



Wednesday, 27 June 2018

LICENSING SUB-COMMITTEE

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

Thursday, 5 July 2018

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 Stocks

Councillor Thomas (J)

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

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 Committee.
3. **Minutes** (Pages 3 - 13)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 26 April 2018 and 31 May 2018.
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. **Farmhouse Tavern, 130 Newton Road, Torquay** (Pages 14 - 57)
To consider an application for a Variation to a Premises Licence in respect of Farmhouse Tavern, 130 Newton Road, Torquay.
7. **Inspirations, 4 The Quay, Brixham, TQ5 8AW** (Pages 58 - 86)
To consider an application for a new Premises Licence in respect of Inspirations, 4 The Quay, Brixham.



Minutes of the Licensing Sub-Committee

26 April 2018

-: Present :-

Councillors Doggett, Stocks and Thomas (D)

(Also in attendance: Councillor Stubley)

9. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

10. Winstons, Station Square, Paignton

Members considered a report on an application for a review of a Premises Licence in respect of Pickwick, Station Square, Paignton, formerly known as Winstons.

Oral Representations received from:

Name	Details
Applicant (Police)	The Police outlined their application and responded to Members questions.
Respondent's Representative	The Respondent's Representative set out their response to the application and responded to Members questions.

Additional Information

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 15 minutes to make their representations.

Decision

That the Premises Licence in respect of Pickwick, Station Square, Paignton, formerly known as Winstons, be reinstated, subject to:

- i) the sale of alcohol shall cease at 1 am;
- ii) the premises shall be open between 8am and 1.30 am, Monday to Sunday;

and the following conditions put forward by the Police and as agreed by the Applicant:

1. A CCTV system must be installed and maintained at the premises to the satisfaction of Devon and Cornwall Police. The system must run and record

continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days;

2. The CCTV system must provide a clear head and shoulders view of patrons and staff to an evidential quality on every entry/exit route and within any other vulnerable areas, as identified by Devon and Cornwall Police;
3. Recorded footage taken from the CCTV system must be provided to a representative of any Responsible Authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times;
4. The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request;
5. 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;
6. At all times when the DPS is not on duty, their contact telephone number shall be made available to the Responsible Authorities on request;
7. An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:
 - (i) Any incident of violence or disorder on or immediately outside the premises;
 - (ii) Any other crime or criminal activity on the premises;
8. A Barred Customer Log book shall be kept at the premises and made available to the Responsible Authorities on request;
9. 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 a police officer, a police licensing officer or officers of the local authority on demand;

10. Written records in relation to the use of the breathalyser shall be completed and all documents shall be retained on the premises for a minimum period of 12 months, and be available to the police or local authority licensing officers on demand;
11. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept at the premises for a minimum period of 12 months and be available to the police or Local Authority Licensing Officers for inspection on demand;
12. On any occasion that the premises sells alcohol after midnight SIA door stewards shall be employed at the premises from 2200 hrs at a ratio of 2 stewards for the first 100 customers, and thereafter 1 additional SIA steward for each additional 100 customers or part thereof. In addition, 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;
13. On every operational day that SIA door supervisors are required, then those stewards who are employed for front of house duties must wear yellow high visibility jackets for the entirety of their duty;
14. Whenever door stewards are employed at the premises there must be at least 1 female steward;
15. The premises shall have a metal detector wand which will be used randomly whenever door stewards are on duty;
16. Any persons employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing (or other similar qualification as agreed with the Police Licensing Officer) within 3 months of the date of the Review or commencing employment at the premises;
17. The Designated Premises Supervisor must hold or complete the BIIAB National Certificate for Designated Premises Supervisors within 3 months of the date of the Review or commencing employment at the premises;
18. A Personal Licence Holder shall be on duty at all times the premises sell or supply alcohol;
19. There shall be no entry or re-entry to the premises after 12 midnight; and
20. The Premises Licence Holder shall apply to the Local Authority to request permission to use retractable barriers at the front of the premises between the hours of 10 pm and 1.30 am.

Where there is a duplication or conflict of wording with any conditions on the current Premises Licence, these conditions shall supersede those.

Reason for Decision

Having carefully considered all the written and oral Representations, Members resolved to reinstate the licence; subject to the additional conditions which they determined were appropriate and proportionate to facilitate the necessary culture change needed at these premises and to promote the Licensing Objectives.

In coming to this decision, Members had careful regard to the changes that had been implemented by the Premises Licence Holder during the interim period and whether these, along with the agreed conditions put forward by the Police would alone, address the serious concerns they had, on hearing the evidence before them at the Summary (Expedited) Review hearing on the 4th April 2018.

Given the apparent absenteeism of the Premises Licence Holder to date, the inactions and serious failings of the previous DPS and SIA door stewards, Members remained somewhat concerned that it had taken the Summary (Expedited) Review and suspension of the Premise licence, for the Premises Licence Holder to take steps to improve these premises in line with his obligations as a responsible licensee.

Notwithstanding this and after serious consideration to revoking the premises licence, Members noted that the Premise Licence Holder is now taking an active role in the future operations of these premises and were assured that the newly appointed member of staff, who will be the replacement DPS, has the necessary experience and determination to continue making improvements at the premises and would ensure compliance with the conditions of the Premises Licence.

In concluding, Members determined on the evidence before them, that it was appropriate and necessary to reduce the premises operational hours, insert a re-entry condition and to reduce the sale of alcohol to 1am in an attempt to discourage intoxicated persons migrating to these premises when other licensed premises in the area closed.

Chairman/woman



Minutes of the Licensing Sub-Committee

31 May 2018

-: Present :-

Councillor

Councillors Pentney, Sykes and Thomas (J)

11. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

12. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 and 22 March, 5 and 12 April 2018 were confirmed as a correct record and signed by the Chairman.

13. Application to Renew a Dual Hackney Carriage and Private Hire Drivers' Licence

Members considered a report that sought a review of a Dual Hackney Carriage and Private Hire Drivers' Licence. The Principal Licensing Officer advised Members that the review follows a renewal application from Mr James Uglow, which was made on 28 April 2018. In his application Mr Uglow had declared that he holds a current conviction by entering 'Yes: £300 fine' on the form but provided no other details as to what this fine related to. The renewal did not include a DBS, which was a requirement for this application, though this was subsequently submitted on 4 May 2018, as it had only been applied for on 20 March 2018. The Disclosure confirmed that Mr Uglow had been convicted for 'destroy or damage property (value of damage £5000 or less – Offence against Criminal Damage Act 1971). Mr Uglow was given a conditional discharge and costs were awarded against him for this offence.

At the Hearing, Mr Uglow confirmed that he had submitted the notification in October 2015 but could not provide proof of this and referred to his emails set out in Appendices 2 and 4 of the submitted report which also provided background details to the offence.

Decision:

That Mr James Uglow's Torbay Dual Hackney Carriage and Private Hire Drivers' Licence be renewed and that he receive a formal written warning for the incident which led to the conviction and his failure to notify the Licensing Authority of this conviction, as set out in Torbay Council's Hackney Carriage and Private Hire Licensing Policy.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to renew Mr Uglow's Drivers' Licence having unanimously voted that in their opinion, he did 'remain a fit and proper person' to hold a Torbay Dual Hackney Carriage and Private Hire Drivers' Licence.

In coming to that decision, Members noted that it was an isolated incident which resulted in the conditional discharge and that during his time as a driver licensed by Torbay Council, there were no issues of concern or complaints received.

Whilst Members noted Mr Uglow's submission that he had provided the Licensing Authority with notice of his conviction in October 2015, they could not be satisfied that this had occurred, as Mr Uglow was not able to provide evidence to support this submission and having checked their systems, officers of the Licensing Authority could find no such notice.

It was of concern to Members that Mr Uglow had continued working as a licensed driver for two and a half years without the Licensing Authority being able to make a determination as to whether or not he 'remained a fit and proper person' following that conviction and it was only at the renewal stage of his driver badge, that the conviction had come to light.

As such, and having been satisfied that Mr Uglow had shown remorse for the situation he found himself in and was now fully aware his obligations as a licensed driver, along with assurances given by him that this would not happen again, Members determined that it was appropriate on this occasion to formally warn Mr Uglow and that this warning should act as a reminder to him should he find himself in the same position in the future.

14. Exclusion of the Press and Public

Prior to consideration of the item in Minute 15 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

15. Review of a Torbay Council Drivers' Licence

Members considered a report that sought a review of a Dual Hackney Carriage and Private Hire Drivers' Licence, as set out in the submitted exempt report. At the Hearing, the Applicant and his representatives provided an update in respect of the issues raised in the report and responded to Members' questions.

At the Hearing, an email from the Licensing Enforcement Officer to Mr Cox, Environmental Health Manager (Commercial) dated 30 May 2018 in respect of a telephone call between an Officer of the Licensing Authority and the Driver was circulated to all parties, with the agreement of the Chairman.

Decision:

That the Torbay Dual Hackney Carriage and Private Hire Drivers' Licence be reinstated and that the driver, as named in the exempt report, be issued with a formal written warning about appropriate conduct whilst carrying out his duties as a driver licensed by Torbay Council and that a condition be added to his Licence which stipulates that there must be no physical contact between himself and any passenger, unless in the case of a medical emergency or to provide mobility assistance.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to reinstate the drivers' licence, as named in the exempt report, by a majority vote; having been satisfied that in light of the evidence before them, he did 'remain a fit and proper person' to hold a Torbay Dual Hackney Carriage and Private Hire Drivers' Licence.

In coming to that decision, Members applied the test set out in Appendix A, Section 1.2 at page 26 of the Torbay Council's current Hackney Carriage and Private Hire Licensing Policy and noted the driver's fifty years' experience and previous unblemished record as a driver licensed by Torbay Council.

In addition, Members noted that whilst the allegation made against the driver was dismissed at Court, they remained concerned by the submissions made by him in Police interview and at the Licensing Sub-Committee hearing, in respect of passengers known to him. Notwithstanding this concern, Members were satisfied by majority that the driver did not pose a risk to general members of the public but should he continue to conduct himself in an over familiar manner to persons known to him which in their opinion fell well below the standards reasonably expected by them of a professional driver; this in itself may pose a risk not only to that which may be perceived by others who are not aware of an established relationship between the driver and regular passengers but to himself also, against future criminal allegations.

In noting the submissions by the driver with regards to it being in his culture to conduct himself in a certain manner, Members were very clear that such familiar conduct was inappropriate, unacceptable and fell well below the standard reasonably expected by them of a driver licensed by Torbay Council and should the driver fail to change in this regard, he ran a high risk of similar allegations being made against him in the future and that some passengers, be they regular or not, not welcoming such familiarity and being uncomfortable with his conduct.

In safeguarding the driver and all future passengers, Members determined that it was appropriate and proportionate on the evidence before them to impose the condition, as they could not be satisfied that without it, the driver would change his ways.

In concluding, Members noted the driver's submission in respect of costs, as outlined in Appendix 3 to the exempt report but were clear that such consideration

was outside the remit of the Licensing Sub-Committee and that their primary consideration was one of public safety.

16. Adjournment

At this juncture the meeting was adjourned until 1.30 p.m.

