

Wednesday, 8 March 2023

LICENSING SUB-COMMITTEE

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

Thursday, 16 March 2023

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 Brooks

Councillor Ellery

Councillor Barbara Lewis

Together Torbay will thrive

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

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

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 26 January 2023.
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. **The John Bull, 68 - 70 Chatto Road, Torquay, TQ1 4HU** (Pages 6 - 30)
To consider an application for a new Premises Licence in respect of The John Bull, 68 – 70 Chatto Road, Torquay, TQ1 4HU

Meeting Attendance

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

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

Minutes of the Licensing Sub-Committee

26 January 2023

-: Present :-

Councillors Ellery, Barbara Lewis and Mills

9. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

10. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 December 2022 and 5 January 2023 were confirmed as a correct record and signed by the Chairman.

11. Consideration of the fit and proper status of the holder of a Dual Hackney Carriage and Private Hire Drivers' Licence

Members considered a report on the fit and proper status of the holder of a Torbay Council issued dual Hackney Carriage and Private Hire driver's licence.

The Licensing Officer presented the report that set out information that had been received from Devon and Cornwall Police that a dual Hackney Carriage and Private Driver's Licence holder had been arrested on suspicion of assault occasioning actual bodily harm against his ex-partner. The dual Hackney Carriage and Private Driver's Licence holder had failed to meet specific requirements as set out in the current Taxi Policy 2022, by virtue of having failed to inform Torbay Council of his arrest. Further to this the dual Hackney Carriage and Private Driver's Licence holder has now pleaded guilty to the charge of assault occasioning actual bodily harm in the Magistrates' Court and was awaiting sentencing.

Decision

That Mr Frost be formally warned in writing and that this warning shall remain in situ for a period of 18 months and that should any further issues of concern arise within that 18 month period which requires Mr Frost to appear again before a Licensing Committee, Members of that Committee shall be made aware of this written warning; and

That Mr Frost read and familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued to him and that he keeps a

copy of the said Policy in the licensed vehicle at all times when on duty as a licensed driver for future reference.

Reason for Decision:

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the drivers' licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to them to get into a vehicle with Mr Frost alone. An unequivocal and unanimous answer by Members to this question was 'yes'.

Members take a dim view of actual bodily harm to any person however, in this instance Members noted the circumstances surrounding the incident itself, which occurred whilst Mr Frost was off duty, and which led to the injuries being sustained, the genuine remorse demonstrated by Mr Frost, and the lapse in time since the offence taking place during which there had been no incidents of concern, or substantiated complaints received around his conduct or behaviour.

Members were however concerned that Mr Frost had not fully complied with the requirements of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, in not notifying the licensing department of his arrest, citing his inexperience as a Torbay Council driver as the reason for this, though accepted his explanation for failing to advise of the outcome of his Court hearing, which was in fact adjourned to a later date.

In concluding, Members all agreed that they found the Respondent to be credible and was believable in his account, that this was an isolated incident, and that Mr Frost posed no risk to public safety.

Chairman/woman

TORBAY COUNCIL

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of The John Bull, 68-70 Chatto Road, Torquay, TQ1 4HU**

Wards Affected: **St Marychurch, Torquay**

To: **Licensing Sub Committee** **16 March 2023**

Contact Officer: **Julie Smart**
☎ Telephone: **01803 208025**
✉ 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”, the “Prevention of Crime and Disorder” and the “Promotion of Public Safety”.
- 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, is as follows:-

The sale by retail of alcohol for consumption both on and off the premises from 1000 hrs to 2400 hrs Monday to Sunday.

Performance of live music indoors from 1000 hrs to 2400 hrs Monday to Sunday.

Playing of recorded music indoors from 1000 hrs to 2400 hrs Monday to Sunday.

Premises opening hours from 1000 hrs until 0030 hrs Monday to Sunday.

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

“Public House”.

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 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 1 neutral Representation from a Responsible Authority. This is from the Torbay Council's Public Protection Officer, in relation to the Licensing Objective, the “Prevention of Public Nuisance”. This is shown in Appendix 3.

We have received 5 Representations from Interested Parties in relation to the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Promotion of Public Safety. These are shown in Appendix 4.

