be rejected. | Y |

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
--------------------	---

Signature	S Dare
Date	23/08/22
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. 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.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

Carrie Cottell
Licensing & Public Protection
Torbay Council
Castle Circus
Torquay
TQ1 3DR

RE:Licensing act 2003

As a close neighbour who resides [REDACTED] and next to [REDACTED]
I'm referring to [REDACTED] business partner Stephen Dare, who applied for a premises licence.
[REDACTED] was the prior licensee who lost his licence.

Late-night refreshments:

Since it won't end until 12:30 a.m. like it did before, there will be more boisterous, intoxicated individuals, noise, and rubbish near the harbour and on side roads into the early hours.
Brixham harbour is gaining a reputation for being a rough place at night and this certainly won't improve it.
I also don't comprehend the demand for seven days a week.

Supply of Alcohol:

Will promote more inebriated, loud behaviour well past midnight.
Again, past experiences have shown that this is the case.
I also don't understand why they need to have alcohol available at 10 am.

Playing of Recorded Music:

The music never stops at midnight and keeps going much later, which causes issues for the residents.

I hope you'll consider my suggestions when making your choice.

Regards

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: RE: Objection to Premise License 1267075
Date: 28 September 2022 13:27:00
Attachments: [image001.jpg](#)

Dear [REDACTED]

Thank You for your objection received in relation to Hennessy Cocktail Lounge, 2 King Street.

I can confirm this has been accepted and you will be sent a letter once the consultation period has ended to inform you of the committee hearing date and full details.

Kind Regards

[REDACTED]
Licensing Officer
Torbay Council

From: Governance Support <Governance.Support@torbay.gov.uk>
Sent: 28 September 2022 09:25
To: Licensing <Licensing@torbay.gov.uk>
Cc: Cottell, Carrie <carrie.cottell@torbay.gov.uk>
Subject: FW: Objection to Premise License 1267075

Hi

This was sent to Governance in error.

Kind regards

[REDACTED]



[REDACTED] | Governance Support
Assistant | Governance Support, Town Hall,
Castle Circus, Torquay TQ1 3DR
[REDACTED]

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From: [REDACTED]
Sent: 28 September 2022 08:17
To: Governance Support <Governance.Support@torbay.gov.uk>
Subject: Objection to Premise License 1267075

Hennessy Cocktail Lounge, 2 King Street

We wish to object to the above license on the following grounds:-

1. Prevention of Crime and Disorder

As Stephen Dare is directly linked with [REDACTED] then he will be operating directly under [REDACTED] control. The fact [REDACTED] will not be allowed in during opening hours is totally immaterial. This site has a bad history of drug dealing and this problem will start back up and cause yet more problems as the same people who came previously will come back.

2. Prevention of Public Nuisance

2022 has been a far better year with the Cocktail Bar being shut - no vomit or urine in the alleyways around the premises and no fights and very little swearing and screaming - our regular guests have commented on the difference. **WHY WOULD YOU WANT TO CREATE THE SAME PROBLEMS AS BEFORE?** We were fed up with the fights outside these premises and drunken youths (many under age) blocking cars from entering and exiting the car park combined with all the music blaring out when the the large windows were open. The feedback from visitors to Brixham was **so** negative which negated all the positive messages the Council and others were trying to build upon to promote tourism.

We objected many years ago to this site being licensed as a bar as the sounds echo all around the harbour. It would make a great restaurant site or lovely cafe.

PLEASE BLOCK THIS APPLICATION.

Regards

[REDACTED]

[Redacted]

[Redacted]

From: [REDACTED]
To: [Licensing](#)
Subject: RE: Licensing Application Response
Date: 20 September 2022 16:23:35
Attachments: [image001.png](#)
[image002.png](#)

Good afternoon,

Please see the response below from Brixham Town Council:

- Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF

It was **resolved** to object the licensing application. Members carefully considered the application and noted that previous concerns raised by the licensing committee have not been addressed. Members noted from the previous application that the premises is classed as high risk by the Police and that granting this licence would in their opinion, undermine the licensing objectives.

Regards

[REDACTED]

Brixham Town Council, First Floor, Town Hall, New Road, Brixham TQ5 8TA
01803 859678



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Memorandum

To:	Licensing and Public Protection Team	From	:	Mr Karl Martin
c.c		Contact	:	
c.c.		Ext	:	01803 208025
c.c		My Ref	:	1ZV SRU/KJM/Hensep2022
For the attention of:	Steve Cox	Your Ref	:	
		Date	:	29 th September 2022

Subject: New application, Hennessey Cocktails, 2 King Street, Brixham.

Dear Steve

Considering the licensing history of the premises I believe, in my capacity as the Responsible Authority, it is appropriate to submit a neutral representation. For the sake of doubt, I am not objecting to the application but wish to furnish the Licensing sub-committee with a number of observations that may assist them in their deliberations. It may also be helpful for the Responsible Authority to be present at the hearing.

1. Following the refusal of a new premises licence application in March 2022 the Responsible Authority concerns regarding future applications can be tightly defined as the following:
 - Future license holders may merely be fronting for the owner and how will this impeded the resolution of noise complaints.
 - No confidence noise outbreak has been resolved without the construction of a suitable lobby.
2. The applicant, Mr Stephen Dare, consulted with Torbay Councils Public Protection Officer prior to submitting this application and requested a meeting.
3. A meeting took place with Mr Dare and Mr [REDACTED] at the premises in July 2022. The concerns outlined in point 1 was discussed.
4. With regards to 'fronting' the Responsible Authority cannot fully be satisfied there is not a risk of interference from the business owner, Mr [REDACTED]. However, Mr Dare presented himself, as a potential licensee, as an individual who is firmly focussed and committed to the importance of process and procedures who can be the kingpin this application needs to succeed.

Whilst his experience in the licence trade is minimal, I believe he will draw on his corporate background ,which is a sector use to regular dealings with regulatory overseers. The Responsible Authority welcomed Mr Dare acknowledge of the past problems and importance of building relationships with the licencing Authorities.

The Responsible Authority is confident that should the application be granted and if issues or concerns would arise in the future, Mr Dare will be a PLH that will address those issues or concerns swiftly with integrity and honesty.

5. With regards to noise management the most definitive remedial measure is the construction of a noise lobby. The Responsible Authority accepts there are challenges for the PLH to comply with this request. An alternative was proposed by the Responsible Authority and accepted by Mr Dare.

In circumstances where a lobby is not possible or desirable but where there is an appropriate noise limiter installed on the premises it is possible to set the noise limiter with the front doors open. In effect this removes the 'warble' effect as we can be confident that unwanted noise escaping the building through an open door cannot give rise to noise.

Mr Dare is aware this option will lower sound levels inside the premises.

6. A objection from a member of the public has been received by the Licensing Authority in relation to noise transmission through the building.

This can be easily resolved. When the limiter is reset the licensee must ensure that transmission of low frequency noise is not audible in the attached residential properties.

7. It is standard practice for the Responsible Authority to be present when the limiter is set to offer full reassurance to both residents and the Licensing Committee that the proposed conditions are effective and permanent.

Kind regards.



Karl Martin
Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council