17. Off Licence TQ Ltd, 15 Lucius Street, Torquay

Members considered a report on an application for a review of a Premises Licence in respect of Off Licence TQ Ltd, 15 Lucius Street, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Review of the Premises Licence in respect of Off Licence TQ Ltd raising concerns in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.	23 March 2018
Safeguarding and Review Team	Representation raising concerns in respect of protection of children from harm and requesting a condition be added to the Licence to introduce a Challenge 25 policy to replace the Challenge 21 policy.	9 April 2018
Trading Standards	Representation relating to underage test purchase of alcohol.	25 June 2015
Trading Standards	Representation relating to underage test purchase of alcohol.	25 August 2015
Trading Standards	Representation relating to keeping of smuggled goods.	18 November 2015
Licensing and Public Protection	Representation relating to Licensing Act 2003, application help and advice.	25 May 2016

Police	Witness Statement in relation to issues if antisocial behaviour.	28 May 2016
Police	Licensed Premises Report outlining details of visits made to the Premises.	31 July 2016
Police	Representation to the Licence Holder regarding a recent visit to the Premises including a blank form 'Record of CCTV Requests'.	2 August 2016
Police	Representation to Miss Mankowska regarding a recent visit to the Premises including a blank form 'Record of CCTV Requests'.	2 August 2016
Police	Alcohol / Licensing Information Form.	13 May 2017
Police	Licensed Premises Visit Checklist and details of logs recorded in 2017 in relation to anti-social behaviour in St Andrews Church, St Efrides Road, Torquay.	Various
Police	Representation to the Licence Holder regarding a recent visit to the Premises.	21 July 2017
Police	Representation to the Licensing Team requesting a review of the Premises Licence for Off Licence TQ Ltd, 15 Lucius Street, Torquay (which included exempt information in respect of the current Licence Holder).	24 May 2018
Police	Details of logs recorded in 2018 in relation to anti-social behaviour in St Andrews Church, St Efrides Road, Torquay.	Various

Additional Information:

The Respondent circulated photos of the inside of the premises, showing a sworn off pool cue and the switch this was used to turn off which is too high to reach, signs and maps which are on the counter, training information and updated challenge 25 information.

Oral Representations received from:

Name	Details
Police	The Police outlined their representations and responded to Members questions.
Respondent	The Respondent and the DPS outlined their response to the application and responded to Members' questions.

Decision:

That the Premises Licence in respect of Off Licence TQ Ltd, 15 Lucius Street, Torquay, be revoked.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to revoke the Premises Licence for Off Licence TQ Ltd as they could not be satisfied that the Respondent, who is the current sole director of the company that holds the premises licence, would operate the premises in a responsible and lawful manner and ensure promotion of the Licensing Objectives.

In coming to that decision, Members noted the Respondents involvement in the premises since 2015 which is throughout the period of time the Police and Trading Standards have had cause for concern, the information contained within the exempt report and the Police's written and oral submission in respect of his suitability to hold a premises licence and the lack experience by him, in holding such a licence.

In addition, Members noted that changes to the company who hold the Premises Licence and the Designated Premises Supervisor (DPS) appeared reactive to the Review application rather than considering the premises future operations and that the newly appointed DPS had recently applied for and been granted DPS status at another premises and his appointment at these premises, was only temporary. On the Respondents submissions, this temporary appointment was to allow time for a current member of staff who had been employed at the premises for 18 months to obtain a personal licence. In discovering that the proposed replacement DPS was in fact the daughter of the previous DPS and sole director and secretary of the company who holds the licence, Members unanimously voted in the lack of confidence they had in the ability of this person to implement the changes needed at the premises to ensure that the Licensing Objectives were upheld.

In noting the submissions of the Respondent and DPS in respect of the alcohol seized from a neighbouring premises when a search warrant was executed by the Police on the 4th January 2018, Members were satisfied on the evidence of the Police that it was highly probable that alcohol without a UK Duty Paid Stamp was being sold at the premises and the reasons given by the Respondent were in their opinion, not plausible.

Whilst it was accepted that the use of the cut off pool cue could be used for the reasons given by the Respondent, this coupled with the CS gas canister found under the counter at the premises which resulted in a conviction of the previous director and DPS, gave Members serious cause for concern, given the Respondent and the proposed new DPS's involvement at the premises during this time.

Furthermore it was noted by Members that despite being made aware of the Responsible Authorities concerns around anti-social behaviour and nuisance caused by street drinkers in the immediate vicinity of these premises and evidence that alcohol purchased from these premises was attributable, Members were alarmed to learn that the previous agreement given by these premises not to sell single cans of high strength alcohol, the Respondent, along with the previous director and DPS had made it known to the Police that they wished to renege on this commitment, due to the impact this had had on their business. This in Members opinion was not the actions of a responsible licensee, as profits were being placed above the importance of ensuring the promotion of the Licensing Objectives.

In considering what steps had been put in place by the Respondent following service of the Review application, Members were concerned to note that in addition to the resignations and reappointments of directorship of the company that hold the licence on the 5th April 2018 and the appointment of a new temporary DPS on the 10th April 2018, any measurable change in respect of staff training by the current DPS appeared limited and in some circumstances, had only recently taken place. In noting the DPS intended departure from these premises; it was of great concern to Members as to the sustainability of this training once he had stepped down.

In concluding, Members found the submissions of the Respondent to be at times misleading and whether this was intentional or done so out of naivety, this coupled with their established concerns resulted in the unanimous decision to revoke the licence, even though what if any additional conditions could be added to the licence, were carefully considered by them.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Farmhouse Tavern, 130 Newton Road, Torquay, TQ2 7AD**

Wards Affected: **Shiphay and the Willows**

To: **Licensing Sub-Committee** On: **5 July 2018**

Contact Officer: **Gary O'Shea**
Telephone: **01803 208025**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective of "The Prevention of Public Nuisance".
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part, or
 - (c) to grant the application as applied for

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

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

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

2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in **Appendix 1**. Only the relevant pages of the application are shown.

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

To extend the timings of licensable activities by 2 hours at the beginning of permitted hours from the current commencement time of 11am to commence at 9am instead. The standard terminal hour to remain unchanged, for the following: Live Music, Recorded Music and the Sale of Alcohol.

The Opening Hours are presently 11.00am until 12:30am Monday to Sunday. The applicant has requested to extend the opening hour at the beginning of the day by 4 hours to commence at 7am in order to enable the service of breakfast. The terminal closing time of 12:30am to remain unchanged

The applicant has also requested that all conditions as listed on the current licence under Annex 2 and Annex 3 (shown in appendix 2) be removed and replaced with the conditions as shown in section M of the application (shown in appendix 1).

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at **Appendix 2** of this report.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as relevant Representations have been received from three (3) members of the public and one (1) Responsible Authority. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Public Protection Officer for Torbay Council in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown at **Appendix 3** of this report.

We have received three (3) Representations from members of the public, also in relation to the Licensing Objective "The Prevention of Public Nuisance". These are shown as **Appendix 4** of this report.

There have been no Representations received from any other Responsible Authority or any other Interested Party.

- 2.4 The Public Protect Officer has been in contact with the representatives for the applicant and has agreed certain matters as attached at **Appendix 5**, which may be included as conditions on any licence that Members may be minded to approve.
- 2.5 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.6 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the

Representations and the procedure to be followed at the hearing.

- 2.7 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.
- 2.8 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.9 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court, and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Relevant sections of the application form.
Appendix 2	Copy of the current Premises Licence and Plan.
Appendix 3	Representation from Public Protection Officer
Appendix 4	Representation from members of the public
Appendix 5	Agreed position between Public Protection and Applicant

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2016-2021.

244514

Our Ref: JRG/GK/FAR137
 Contact: John Gaunt

Torbay Council
 Licensing Officer
 Licensing and Public Protection
 c/o Town Hall, Castle Circus
 Torquay
 Devon
 TQ1 3DR

TORBAY COUNCIL

08 MAY 2018

COMMUNITY SAFETY

R011007
£315

4 May 2018

Dear Sirs

Farmhouse Tavern Pub & Carvery - Torquay, 130 Newton Road, Torquay, Devon, TQ2 7AD
Applicant - Greene King Brewing and Retailing Limited

We act for Greene King Brewing and Retailing Limited, on whose behalf we have applied for a transfer of the licence for the above and separately a minor variation to approve layout changes proposed. (Has there been any adverse feedback on that variation application?).

On our client's behalf, we now enclose by way of service on you Notice of Application for the variation of the Premises Licence for Farmhouse Tavern Pub & Carvery - Torquay together with our cheque in your favour in the sum of £315.00 being the fee payable. Kindly acknowledge safe receipt.

We confirm that we have served copies of the enclosed application and supporting documents on the relevant authorities being the Police, Fire Authority, Local Enforcement of Health & Safety at Work, Environmental Health Authority, Planning Authority, the relevant authority for Protection of Children from Harm, Weights and Measures, Immigration Enforcement and the Health Authority.

Please take this letter and enclosures as service on you as Licensing Authority and as a Responsible Authority. If you require a further copy of the documentation, please advise by return.

The variation comprises:

1. The advancement of the commencement time for licensable activities to 09.00.
2. The advancement of the opening hours of the premises to 07.00 to facilitate the service of breakfasts etc.
3. To modernise the Licence by the deletion of the existing conditions which appear at Annex 2 and Annex 3 to the Premises Licence and in substitution, those conditions set out at Section M in this application be imposed on the Licence.

Tel: 0114 266 8664
 Helpline: 0114 266 3400
 Fax: 0114 267 9613
 Email: info@john-gaunt.co.uk
www.john-gaunt.co.uk

Partners:

John Gaunt
 Katharine Redford
 Tim Shield (569713)
 Michelle Hazlewood (569714)
 Christopher Grunert
 Jonathan Pupius

Practice Manager:

John Gaunt & Partners
 Omega Court
 372 - 374 Cemetery Road
 Sheffield
 S11 8FT

It is not anticipated that the licensing objectives will be adversely affected by this application.

For completeness, we enclose a copy of our notice being displayed on site. According to our calculations, the consultation period is due to expire on 4th June 2018. If you have any queries regarding this, please contact us upon receipt.

We should be grateful if you would forward to us any representations as soon as they are received to enable early consultation and discussion to take place.

Should you have any queries, please do not hesitate to telephone us. Please forward all correspondence to this office and quote our reference. In due course, please ensure that any licence issued is forwarded to us.

Thank you for your assistance.

Yours faithfully

A handwritten signature in black ink, appearing to be 'John Gaunt', written over a horizontal line.

John Gaunt
John Gaunt & Partners
Email: jgaunt@john-gaunt.co.uk

LICENSING ACT 2003

Application has been made by Greene King Brewing and Retailing Limited to the Licensing Authority of Torbay Council to vary the Premises Licence for the Farmhouse Tavern Pub & Carvery - Torquay at 130 Newton Road, Torquay, Devon, TQ2 7AD. The application includes the following terms:-

1. Variation to delete the existing conditions at Annex 2 and Annex 3 on the Licence and replace the same with a comprehensive range of new conditions as more particularised in the application.
2. The advancement of the commencement time for licensable activities to 09.00.
3. The advancement of the opening hours of the premises to 07.00 to facilitate the service of breakfasts etc.

Full details of the Application and the drawing can be viewed at the offices of the Licensing Authority at Torbay Council, Licensing and Public Protection, c/o Town Hall, Castle Circus, Torquay, Devon, TQ1 3DR.

A responsible authority or any other person can make written representations to the Licensing Authority at any time up to and including 4th June 2018 (www.torbay.gov.uk)

It is an offence for anyone knowingly or recklessly to make a false statement in connection with a Licence Application. The maximum fine on summary conviction is unlimited.

Dated this: 4th May 2018

John Gaunt & Partners, Solicitors

Application to vary a premises licence 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.

We Greene King Brewing and Retailing Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

456

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Farmhouse Tavern Pub & Carvery - Torquay, 130 Newton Road,

Post town
Torquay

Post code
TQ2 7AD

Telephone number of premises (if any)

01803 612 451

Non-domestic rateable value of premises

£24,400

Part 2 – Applicant Details

Daytime contact telephone number

Email address
(optional)

Current postal
address if
different from
premises address

Westgate Brewery

Post Town

Bury St Edmunds

Postcode

IP33 1QT

Part 3 – Variation

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

Please tick ✓ yes

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

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

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

yes no

Please describe briefly the nature of the proposed variation (please read guidance note 2)

The premises have the benefit of a Premises Licence no 456.

The applicant is undertaking certain refurbishment works at the premises designed to improve the premises, the approval for which is being sought by way of a separate Minor Variation application. This application is intended to modernise the Licence by the deletion of the existing conditions which appear at Annex 2 and Annex 3 to the Premises Licence and in substitution, those conditions set out at Section M in this application be imposed on the Licence.

Other changes proposed within this variation application include:-

1. The advancement of the commencement time for licensable activities to 09.00.
2. The advancement of the opening hours of the premises to 07.00 to facilitate the service of breakfasts etc.