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

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

2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-

(a) The holder of the licence against any decision

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

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

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

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

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

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1 Relevant sections of the application form

Appendix 2 Plan of the Premises

Appendix 3 Neutral Representation from Torbay Council's Public Protection Officer

Appendix 4 Representations from 5 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 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 private individual acting as an agent

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

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 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...

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 / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

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OPERATING SCHEDULE

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

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

Provide a general description of the premises

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.

PUBLIC HOUSE

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

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

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

- Indoors Outdoors Both

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

State any seasonal variations for the performance of live music

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 performance of live music 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 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- 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

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

Continued from previous page...

State any seasonal variations for playing recorded music

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 playing of recorded music 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 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

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

[See guidance on regulated entertainment](#)

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

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

Continued from previous page...

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 / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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'.

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ADULT ENTERTAINMENT

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

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

Continued from previous page...

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

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)

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

Full co-operation shall be given to any emergency service and criminal enquiry
Excellent working relationships shall continue with the current licensing authorities offering safe and enjoyable drinking and dining establishments

b) The prevention of crime and disorder

A policy shall be adopted not to excessively discount drinks.
Undesirable customers shall be excluded.
Individuals who appear intoxicated shall not be served.
The number of guests shall be monitored to prevent overcrowding.
Non alcoholic beer and snacks shall be available
Staff shall be trained to remain calm and composed in difficult situations.
Photographic ID must be produced when an individual is suspected of being under the age of 18.
Regular bottle and glass collections shall be undertaken throughout the premises.
Patrons shall not be permitted to leave the premises with any glass belonging to the premises

c) Public safety

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.
Adequate access shall be provided for emergency vehicles.
Cold drinking water shall be available at the bar.
First Aid facilities and equipment suitable for the number of patrons and the type of event undertaken shall be provided.
This shall enable first aid treatment to be given promptly in the event of injury to patrons or staff.
All doors and fastenings shall be kept in good working order.
Gangways, exit routes and steps shall be maintained in good order with non-slippery and even surfaces.
Escape exits shall be unobstructed and clearly identifiable.

d) The prevention of public nuisance

Children below 14 shall be excluded from the premises in the interest of protecting children from harm.
Children aged 14 - 15 must be accompanied by a responsible person of eighteen years or older.
A sign shall be positioned near the entrance to the premises indicating that no person under the age of 14 will be allowed on the premises and that children aged 14 - 15 must be accompanied by a responsible adult.
Photographic ID must be produced when an individual is suspected of being under the age of 18.

Continued from previous page...

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 23.00 hrs. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:-

- (i) After 23.00 hrs - Noise emanating from the premises shall not be distinguishable above background levels of noise.
- (ii) 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.

To reduce noise breakout, doors and windows facing onto any noise sensitive premises (e.g dwelling) shall be kept shut during entertainment. A management scheme shall be in place to ensure this situation remains.

The placing of refuse, such as bottles, into receptacles outside the premises shall take place at times that will prevent disturbance to nearby properties.