It is not anticipated that the licensing objectives will be adversely affected by this application.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment (Please see guidance note 3)

- 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)
- 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	09:00	24:00	Please give further details here (please read guidance note 5)		
Tue	09:00	24:00			
Wed	09:00	24:00	State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur	09:00	24:00			
Fri	09:00	24:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7) As per existing Licence		
Sat	09:00	24:00			
Sun	09:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	09:00	24:00	Please give further details here (please read guidance note 5)		
Tue	09:00	24:00			
Wed	09:00	24:00	State any seasonal variations for playing recorded music (please read guidance note 6)		
Thur	09:00	24:00			
Fri	09:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7) As per existing Licence		
Sat	09:00	24:00			
Sun	09:00	24:00			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors		
Day	Start	Finish		Outdoors		
Mon	23:00	24:00	Please give further details here (please read guidance note 5)	Both		
Tue	23:00	24:00				
Wed	23:00	24:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	24:00				
Fri	23:00	24:00		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 (please read guidance note 7) As per existing Licence		
Sat	23:00	24:00				
Sun	23:00	24:00				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)	On the premises		
Day	Start	Finish		Off the premises		
Mon	09:00	24:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both		
Tue	09:00	24:00				
Wed	09:00	24:00		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 7)		
Thur	09:00	24:00				
Fri	09:00	24:00				
Sat	09:00	24:00				
Sun	09:00	24:00				

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 10)

None save for the presence of gaming machines, the use of which by a person under the age of 18 is not permitted.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6) Non standard timings. Where you intend to use 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 7) As per existing Licence
Day	Start	Finish	
Mon	07:00	00:30	
Tue	07:00	00:30	
Wed	07:00	00:30	
Thur	07:00	00:30	
Fri	07:00	00:30	
Sat	07:00	00:30	
Sun	07:00	00:30	

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

As above, the conditions on the existing Licence which appear at Annex 2 and Annex 3 should be deleted and in their place those conditions proposed at Section M of this application be imposed.

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

The Licence is held by the Council already in connection with a Transfer and Minor Variation Application

M

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We have undertaken our own risk assessment to propose the following steps:-

The steps which we have identified in relation to the four licensing objectives are listed below

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

1. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcohol and other drinks may not be removed from the premises save for consumption in the external areas provided.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

c) Public safety

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Any external areas shall not be used for the sale or consumption of food or drink between the hours of 23.00 and 10.00 the following morning.
4. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
5. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

e) The protection of children from harm

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
3. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function.
4. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
5. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
6. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I understand that I must now advertise my application
 - I have enclosed the premises licence or relevant part of it or explanation
 - I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date: 4 May 2018

Capacity: Solicitors

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date:

Capacity: Solicitors

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

John Gaunt & Partners
Omega Court
372 Cemetery Road

Post town
Sheffield

Post code
S11 8FT

Telephone number (if any)
0114 266 8664

If you would prefer us to correspond with you by email your email address (optional)
jgaunt@john-gaunt.co.uk

Licensing Act 2003
Premises Licence

456

LOCAL AUTHORITY



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



Part 1 - Premises Details

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

Farmhouse Tavern

130 Newton Road, Torquay, Devon, TQ2 7AD.

Telephone 01803 613451

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	3:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	3:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	Midnight
	New Year's Eve	11:00pm	3:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	11:00am	12:30am
New Year's Eve	11:00am	3:30am

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

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

Licensing Act 2003
Premises Licence

456

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Ei Group plc	3 Monkspath Hall Road, Shirley, Solihull, West Midlands, B90 4SJ. Telephone 0121 7337700
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
Ei Group plc	2562808
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
Christopher WEBLEY	The Farmhouse Tavern, 130 Newton Road, Torquay, Devon, TQ2 7AD.
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL	
Licence No. TQ91454	Issued by South Hams

Stephen Cox

Steve Cox
Environmental Health Manager
15 February 2017

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

ANNEXES continued ...

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

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

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

Minimum Drinks Pricing

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

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

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

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

Where:-

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

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

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

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

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

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

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

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

MANDATORY CONDITION: DOOR SUPERVISION

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

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

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

(b) In respect of premises in relation to-

ANNEXES continued ...

- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:-
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

PUBLIC ENTERTAINMENT LICENCE STANDARD CONDITIONS - 2000 REVISION

1. GENERAL

- (a) In these conditions the term 'Council' shall mean the Torbay Borough Council or any officer authorised to use appropriate Delegated Powers on its behalf.
- (b) In these conditions, the term 'Licence' shall be the Public Entertainment Licence issued or renewed from time to time by the Council.
- (c) In these conditions, the term 'Premises' shall be the building, land or any part thereof more particularly referred to in the Licence.
- (d) In these conditions, the term 'Licensee' shall be that person or those several persons whose name or names are so indicated on the Licence.
- (e) In these conditions, the terms "Door Steward", "Security Staff", "Door Staff" and "Steward", whether in the singular or the plural, shall be any person employed as a steward who has the authority of the proprietor or licensee exclusively or mainly to decide upon the suitability of customers to be allowed entry to the premises, to maintain order on the premises and/or to assist patrons escape in the event of fire. Such staff shall have no other duties and shall be in addition to staff employed on cloakroom, bar, food preparation, food service, pay desk and disc jockey duties.

2. DISPLAY

- (a) The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.
- (b) A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
- (c) There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-
"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"

3. SANITARY EQUIPMENT AND CLEANLINESS

ANNEXES continued ...

- (a) All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
- (b) Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.

4. STEWARDS, CAPACITY AND CONTROL

- (a) The Licensee shall take all due precautions for the safety of public, the performers and employees and, except with the approval of the Council in writing, shall retain control over all licensed portions of the Premises. Any instructions given by the Council regarding the safety of the audience or any other person present at the entertainment shall be put into effect as soon as required.
- (b) The Licensee shall be responsible for compliance with these conditions and will be in attendance at the Premises throughout the provision of any entertainment. Arrangements may be made for a responsible person, being not less than 21 years of age, to be appointed in writing for the purpose of deputising for the Licensee in his absence. He shall be assisted by a staff of attendants or stewards as required by these Standard Conditions and any Special Conditions of the Licence.
- (c) The Licensee shall be responsible for ensuring that public entertainment is offered only within the terms, on the days and within the hours more particularly set out in the Licence or other written notification to the Licensee. This shall include the instigation of a scheme or procedure for ensuring that the maximum allowable capacity is not exceeded. Such arrangements shall include provisions whereby any authorised officer of the Council or any member of the Devon Fire and Rescue Service in uniform or a Police Constable can determine, without a physical count, the number of persons on the Premises. Counting by means of a numbered ticket system including complimentary, guest or other free tickets which at any one time for a single performance will indicate the maximum number of persons admitted into the Premises may be substituted in place of counting machines. Such arrangements shall also include provisions for ascertaining the number of persons present on different levels within the Premises if more than one is in use.
- (d) Throughout the time that the public are on the Premises, the following minimum number of stewards shall be provided unless the Licence specifies some other number in which case such other number will apply:-

(i) NON LIQUOR LICENSED PREMISES

In respect of the whole premises

For every level in use under 100 capacity

For every level in use over 100 capacity

(ii) LIQUOR LICENSED PREMISES

One steward shall be provided for each 75 people based on the maximum permitted capacity for the Premises.

(Figures shown indicate the ratio of stewards to persons attending the entertainment assuming the maximum level of permitted capacity)

- (e) This condition shall be operative only where it is stipulated in the licence document that it shall do so. The Licence document may also specify arrangements different from those detailed below in which case such alternative requirements will take precedence. If the premises have the benefit of a Special Hours Certificate issued by the Licensing Justices, all reference to 'premises' within this Condition shall be limited to those areas covered by such Certificate and only during such times as specified therein. In all other cases, the arrangements shall apply to all areas shown in the Licence document.

Any person employed as a steward shall have been appropriately trained and registered with Torbay Council by having successfully completed a course of instruction under the Torbay Door Stewards Registration and Training Scheme and confirmed to be a fit and proper person to carry out such duties. In addition, any person in the employ of the proprietor or licensee who has applied for entry to the Scheme may be employed on such duties provided that such person has not been advised that participation within the Scheme will be subject to Committee approval and is ONLY prevented from undertaking appropriate training by the unavailability of a course. In these circumstances, any such unregistered person shall not be counted as part of the required number of stewards under the Special Conditions of the Licence or

ANNEXES continued ...

Paragraph 4d. above unless a specific request shall have been made to the Council for a temporary registration to be granted in respect of that person, consent to use such applicant as part of the required number being indicated by the issue of a Temporary Registration Badge. Under no circumstances will the number of temporarily registered staff exceed 50% of the required minimum number of stewards. A list shall be kept of all staff employed in respect of stewarding duties, such record to include the dates on which appropriate training has been provided or the date a Temporary Registration shall have been granted. In addition, a register shall be kept at the premises of all stewards on duty on each day the premises are opened to the public, such register to be entered with the name of the employee, the time that the duty commenced and ended and each entry shall be signed by both the employee and the Licensee. Both the list and register shall be retained for at least twelve calendar months and produced on demand at any reasonable time to an officer appointed for the purpose by the Council, a member of the Devon Fire and Rescue Service or a Police Constable. All such stewards shall, whilst the public are on the premises, wear the appropriate photographic identity badge in a position where it can be seen and read. In the event that the full number of required stewards is not available at any time, the premises will be allowed to open to the public on the basis that the capacity in such circumstances shall be reduced and shall not exceed 75 people to each available steward with a minimum of one to each fire exit. Whenever such arrangements shall have become necessary, the register referred to above shall be annotated accordingly giving appropriate reasons for the change.

- (f) Any person acting as a steward in any circumstances other than those outlined in Paragraph 4e. above shall have been given appropriate instruction in Fire Safety and First Aid.
- (g) All persons acting as stewards shall wear appropriate distinctive clothing or armbands so that they may be readily identifiable as stewards.

5. ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES

- (a) The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
- (b) In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
- (c) All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
- (d) Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.
- (e) All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
- (f) All doors and fastenings shall at all times be kept in proper working order.
- (g) All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.
- (h) The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
- (i) Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or storing any article shall be made in corridors, passageways, gangways or exitways.
- (j) All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall

ANNEXES continued ...

be conspicuous.

- (k) Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
- (l) Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- (m) Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.

6. SEATING AND STANDING

- (a) In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
- (b) In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.
- (c) Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
- (d) Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.

7. ELECTRICAL, LIGHTING, HEATING AND VENTILATION ARRANGEMENTS

- (a) The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
- (b) It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council). Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.
- (c) The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
- (d) All temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.
- (e) All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
- (f) A record shall be kept of Certificates of Fitness obtained
- (g) The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.

ANNEXES continued ...

- (h) A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
- (i) A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
- (j) Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
- (k) All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
- (l) The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.
- (m) The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
- (n) The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
- (o) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- (p) In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- (q) Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
- (r) When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
- (s) All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or dimmed while the public are on the Premises.
- (t) In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.
- (u) All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
- (v) All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to the satisfaction of the Devon Fire and Rescue Service.

8. FIRE PRECAUTIONS

- (a) All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.
- (b) The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved

ANNEXES continued ...

Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior consent of the Council.

- (c) A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
- (d) A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
- (e) The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
- (f) A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
- (g) No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.
- (h) No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
- (i) No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- (j) Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
- (k) Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
- (l) Smoking will be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
- (m) Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.
- (n) A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
- (o) The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
- (p) Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
- (q) The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
- (r) Combustible materials may only be stored in such positions as may be approved by the Council.
- (s) Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have

ANNEXES continued ...

been examined and tested and are in a safe working condition, shall be given annually by a recognised insurance company and shall be submitted to the Council with any initial or renewal Licence application.

- (t) Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
- (u) All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.

9. STRUCTURE AND SUITABILITY

- (a) No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical requirements.
- (b) Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
- (c) In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
- (d) Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
- (e) Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
- (f) If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when required by the Council.
- (g) Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people

10. CONDUCT OF PREMISES AND NOISE NUISANCE

- (a) The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
- (b) The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
- (c) The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction

ANNEXES continued ...

of the Council.