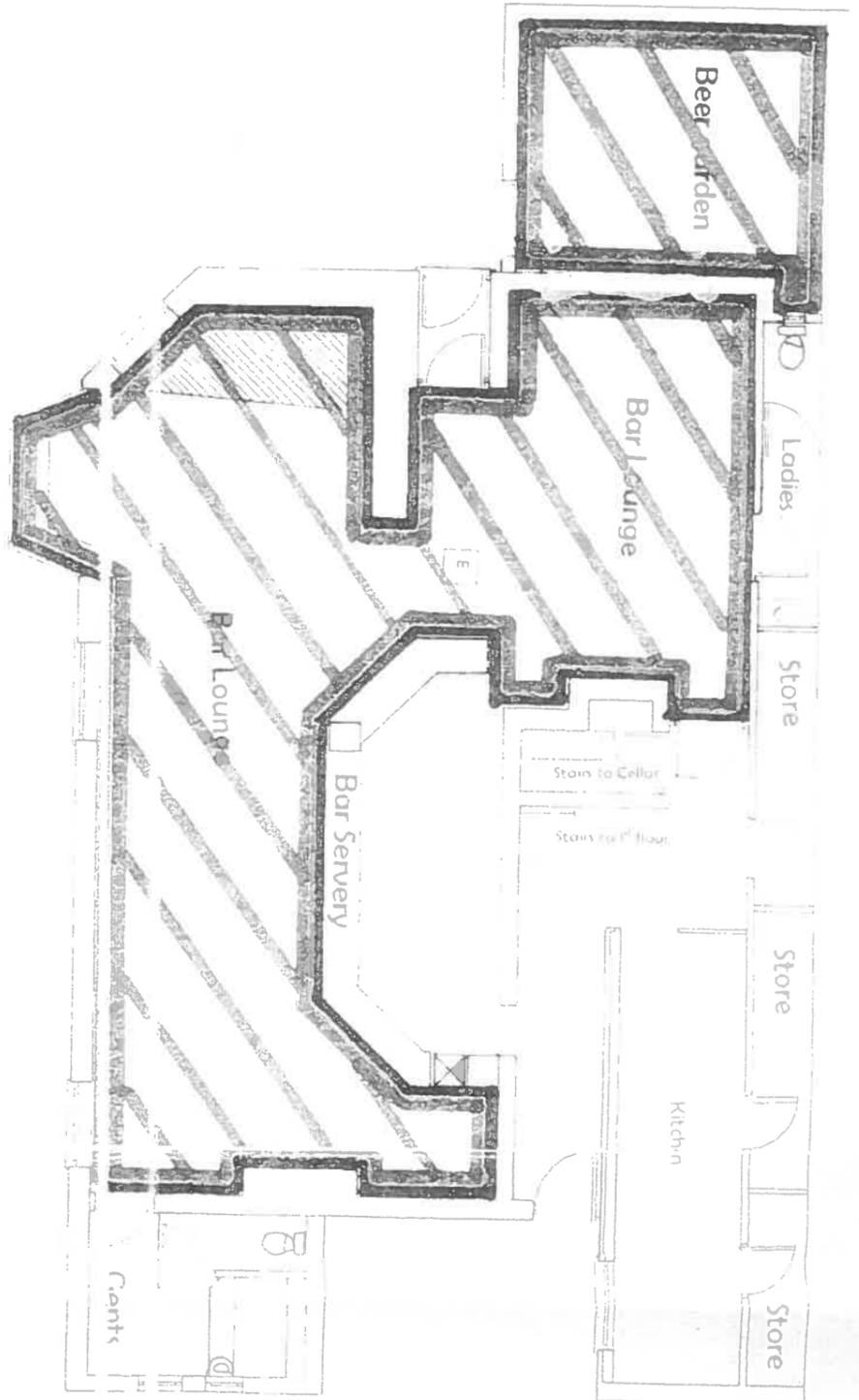
The handling of beer kegs, bottles and other similar items shall not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.

Cooking, noxious or persistent smells from the premises shall not cause a nuisance to nearby properties and the premises must be properly vented.

e) The protection of children from harm

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK



FIRE PRECAUTION NOTES

-  - Self illuminated exit signs
-  - Doors to be kept locked shut.
-  - 9 litre water type fire extinguisher
-  - Emergency lighting complies with B.S. 5266 part 1 1988 and operate on failure of local primary system.



Licensing application
Location JOHN BULL Chatto road, torquay
Client Mr. & Mrs. Laveris
Scale 1:100
Date 15/07/2005
D.b.N Design services 68, Coombe Lane Torquay Tq2 8ea

John Bull – Application for a Premises Licence

I make this representation, as the **Responsible Authority for Public Nuisance**. It is made to aid the committee in making a decision on the knowledge that other representations have been made. It is not made to support or object to the application but to provide clarity for the committee members.

Background

Gosschalks have made an application on behalf of the prospective Premises Licence holders, for a Premises Licence that is very similar to one that lapsed in November 2022. The only change being the extension of Live Music from 2330 to 2400.

I have reviewed our database with regard to past noise complaints, and historically there are a number of complaints but none since 2014.

Exemptions within the Licensing Act 2003 mean that any Live or Recorded Music before 11pm can take place irrespective of any time limitations or conditions. This is not the case after 11pm and adequate conditions are offered to manage the potential for nuisance. [Conditions and restrictions to Live and Recorded Music before 11pm can only be added after a Review.]

The Licensing Statement of Principles, Appendix 2 on page 42 of the Policy says.

9. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 11pm, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant Representations have been received.