- (d) The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- (e) During any period of time where amplified sound is played in any part of the Premises either:-
 - (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
 - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR
 - (iii) suitable noise compressors/limiters (Entertainment Noise Controllers) be installed and operated to the satisfaction of the Council.

11. HYPNOTISM AND OTHER ENTERTAINMENTS PROVIDING SPECIAL RISKS

- (a) Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-
 - Hypnotism (as defined by the Hypnotism Act 1952);
 - Striptease, lap dancing or any similar performance;
 - The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
 - The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

- (b) With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars. (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.

- (c) In relation to any consent given for a hypnotism display, the following conditions shall apply:-

- 1 No exhibition, demonstration or performance shall be held whereby:
 - harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
- 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or

ANNEXES continued ...

expressly authorised a modification.

- 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
- 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

12. MISCELLANEOUS

- (a) If the premises have the benefit of a Special Hours Certificate, issued by the Licensing Justices under Section 77 of the Licensing Act 1964, all drinking glasses in which drinks are served shall be of strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
- (b) A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with, Conditions 5m, 7f, 7h, 7n, 8a, 8d, 8j, 8m, 11h and 11i of these Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
- (c) Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform, or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.
- (d) The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
- (e) The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
- (f) Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
- (g) Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence, shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
- (h) A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
- (i) In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This requirement is without prejudice to the Statutory Requirements).
- (j) The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

Please note: condition 4e regarding Torbay Door Stewards Registration and Training Scheme has now been superseded by the mandatory condition on door supervision.

Additional Conditions transferred from Public Entertainment Licence

ANNEXES continued ...

1. This licence shall apply only to those parts of the premises named below and the maximum number of persons to be permitted within those areas shall not exceed the figure stated:-

The Lounge Bar - 100
The Restaurant - 100

Restrictions transferred from the On Licence

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

The Prevention of Crime and Disorder

- 1. A clear and legible Notice shall be displayed outside the main entrance of the premises indicating the permitted hours under the terms of the Premises Licence during which licensable activities are permitted.
- 2. Notices shall be displayed inside the premises forbidding under age drinking and the supply or use of illegal drugs on the premises.

ANNEXES continued ...

3. Cigarettes shall be sold in the lounge bar through a machine and a small selection of cigars are sold to adults from behind the bar. The sale of cigarettes shall be monitored by the licencees/bar staff.

Public Safety

1. The gas system including appliances shall be inspected and tested by a Corgi registered Gas Engineer annually and a satisfactory Gas Safety Certificate shall be maintained and kept on site and made available for inspection by Officers of relevant statutory bodies.
2. All electrical appliances shall be tested annually by a qualified N I C E I C Engineer and labelled accordingly.
3. Fire fighting equipment has been and shall be provided in accordance with the Fire Officer's requirements and shall be assessed by the Licensees on a regular basis and recorded in a Book maintained at the premises for this purpose.
4. A supply of first aid equipment and materials shall be available for the use of patrons based on a risk assessment carried out by the Licensees.
5. All staff shall have received suitable training as to evacuation procedures.
6. A means of addressing patrons which can be heard above any entertainment shall be available.

The Prevention of Public Nuisance

1. Noise or vibration from the premises shall not be excessive so as to give rise to reasonable complaint.
2. Patrons shall be reminded not to stand around talking in the street outside the premises or car park after midnight and shall be asked to leave the vicinity quickly and quietly where necessary.
3. Management shall control the sound levels of any music or entertainment in the premises.
4. No movement of bins or rubbish outside the premises shall take place between midnight and 7.00am.

The Protection of Children From Harm

1. Notices shall be displayed at the bar forbidding under age drinking.
2. No persons under the age of 18 years shall be allowed access to the premises without adult supervision.
3. No children shall be allowed in the immediate vicinity of the Bar Served at any time.
4. Children under 14 shall be restricted to the Family Area (pool room), the beer garden and the restaurant/function room.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises shall not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 23:00hr. 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) Before 23:00hr- Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 23:00hr- Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.

ANNEXES continued ...

2. To reduce noise break out, 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.
3. The placing of refuse, such as bottles, into receptacles outside the premises shall take place at times that will prevent disturbances to nearby properties.
4. 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.
5. Cooking, noxious or persistent smells from the premises shall not cause a nuisance to nearby properties and the premises must be properly vented.
6. Provision of mechanical ventilatoin and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.

The Protection of Children from Harm

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

ANNEXE 4

PLANS

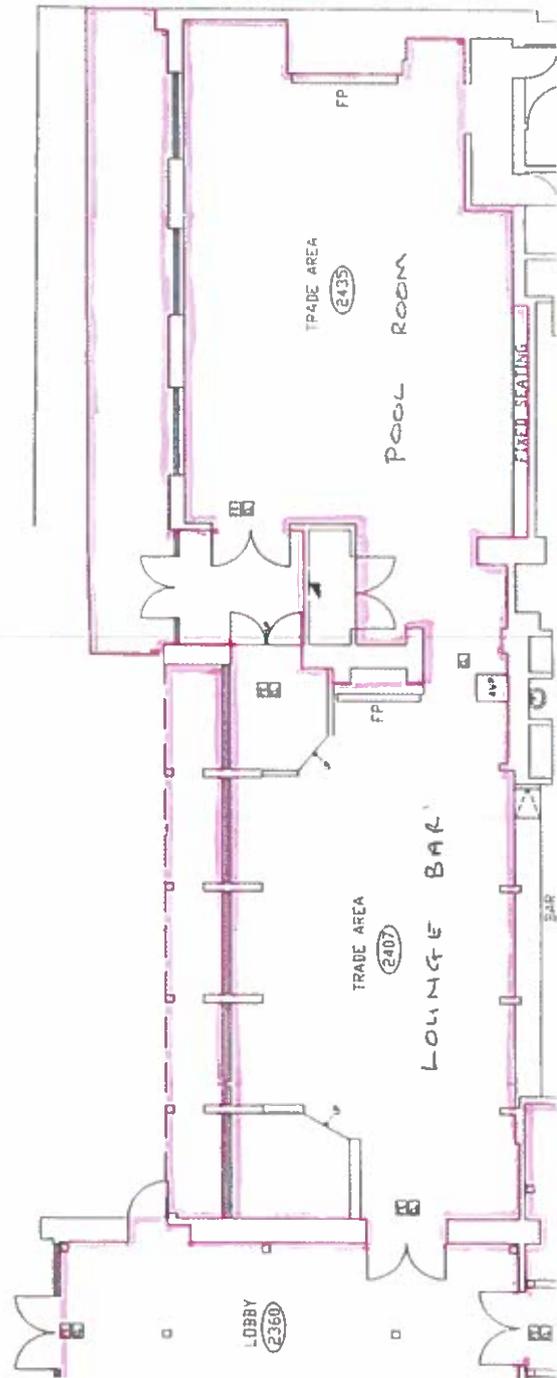
Copy attached to Licence.

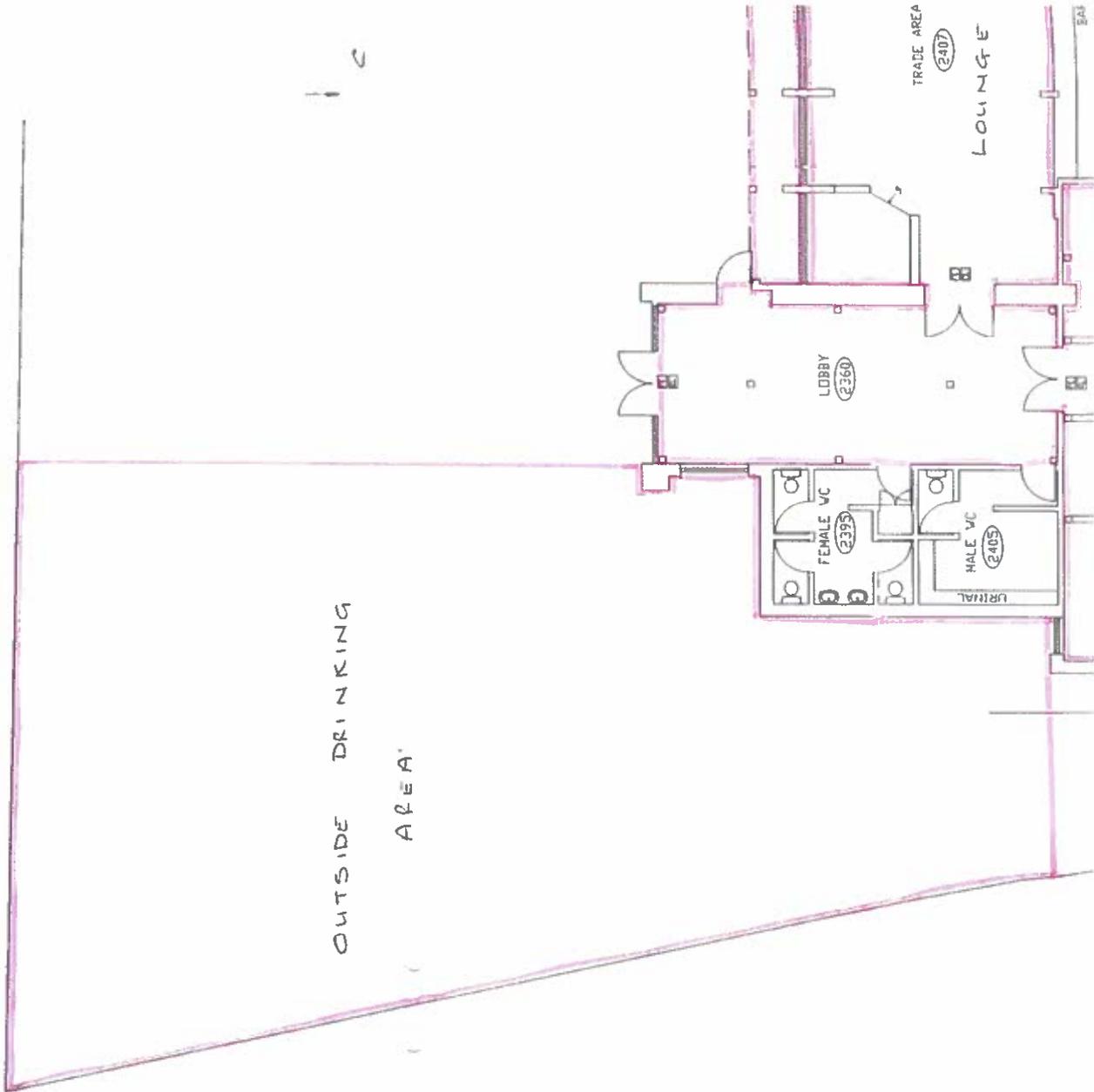
ANNEXE 4

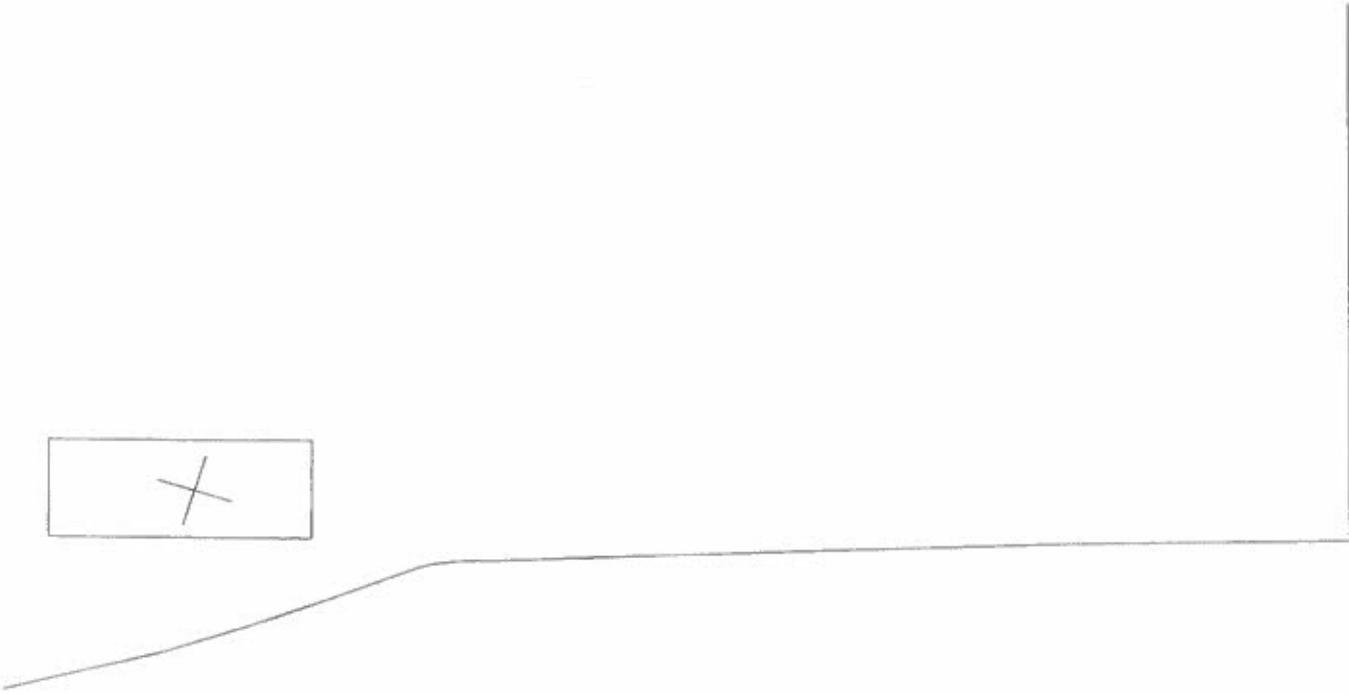
SCHEDULE OF ADDITIONAL ACCOMMODATION:
 1: Number of storeys of building. 2
 2: Staff accommodation. 3

LEGEND	
	CEILING HEIGHT
	WINDOW
	FIRE PLACE
	DOOR
	TOILET
	URINAL
	WASH HAND BASIN
	BOILER
	FIRE EXIT
	EMERGENCY LIGHT
	DISTRIBUTION BOARD
	FIRE ALARM CALL POINT
	BELL SOUNDER
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE BLANKET
	FIRE EXTINGUISHER CO ₂
	FIRE EXTINGUISHER FOAM
	FIRE EXTINGUISHER WATER
	FIRE EXTINGUISHER POWDER
	SPRINKLER OUTLETS
	DRY RISER
	WET RISER
	STEPS
	SINK UNIT
	AMUSEMENT WITH PRIZES
	BAR FLAP
	SITE PLAN
	TRADE DRINKING AREA

C A R P A R K







BUILDING SURVEYED AREA = 63325 SQ. M

SCALE 1:100
GROUND FLOOR

Farmhouse Tavern006.jpg



INDICATIVE ONLY
SCALE 1:1250

Allen	Property Name	FARMHOUSE TAVERN	LICENSING SURVEY PLA
Property ID	Address	130 NEWTON ROAD FERQUAY BEVDON TO2 7AD	Date of Survey 20/07/04
03/03/252/30666			Dr. S 11008 / Plot S 11008 /

Memorandum

To:	<div style="border: 1px solid black; padding: 5px; text-align: center;">TORBAY COUNCIL 08 JUN 2018 COMMUNITY SAFETY</div>	From :	Community Safety
c.c.		Contact :	Mr Karl Martin
c.c.		Ext :	01803 208025
c.c.		My Ref :	1ZV SRU No: 244514/KJM
For the attention of: Gary O'Shea		Your Ref :	
		Date :	8 th June 2018

Premises Name & Address: The Farmhouse Tavern Pub & Carvery – Torquay,
130 Newton Road, Torquay, Devon, Tq2 7AD

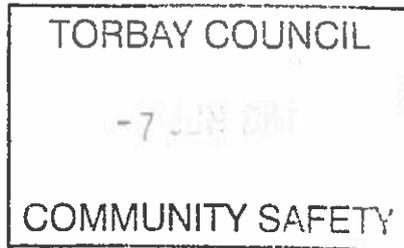
Subject: Review application – Licensing Act 2003

- a) I have no comments to make on the above application

- b) The application does not meet the following licensing objectives:
 - i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

-
1. The Authority over a two year has been engaged in a number of noise investigation at this premises and was only resolved when the premises recently closed.
 2. At the time of writing this report I am still in consultation with the applicants agents who agreed to a number of amendments that will promote the licensing objectives.
 3. As full agreement has not be reached, but expected, and therefore it is prudent to raise an objection.
 4. I will provide a fuller update ahead of the committee hearing.

Mr Karl Martin
Public Protection Officer
Torbay Council



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

5 June 2018

Dear Sirs

Re: Open Application 051394 variation application for Premises Licence Register for Farmhouse Tavern, 130 Newton Road, Torquay, Devon TQ2 7AD.

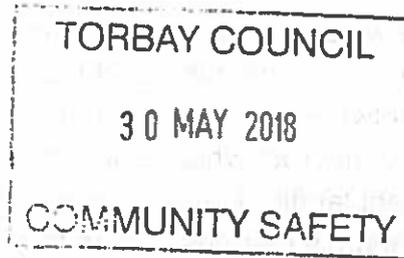
THE PREVENTION OF PUBLIC NUISANCE.

We wish to make a representation of objection to increase licensing hours at the above establishment due to the close proximity of a residential area. We have observed the opening hours as 7am will attract delivery vans/lorries arriving with food and barrels/ crates of alcohol and soft drinks which will increase noisier levels of disturbance of quietness to our residential area.

Outside drinking and eating area close to our homes will create higher levels of noise and disturbance and to allow Live Music and recorded music for parties, weddings, New Years Eve til midnight and 3am will cause greater levels of disturbance of quietness to our residential area. We will be unable to enjoy sitting outside in our gardens peacefully, nor have our windows open during warm dry days and evenings to the bombardment of noise levels generated from the Tavern on a daily basis.

Please take our concerns in to consideration

Yours faithfully



Farmhouse Tavern Licence variation 051394

Dear Sir/Madam

I wish to pass comment on the above application.

I have lived here for about forty years and some of the past issues are very relevant today. In the late seventies and early eighties we suffered a lot disturbance from loud music and comings and goings. A group of neighbours from Littlefield Close, Cadewell Crescent and Newton Road attended the Magistrates' Court when the entertainment licence came up for renewal. We each stated our case for the licence not to be renewed.

The magistrates ordered the brewery to have an independent sound survey done. The survey was presented at a later hearing and it showed that the flat roofed area was unsuitable for amplified music. The tests were done using a juke box. The main recommendations for soundproofing were to brick up the windows on the side and rear and replace the board and felted roof with a concrete roof. Even then there was no guarantee of containing the sound. The brewery declined to do this so amplified music was banned from the whole building. The function room was changed to a sports room.

In the early nighties plans were submitted to turn the sports room into a carvery and new windows and doors to be cut into the walls, the same walls that were recommended to have the existing high level windows bricked up. A condition was that the windows were to be fixed shut but opening windows were fitted and allowed to stay. Our understanding is that it is a planning requirement that the new doors and windows are to remain shut at all times when the room was in use. The outside eating area was a problem as we could hear the conversations, including bad language, from our house. This area was accessed by the doors that had to remain shut.

Later the entertainment licensing was transferred to the local authority and a licence was requested. Unfortunately the new licensing committee ignored my request for them to look at the records held by the magistrates' court although they were available to them and said "It's our policy to grant a licence and see what happens". We were then a worse position than before. We were fortunate to have a landlord who for years did his best to minimise the nuisance, although the levels were still unacceptable. Even with no music the chatter from the function room can be heard

from our house if the windows are open and the conversations, often very loud, of groups of drinkers and smokers outside at the front can be clearly heard. There is about thirty metres between my house and the function room and our ground floor level is higher than the flat roof which is why noise from anywhere on the site can be heard. The most recent landlord caused us no end of problems by ignoring the restrictions in place and his responsibility to the neighbours. This is well documented by the licensing department.

With regard to the current application, having had bad experiences under the current licence even with the most compliant landlord, I have no wish to see times and activities extended. The premises are set as close as could be to family homes on one side and a block of flats on the other. A beer garden or eating area outside is bound to increase the disturbance to the residents as is the increased traffic due to the extended opening hours. If the enterprise is successful, even without extended hours, we are bound to have more noise to put up with. As for 3.30 am on New Year's Eve that is totally unacceptable.

This application has the potential to make a bad situation a lot worse.

I find it very difficult to express myself in writing and would welcome an opportunity to speak to the Committee in person if possible.

Yours faithfully

Torbay Council
Application and Planning Department
Torquay

Dear Sir/Madam

Farmhouse Tavern – Newton Road, Torquay

I live next door to the above mentioned property and would like to express my concerns about the proposed alterations being put forward and bring your attention to previous problems we have experienced with the pub.

Over the last few years we have had ongoing issues with noise, lack of consideration and total disregard from the landlords towards us and our surrounding neighbours. To the extent that abatement notice was served to the landlord.

As I'm sure you are aware the building is very old and in need of a lot of attention, not just cosmetic. The property has virtually no sound proofing, which causes a lot of problems to us.

My main concerns are as follows:

- The current Function Room
This room is right next to my house, I have a side garden/patio the other side of the fence, a dining room with doors that open and my bedroom has a velux window on that side. I enjoy relaxing in my garden, eating with the doors open and I quite often go to bed before midnight and wish to leave my window open. Due to the noise generated by the pub, it hasn't always been possible to do these simple, basic things that we all want to enjoy from the comfort of our own homes. The function room doesn't have adequate soundproofing to stop the music, talking from the DJ, noise made from the people inside, either just chatting, shouting or singing from escaping the room. All of these sounds can be clearly heard with the doors and windows closed. If the windows are open, it's as though the party/people are sat in my garden with me! At times the music has been so loud that we can actually feel the vibrations from the beat of the music in our house!
- Grass Area outside the function room, running along the side of our house.
This area isn't currently used for the general public to sit and eat/drink outside and I hope this will remain the case. They do however stand around chatting near this area. Although we have a fence separating the two properties it only acts as a privacy screen and doesn't stop the noise. It only takes two people, having a normal conversation, stood the other side of the fence for me to hear what they are saying and causing me a disruption. But this of course works both ways, I want to be able to sit in my garden and have conversations, which could be personal/private, and not have to worry that someone is listening to me!
- The current outdoor seating area.
This area is currently in front of the pub on the right hand side, next to our fence and front garden. Although it is not directly next to our house, we can still hear all the chatting, laughing, shouting and singing that goes on when we are sat in our lounge or from the front

bedrooms. Some of the language used is awful and really not appropriate, especially with children in the house! It's not just the talking that is causing a nuisance, on the ground is loose stones that people walk over or cars drive over. The constant sound coming from this alone is very irritating and also very loud. Children also have a tendency to pick these stones up and start throwing them around, they particularly enjoy throwing them against our fence!

- People standing around outside – smoking

Since the change in law, people coming outside to smoke has obviously increased, this adds to the noise levels. Although there is an undercover area outside the pub, in front of the bar area, most people seem to stand and smoke by the function room door or the seating area by our garden. Once again this generates a lot of noise from their conversations, shouting above each other, swearing and is quite often large groups together plus the noise from the gravel/stones underfoot! Also, as a non-smoker and having children in the house, I really don't like being outside in our garden having to smell and take in other people's smoke fumes! I really don't appreciate having the smoke drifting through our garden and windows.

It is my understanding that the new owners are going to be concentrating more on food than entertainment and they may believe that this will cause less noise. This will not necessarily be the case. As I previously mentioned the function room does not have sufficient sound proofing and if you have a room full of people eating and talking at the same time the noise level is going to be very high and we will be able to hear this, causing a real problem. There will still be people wanting to smoke outside and if the pub takes off, the volume of cars and people coming and going is going to increase, along with the noise and disruption. The only way to solve this problem would be to completely sound proof the room, sort the roof out and replace all the old windows and doors (and ensuring the windows and doors are kept closed at all times). Plus keep the public as far away from the side of the pub next to our house and the neighbours' behind. A higher wall built or a high hedge running along the side of the fence would help reduce noise. Fencing off the grassed area between our house and the function room to stop the public having access to it would also help reduce the problems. Although, it's aiming to become more of an eating establishment, I notice from the new signage plans that they are advertising that Sky Sports will be available. Surely this will not encourage the public to call in for a meal but attract groups of sports fans to meet up and watch the chosen sport whilst drinking! I can't imagine this will turn out to be a quiet, tame day/night! The change in opening hours could potentially cause more noise problems, at unsociable times. Depending on how busy it gets, there could be lots of vehicles coming and going at 7am. On a weekend I and my family don't want to be woken up at that time by the sound of cars and people next door!