Conclusions

It is quite clear that the premises has the potential to cause nuisance both due to the historic information and it being in a residential area, however with careful management this can potentially be mitigated.

If committee were minded to restrict music times or require some additional safeguards, then the following changes or condition could be added for reassurance purposes.

To restrict Live Music to 1130pm in line with the previously held Premises Licence.

Or/and

‘A Noise Management Plan is written and agreed with the officer responsible for Public Nuisance with the Community Safety department at the Local Authority before Live or Recorded Music is played after 11pm.’



Steve Cox

Environmental Health Manager

From: [REDACTED]
To: [Licensing](#)
Subject: Representation - Ref: 063001
Date: 17 February 2023 14:02:01
Attachments: [image0.jpeg](#)

[Learn why this is important](#)

Further to my earlier email today at 13:12, please see the attached letter of authorisation.



Good afternoon

Ref: 063001 New Application for Premises Licence (John Bull, 68-70 Chatto Road, TQ1 4HU)

I wish to make a representation on behalf of my mum who is a resident of [REDACTED] against the above licensing application because it will create a public nuisance.

The resident received an update leaflet on the above through the door on 14/02/23 stating the deadline 20th Feb and has needed assistance with this.

Yours faithfully

[REDACTED]
Mobile: [REDACTED]

Representation

The John Bull is a drinker, at the end of a very quiet residential road. It's the wrong place for a pub with loud music and late hours as it's surrounded by residential properties.

Past experience has been that it's extremely noisy at closing time with people not going home but hanging around and creating disturbance with shouting/shrieking and worse. A lot of noise comes from the clientele as the volume of their voices increases in line with their alcoholic intake and altercations start after the pub has closed. I wish to raise an objection to this application on the grounds of Prevention of Public Nuisance.

From: [REDACTED]
To: [Licensing](#)
Subject: Objection to John Bull 68-70 Chatto Road, Torquay, Devon, TQ1 4HU
Date: 14 February 2023 18:07:59

[REDACTED] [Learn why this is important](#)

Dear Sir/Madam,

I am writing to you as I have received a letter regarding licensing application for: 063001

John Bull

68-70 Chatto Road,
Torquay
Devon
TQ1 4HU

I strongly object to the current application for the following reasons:

1. Live Music from 10:00 until Midnight is absolutely unacceptable. I was kept awake or woken because the noise was so loud under previous owners. Even when the pub is closed. The pub users are still standing outside shouting very late at night. The people in my household work very early hours and I strongly object to being kept awake by loud music and pub users.
2. Recorded Music from 10:00 until Midnight is unacceptable for exactly the same reasons as above. Even when the pub has closed. People do not go home straight away. They stand outside shouting etc until the early hours of the morning.
3. My car has been damaged by drunk pub goers while under the previous owners, including other households in this street ([REDACTED]). I have had to stand outside my house to watch and make sure my car is not damaged again.
4. Loud noise from the pub users is a regular occurrence. Laughing, screaming, shouting and fighting and falling into neighbours cars and gates. This happens until way past midnight and happened on a regular basis under previous owners.
5. Car parking is impossible during pub opening hours. Especially if the pub is intending to open 10am in the morning to midnight. I have [REDACTED] condition and cannot walk far with shopping bags when I have to park roads away because of the pub users.

Please take my objections into account when making your decision regarding licensing for the above pub.

Yours sincerely

[REDACTED]

From: [REDACTED]
To: [Smart, Julie](#)
Cc: [Cottell, Carrie](#)
Subject: RE: The John Bull, Chatto Road, Torquay
Date: 13 February 2023 10:06:17
Attachments: [image001.jpg](#)

Hi Julie and Carrie

Please see below my objection to the licensing application for the John Bull pub if this can be put on file please.

Torbay Statement of Principles indicates that for premises situated in a residential area where representations are made in respect of activities that may lead to public nuisance issues, the Licensing Authority can restrict that activity, ie live music, to no later than 11.00 pm if the applicant has not included sufficient measures within the application to mitigate the concern. In light of the above key principle, I would like to share the following facts, concerns and experiences.