As you can see, I have many concerns, mostly relating to any noise, disruption and antisocial behaviour that may occur (as it has in the recent past).

I hope you take these points in to consideration and put into practice the points highlighted to alleviate the issues.

KARL

Apologies for the delay. I have instructions from a variety of sources and have annotated them below. Hopefully to your satisfaction.

Beer Garden and smoking area

1. The new beer garden should close [at 10:00pm Sunday – Thursday](#) and 11:00pm Friday and Saturday. There are a number of residents around 30-40 metres away. Although this sounds a lot, these properties are slightly elevated and background levels fall to around 40dB(A) in the late evening meaning voices can be heard some distance away. **Agreed**
2. There should be a designated smoking area at the furthest point from residential accommodation. I would suggest smoking is confined to front outside licensed area. Smokers are an endless source of complaints for us but we do find keeping them in one area which is kitted out to discourage loitering (no heaters, seat etc.) immensely helps. **This will be agreed in principle - we have operational sign off but awaiting on the designers in terms of exact location and design**
3. I would like to see a conditions preventing any speakers/PA equipment being erected outside. As the Live Music Act would effectively null any condition relating to regulated entertainment, perhaps it would be useful for your client to assure in writing instead of a condition? **Agreed - there will be no external speakers**

Inside – Regulated entertainment

4. Currently live and recorded music stops [at midnight](#). Dealing with live music first. If, as your previous email suggests live music will be infrequent and normally [finish at 10:30](#) then might I suggest we bring back times by an hour. As in point 4 the premises would benefit from exemptions under the Live Music Act. As the premises is situated in a residential area and with a history of noise complaints I would argue paragraph 4 on p40 of Torbay Council Licensing statement of principles would apply:-

There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, 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.

I'm not suggesting the application as submitted is below par in anyway other than it does not reflect the inherent poor attenuation properties of the building, which of course your client has not been made aware of. Bank holidays and New year's Eve could remain as per existing licence and I would urge your client to use TENS for the rare occasions music might go beyond [11:00pm](#). **Agreed**

5. Recorded music I would suggest can be handled differently. The preferred method is to install and set with our agreement a noise limiter. However, I can appreciate there is a cost involved but noise limiters offer the best guarantee that noise breakout will be prevented. Though your client is in a good position to improve sound insulation in the building as a refit is about to commence and I would urge advice from acoustic consultant is sought on this matter, time allowing. Trying to be pragmatic, again I suggest recorded music ceases [at 11:00pm](#) and the premises may simply continue to play 'background' music only until the premises closes. **Agreed**

6. Can you confirm if air conditioning units will be installed at the premises? I ask because the area now labelled as the 'resultant' appeared to me to quickly overheat leading to windows being opened frequently. Voices and music equally could then be heard by nearby residents. Clearly windows need to be kept but if air con is installed and maintained this prevents the need to open windows. **I believe that air conditioning is to be installed.**

Hopefully the above will be satisfactory to you. Please let me know.

John Gaunt



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Inspirations, 4 The Quay, Brixham, TQ5 8AW

Wards Affected: **Berry Head with Furzeham**

To: **Licensing Sub Committee** **5 July 2018**

Contact Officer: **Gary O'Shea**

☎ Telephone: **01803 208293**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objective “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 if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-

(a) to grant the licence subject to

(i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the Premises Supervisor;

(d) to reject the application.

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

2. Introduction

- 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 09.00 until 23.30 7 days a week.

To be open to the Public from 09.00 until 00.00 7 days a week.

- 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, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received five Representations from Members of the Public in relation to the Licensing Objective "The Prevention of Public Nuisance". These are shown as **Appendix 2**.

There have been no additional Representations received from any Responsible Authority or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing by 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 Details of the application.

Appendix 2 Five Representations from members of the public.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016.



LICENSING ACT 2003
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 Greenway Group Ltd
(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
Inspirations
4 The Quay
Brixham
Devon
TQ5 8AW
Post town Brixham Postcode TQ5 8AW

Telephone number at premises (if any) 01803851600
Non-domestic rateable value of premises £19750

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 X 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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of Birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of Birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Greenway Group Ltd
Address Another Chapter 13 The Quay Brixham Devon TQ5 8AW
Registered number (where applicable) 10655634
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01803882811
E-mail address (optional) will@greenwayferry.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 Retail shop selling home gifts, kitchenware and deli foods. Currently Inspirations is a home and kitchenware shop with small deli section. We are looking to increase the deli section towards the end of the year, removing some home ware, keeping kitchen and adding the addition of local gift and premium alcohol for retail sale, including wines. We would be looking at predominantly off sales for retail purposes, but also asking for on sales too to cover tastings and tasting events with some residual seating.

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

N/A

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)
- 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)

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

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	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	23.30	Please give further details here (please read guidance note 4)	Both	X
Tue	09.00	23.30			
Wed	09.00	23.30	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	09.00	23.30			
Fri	09.00	23.30	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	09.00	23.30			
Sun	09.00	23.30			

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	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	09.00	23.30						
Tue	09.00	23.30						
Wed	09.00	23.30						
Thur	09.00	23.30				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	09.00	23.30						
Sat	09.00	23.30						
Sun	09.00	23.30						

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

Name William Ford	
Date of Birth 14/12/1976	
Address Greenway Group Ltd Another Chapter 13 The Quay Brixham	
Postcode	TQ5 8AW
Personal licence number (if known) PA1740	
Issuing licensing authority (if known) Torbay	

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).
 N/A

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	09.00	00.00	<p>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)</p>
Tue	09.00	00.00	
Wed	09.00	00.00	
Thur	09.00	00.00	
Fri	09.00	00.00	
Sat	09.00	00.00	
Sun	09.00	00.00	

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

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

The premises shall operate as a retail shop/deli/cafe

b) The prevention of crime and disorder

A CCTV system of an evidential standard shall be installed to the satisfaction of the police. The CCTV system shall be in operation at all times the premises are open to the public. All recordings from the system shall be kept for a period of 14 days and the police shall have access and be provided with recordings.

The premises will provide training to all staff in relation to their responsibilities with regards to the Licensing Act, in particular regarding underage purchases.

A burglar alarm will be fitted.

Alcohol will be displayed in full view of staff.

Persons that appear to be under the influence of alcohol or illegal substances shall not be permitted onto the premises.

Used glasses shall be cleared away regularly.

c) Public safety

A first aid box will be kept on the premises.

Fire extinguishers will be on site

d) The prevention of public nuisance

The premises shall remind customers to respect neighbours and to leave the premises quietly, especially after evening events and tastings.

All deliveries to the shop will be made during normal business hours and not early morning or late at night to prevent a disturbance to anyone residing nearby in residential properties.

e) The protection of children from harm

All staff will receive training in relation to their responsibilities of the Licensing Act

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

Challenge 25 Posters will be displayed.

Incident book will be maintained and a record made of refused sales.

Checklist:

Please tick to indicate agreement

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

- [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
--------------------	---

	<p>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).</p> <ul style="list-style-type: none"> 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	William Ford
Date	16/05/2018
Capacity	Managing Director

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	

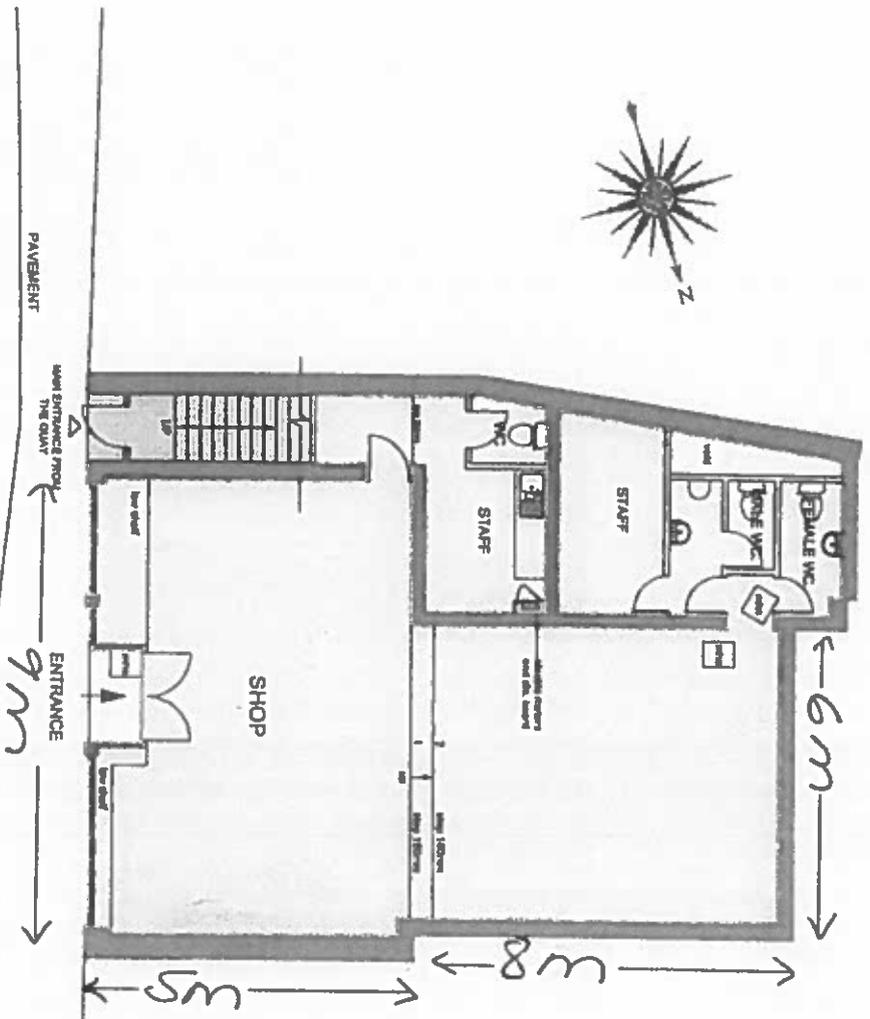
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- 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.
- 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.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and



LEASE PLAN

GROUND FLOOR PLAN

No. 4 THE QUAY

- KEY**
- STRUCTURAL WALLS
 - COMMUNAL AREAS
 - ELECTRIC METERS

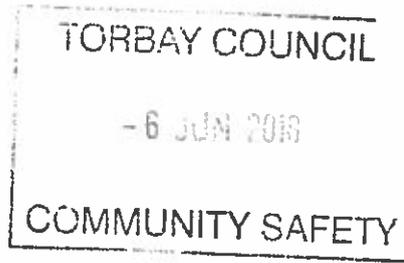
*= Resurveys
Newer Area*



SITE LOCATION PLAN 1:1250

		chartered architects 57 Park Street, Brighton, Devon, TN1 1JL Email: info@fishermansloft.com Tel: 01323 313131	No. 4 The Quay No. 4 The Quay No. 4 The Quay
UNION CASTLE LTD		2007	AUGUST 2007
FISHERMANS LOFT 4 THE QUAY & 36 HIGHER STREET BRICKHAM		1100 11250 0245	1100 11250 0245
LEASE PLAN FOR THE GROUND FLOOR SHOP / SITE LOCATION PLAN		AUS	AUS
1798 / 55			

Licensing Department
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR



4 June 2018

Dear Sir

Objection to Premises Licence: 051439

I would like to formally object to the issuing of an alcohol licence in regard to the above application under The Prevention of Public Nuisance. The premise address is 4 The Quay, Brixham, Devon, TQ5 8AW.

Background

Currently the premises are used as a retail outlet selling kitchen equipment and gifts. The shop trades under the name "Inspirations".

Although the licence request states "The premises shall operate as a retail shop/deli/café" we are aware that the owners also operate the Liberty Tea Parlour and Cocktail Bar located at 11 The Quay, Brixham – as far as we are aware this was granted a similar licence but operates as a late-night bar with music and outside seating.

I have been told that the proposal is to sell expensive Gin and have an occasional tasting evening. I have also heard that it will also be used to host cocktail making parties, and more worryingly, hen parties. I am very concerned that this will end up progressing to something more than an occasional tasting once the licence is granted.

Liberty has a holiday apartment above it which suffered immensely as a result of Liberty being located beneath it, specifically due to the noise and disruption caused to the residents of the holiday apartment.

The details of this licence application are as follows:

Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:00	00:00

Activities - Times Requested

	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises		
Monday to Sunday	09:00	23:30

The times above do not sound like the normal operating hours of a café or deli.

Reasons for Objection

1. The proposed location (4 The Quay) has 4 holiday apartments (Fisherman's Loft) located above it, mine being one of them – and my only source of income. I feel that the noise and disruption caused by a late-night establishment would cause significant inconvenience to the guests (many families with young children) in the holiday apartments, effectively making them unsuitable as habitable accommodation. In addition, there is numerous other family accommodation (short and long term lets) in the close proximity.
2. The location is not suitable for a bar (or café) as it is located directly on the corner as you turn onto the Quay. The pavement there is not wide (as it is outside Liberty) and there would be significant issues with people leaving the premises or gathering outside our entrance. Furthermore the disabled access past the premises will be severely restricted and there is no pavement on the other side of the road. There is also no room for a smoking area, or anywhere to place bins outside the property. Please see Annex A.
3. The Quay already has a significant number of bars, restaurants, cafes and cocktail bars. I cannot see the benefit of another establishment selling alcohol. The recent increase in the number of cocktail bars has already led to greater anti-social behaviour in the harbour bowl.
4. The lease for 4 The Quay and Fisherman's Loft states the following:

"Not to make or permit to make any unreasonable noise in the premises and in particular not to use any piano, record player, radio, loudspeaker, television or other mechanical or musical instrument of any kind nor to practice any singing in the premises so as to cause annoyance to any of the other tenants owners or occupiers of any part of the building or so as to be unduly audible outside the premises."

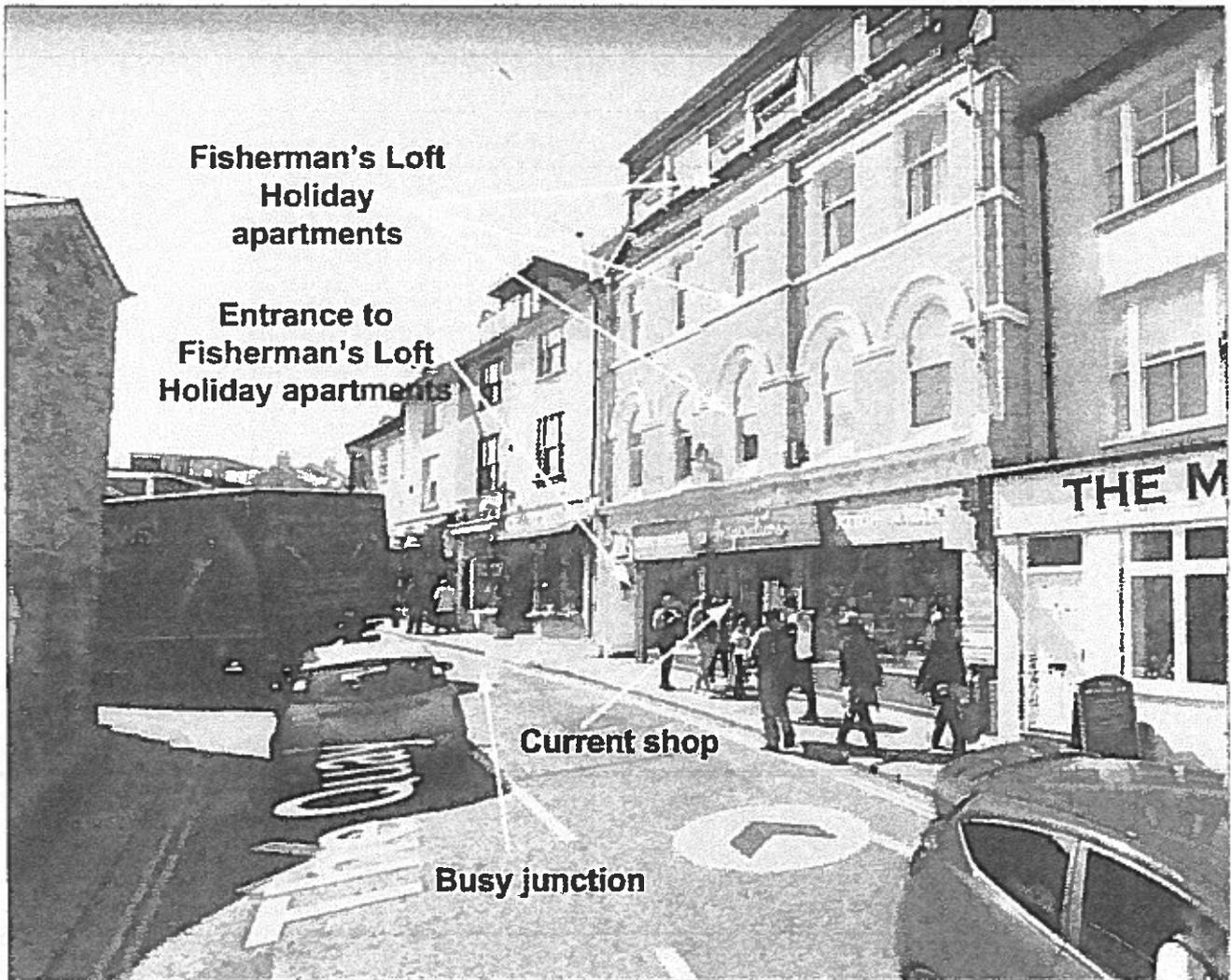
The notice relating to this application is not displayed in a prominent position in the shop. The notice is difficult to see from the pavement and too high up to read, please see Annex B. Thankfully I saw it in the Herald Express, but I am aware that many people are unaware of the application. As the notice contravenes point 3 and 4 on the Application for a Premise Licence I would like to request a two week extension to the notice period to ensure the local community are made aware. I would also request that the notice be moved to a more prominent position where it can be both easily seen and read.

I would be grateful if you could confirm receipt of this objection, my email address is

Annexes

- A. Picture showing location of Inspirations and Fisherman's Loft.
- B. Picture showing the location of the current notice.

Annex A



Torquay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

5 June 2018

Dear Sir

Objection to Premises Licence: 051439

We would like to formally object to the issuing of an alcohol licence in regard to the above application under The Prevention of Public Nuisance. The premises address is 4 The Quay, Brixham, Devon, TQ5 8AW.

Background

Currently the premises are used as a retail outlet selling kitchen equipment and gifts. The shop trades under the name "Inspirations".

Although the licence request states "The premises shall operate as a retail shop/deli/café" we are aware that the owners also operate the Liberty Tea Parlour and Cocktail Bar located at 11 The Quay, Brixham – as far as we are aware this was granted a similar licence but operates as a late-night bar with music and outside seating.

We have been told that the proposal is to sell expensive Gin and have an occasional tasting evening. We have also heard that it will also be used to host cocktail making parties, and more worryingly, hen parties. We are very concerned that this will end up progressing to something more than an occasional tasting once the licence is granted.

Liberty has a holiday apartment above it which suffered immensely as a result of Liberty being located beneath it, specifically due to the noise and disruption caused to the residents of the holiday apartment.

The details of this licence application are as follows:

Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:00	00:00

Activities - Times Requested

	Time From	Time To
--	-----------	---------

M. The sale by retail of alcohol for consumption ON and OFF the premises
Monday to Sunday 09:00 23:30

The times above do not sound like the normal operating hours of a café or deli.

Reasons for Objection

1. Prevention of Public Nuisance concern. The proposed location (4 The Quay) has 4 holiday apartments (Fisherman's Loft) located above it, ours being 2 Fisherman's Loft.

We feel that the noise and disruption caused by a late-night establishment would cause significant inconvenience to the guests (many families with young children) in the holiday apartments, effectively making them unsuitable as habitable accommodation. In addition, there is numerous other family accommodation (short and long term lets) in the close proximity.

2. The location is not suitable for a bar (or café) as it is located directly on the corner as you turn onto the Quay. The pavement there is not wide (as it is outside Liberty) and there would be significant issues with people leaving the premises or gathering outside our entrance. Furthermore the disabled access past the premises will be severely restricted and there is no pavement on the other side of the road. There is also no room for a smoking area, or anywhere to place bins outside the property. Please see Annex A.
3. The Quay already has a significant number of bars, restaurants, cafes and cocktail bars. We cannot see the benefit of another establishment selling alcohol. The recent increase in the number of cocktail bars has already led to greater anti-social behaviour in the harbour bowl.
4. The lease for 4 The Quay and Fisherman's Loft states the following:

"Not to make or permit to make any unreasonable noise in the premises and in particular not to use any piano, record player, radio, loudspeaker, television or other mechanical or musical instrument of any kind nor to practice any singing in the premises so as to cause annoyance to any of the other tenants owners or occupiers of any part of the building or so as to be unduly audible outside the premises."

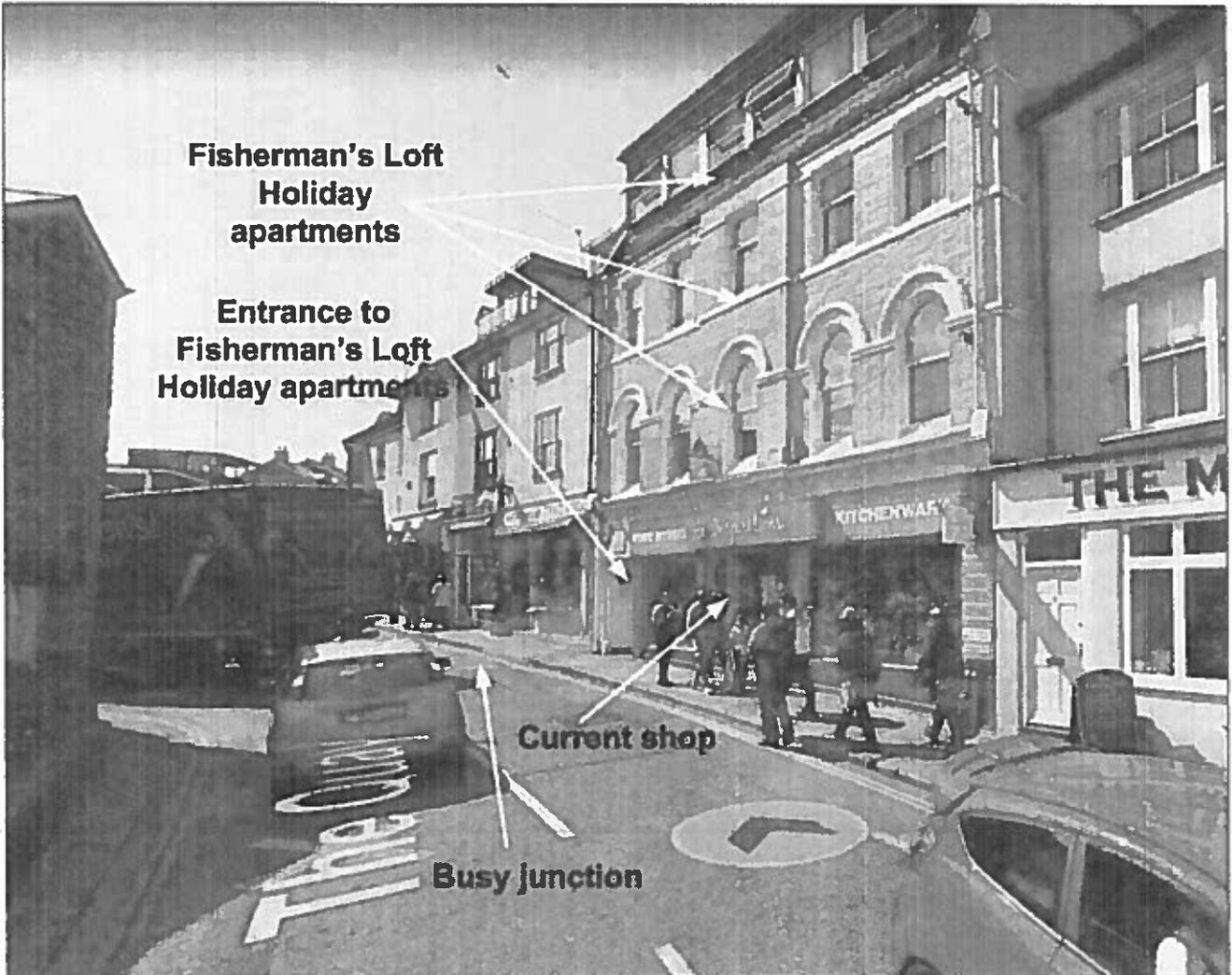
The notice relating to this application is not displayed in a prominent position in the shop. The notice is difficult to see from the pavement and too high up to read, please see Annex B. Thankfully we saw it in the Herald Express, but we are aware that many people are unaware of the application. As the notice contravenes point 3 and 4 on the Application for a Premise Licence We would like to request a two week extension to the notice period to ensure the local community are made aware. We would also request that the notice be moved to a more prominent position where it can be both easily seen and read.