The John Bull pub is located in a residential area that means that any anti social behaviour emanating from the premises, very easily has an impact on neighbours who are very close to this licensed premises. While my family have lived [REDACTED] the John Bull for almost 30 years, it has mostly been well run. However, in more recent years, we have found that the clientele can be more rowdy. In the last 12 months we have faced unacceptable levels of noise from the premises during the summer when the front door can be propped open when live music is occurring. We have also seen on a couple of occasions, fights occurring outside the John Bull with residents fearing for the wellbeing of their cars that was damaged in a fight once. My mother in law suffers from [REDACTED] and her bedroom is facing the pub. On a few occasions late night noise beyond 11pm has woken her and led to a disturbed nights sleep for her as she becomes upset and confused. We regularly suffer from car doors being slammed and shouting from patrons as they leave the premises. This can particularly be the case on an evening when live music is played and would strongly recommend that the licensing authority gives serious consideration to applying the council's policy of no live music after 11pm in this residential location as dwellings are very closely located to the pub.

Best wishes

[REDACTED]



[REDACTED]

One Torbay e-newsletter

Do you want to keep up to date with the latest news and events in Torbay?
You can sign up for the newsletter at www.torbay.gov.uk/OneTorbay

From: [REDACTED]
To: [Licensing](#)
Subject: Licensing application #063001
Date: 12 February 2023 12:20:11

[REDACTED] [Learn why this is important](#)

To whom it may concern,

Regarding the above application, as a resident of [REDACTED] Torquay, I wish to object to the extension of live music application.

I feel that this will be detrimental to residents in our cul-de-sac as we have had a lot of problems in the past with people outside in the decking until after midnight being loud and occasionally violent. The noise has been too much some weekends, and as there are elderly residents [REDACTED] to the John Bull) and small children in our street, I feel that this would be a nuisance for them and their parents.

On occasion some of us have had our property damaged as a result of customers at the pub being drunk outside and becoming violent with each other. This is not acceptable late at night, never mind having to deal with it until midnight, which inevitably becomes 00:30 onwards.

Thank you,

Resident [REDACTED]

Sent from my Galaxy

From: [REDACTED]
To: [Smart, Julie](#)
Subject: Fwd: John Bull 68-70 Chatto Road, Torquay, Devon, TQ1 4HU - Open application 063001 which is a New Application for Premises Licence
Date: 17 February 2023 13:39:55

[Learn why this is important](#)

Good afternoon Julie

I forwarded the email below to the email address that you kindly provided earlier.

I have just received an auto reply stating that The Community Safety Team do not respond to complaints, reports or enquiries submitted to this email address. I am forwarding this email to you as well and trust that my email will be accepted as a formal objection to the current licence application relating to The John Bull Public House.

Many thanks.

Kind regards

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
[REDACTED] Feb 17, 2023 at 1:30 PM
Subject: John Bull 68-70 Chatto Road, Torquay, Devon, TQ1 4HU - Open application 063001 which is a New Application for Premises Licence
To: <licensing@torbay.gov.uk>

Good afternoon

My wife and myself are owner occupiers of No [REDACTED] Torquay and have lived in this House for nearly 28 years.

I am forwarding this email to raise objections, on behalf of my wife and myself, to the above application.

[REDACTED] is a small and quiet cul-de-sac. In the time that my wife and myself have lived in [REDACTED] the various owners and landlords of the John Bull Public House have generally been sensitive to being located in a residential area. Live music has normally been restricted to a Saturday evening, normally finishing by the current Live Music licence time of 11.30 PM. The external noise levels are greater when external doors are left open, particularly in the Summer months.

The application for extending the Live music licence from 11.30 PM to Midnight 12 PM, Monday to Sunday, would not be appropriate in this quiet residential area. Live music after 11.30 PM would have a major impact on the residents of [REDACTED], particularly the elderly and young children. It would also impact on many other residential roads and properties in the Chatto Road area. Live Music up to midnight may be appropriate for Public Houses and Night Clubs in Town Centre locations but certainly not in a residential area such as the one in which the John Bull Public House is situated. This could have a major effect on the wellbeing and health of many people who could struggle to get to sleep

due to the noise pollution, particularly when external doors are left open.

I trust that you will take into account these objections when considering the application from Wellington Pub Company PLC.

Many thanks.

Kind regards

[Redacted signature]

Torquay

[Redacted address line]

[Redacted address line]