We would be grateful if you could confirm receipt of this objection, our email address is

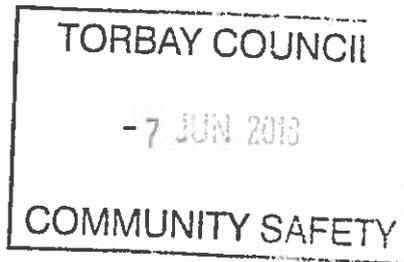
Annexes

- A. Picture showing location of Inspirations and Fisherman's Loft.
- B. Picture showing the location of the current notice.

Annex A



Licensing Department
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR



5th June 2018

Dear Sir

Objection to Premises Licence: 051439

I would like to formally object to the issuing of an alcohol licence in regard to the above application. The premise address is 4 The Quay, Brixham, Devon, TQ5 8AW. I own 2 apartments in Fishermans Loft directly above Inspirations and would like to place objections on behalf of both properties.

Background

Currently the premises are used as a retail outlet selling kitchen equipment and gifts. The shop trades under the name "Inspirations".

Although the licence request states "The premises shall operate as a retail shop/deli/café" we are aware that the owners also operate the Liberty Tea Parlour and Cocktail Bar located at 11 The Quay, Brixham – as far as we are aware this was granted a similar licence but operates as a late-night bar with music and outside seating.

Liberty has a holiday apartment above it which suffered immensely as a result of Liberty being located beneath it, specifically due to the noise and disruption caused to the residents of the holiday apartment. I also own that apartment and I have already had to spend around £20k to partly solve the insulation issues.

The details of this licence application are as follows:

Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:00	00:00

Activities - Times Requested

	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises		
Monday to Sunday	09:00	23:30

The times above do not sound like the normal operating hours of a café or deli. I am very concerned that once the licence is granted this will become just another drinking establishment. Why would anybody want a licence this late unless there are alternative plans which are well developed.

Reasons for Objection

1. The proposed location (4 The Quay) has 4 holiday apartments (Fisherman's Loft) located above it. I feel that the noise and disruption caused by a late-night establishment would cause significant inconvenience to the guests (many families with young children) in the holiday apartments, effectively making them unsuitable as habitable accommodation. In addition, there is numerous other family accommodation (short and long term lets) in the close proximity who will also be affected.
2. The location is not suitable for a bar (or café) as it is located directly on the corner as you turn onto the Quay. The pavement there is not wide (as it is outside Liberty) and there *would be significant issues with people leaving the premises or gathering outside our entrance*. Furthermore the disabled access past the premises will be severely restricted and there is no pavement on the other side of the road. There is also no room for a smoking area, or anywhere to place bins outside the property. Please see Annex A.
3. The Quay already has a significant number of bars, restaurants, cafes and cocktail bars. I cannot see the benefit of another establishment selling alcohol. The recent increase in the number of cocktail bars has already led to greater anti-social behaviour in the harbour bowl.
4. The biggest concern I have is once the licence is granted, there is no going back and the property can easily be converted into a drinking establishment without any come back or any known major additional permissions. Additionally, once licensed, under the Live Music Act 2012, no licence is needed to play LIVE music or unamplified music. Based on my experience with 11 The Quay and Liberty's, there are no building regulations covering sound insulation that a commercial premise has to install between themselves and a domestic property which will cause serious problems throughout the building.
5. If the Application is granted, there will significant financial loss to all apartment owners and as it is one of the largest letting apartments around the Harbour, the knock on affect to local businesses will be seriously felt especially to local restaurants.

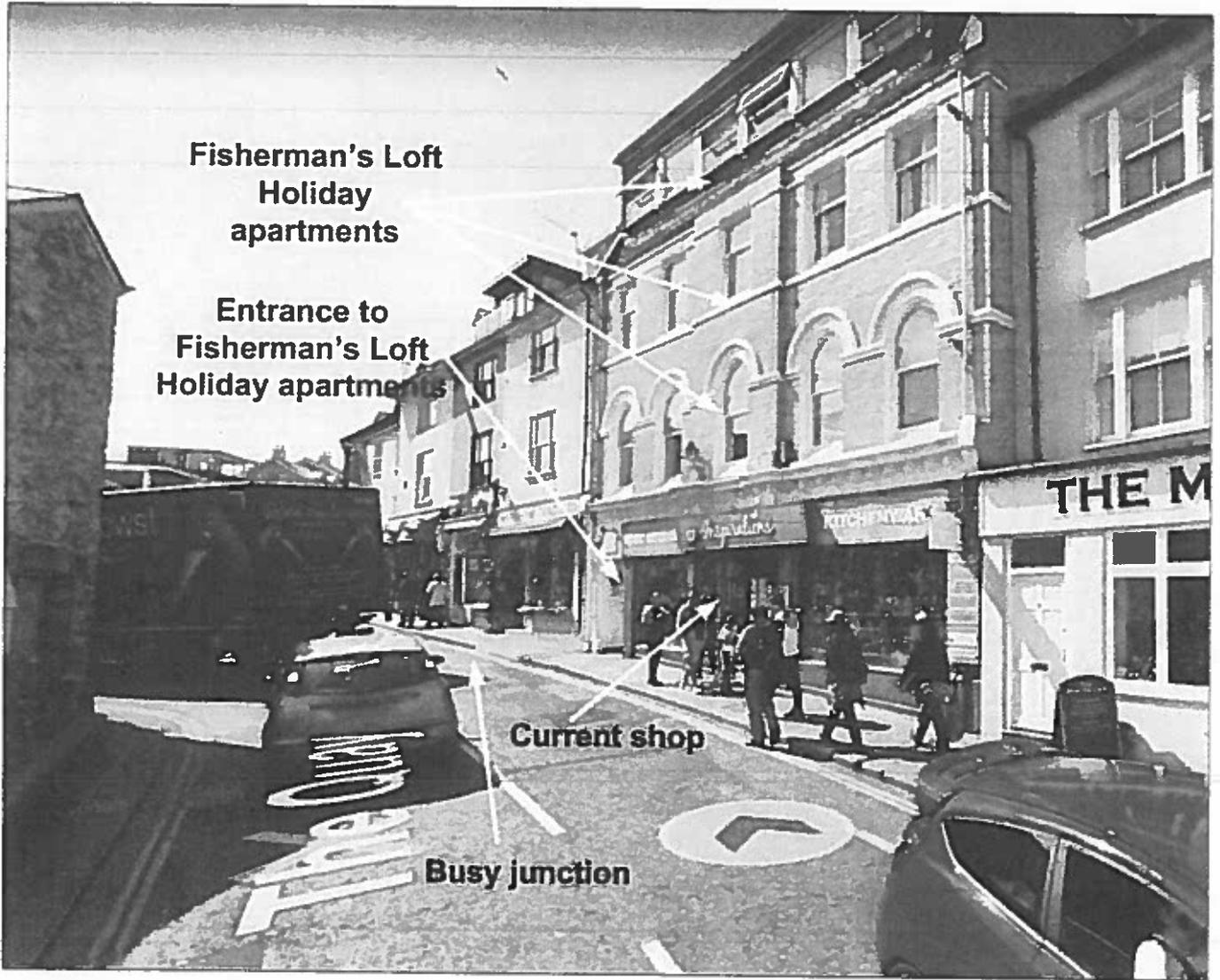
The notice relating to this application is not displayed in a prominent position in the shop. The notice is difficult to see from the pavement and too high up to read, please see Annex B. Thankfully I saw it in the Herald Express, but I am aware that many people are unaware of the application. As the notice contravenes point 3 and 4 on the Application for a Premise Licence I would like to request a two week extension to the notice period to ensure the local community are made aware. I would also request that the notice be moved to a more prominent position where it can be both easily seen and read.

I would be grateful if you could confirm receipt of this objection. my email address is

Annexes

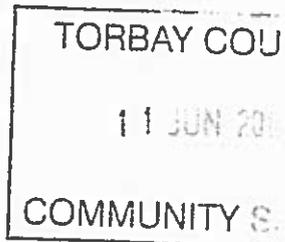
- A. Picture showing location of Inspirations and Fisherman's Loft.
- B. Picture showing the location of the current notice.

Annex A



Annex B





Dear Sir/Madam

Premises licence application; Inspirations, 4 The Quay, Brixham TQ5 8AW

I write with reference to the above application and I wish to object most strongly on the grounds of the prevention of public nuisance.

The applicants already own and operate a business known as "Liberty", some six properties along from Inspirations. That was originally opened as a licensed cafe. It sells the odd cup of tea during the day, but has always operated as bar/cocktail bar. There is no closed frontage to the bar and tables and chairs are outside until past midnight. The music is loud and during the summer it is nothing short of a "pavement party", which consists of loud music, shouting and sometimes violent behaviour. Furthermore, they now have a number of skips permanently situated on the roadside, which are sometimes overflowing and are an abuse of the council's street scene objectives. There is a permanent abuse of the pavement licence and I can find no planning applications for any of the alterations that have taken place.

The applicants appear to have no respect for the licensing objectives or their neighbours and now wish to open another, larger version of Liberty, directly next door to mine. My clients, who rent two flats directly above my restaurant, already complain about the noise thirty metres away. To allow the same operators to open a cafe, which needs to sell alcohol from 09.00 to 23.30, directly next door to my business will create a public nuisance, which in turn, may lead to an issue with crime and disorder and in turn public safety.

To this end, I respectfully request the application be refused.

Yours faithfully

A handwritten signature in blue ink, appearing to read "J. L. Smith".

Mr J. L. Smith

Licensing Department
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

12 June 2018

Dear Sir

Objection to Premises Licence: 051439

We would like to formally object to the issuing of an alcohol licence in regard to the above application under The Prevention of Public Nuisance. The premise address is 4 The Quay, Brixham, Devon, TQ5 8AW.

Background

There are plenty of noisy bars around the harbour. It is likely to attract more hen dos and stag dos and Brixham will no longer be the quaint Harbour that we know and love.

Reasons for Objection

It is our understanding that once a licence is granted, they can easily convert the shop in to a full bar and play live music. Brixham harbour has a large percentage of families visiting each year and having another noisy bar is likely to put families off.

There is a Health & Safety issue also as the pavement is very narrow and if tables or crowds of people block the pavement this could cause an accident.

There are many holiday lets overlooking the harbor and the likelihood of more noise will cause problems for these guests. The harbor is know as the 'bowl' as noise bounces around very loudly.

The application is very confusing and it does not add up that they will run sessions until 11 pm. Why would you do this in a shop that normally closes at 5 pm?

It would be much better for locals and holiday guests not to have a further licence issued as this could easily be misused.

Yours faithfully