



Wednesday, 16 October 2019

LICENSING SUB-COMMITTEE

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

Thursday, 24 October 2019

commencing at **9.30 am**

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

Members of the Committee

Councillor Ellery

Councillor Sykes

Councillor Kavanagh

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

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

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 3 - 13)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 25 July 2019, 26 July 2019 and 19 August 2019.
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. **No 18, 18 Esplanade Road, Paignton** (Pages 14 - 66)
To consider an application for a Premises Licence in respect of No 18, 18 Esplanade Road, Paignton.



Minutes of the Licensing Sub-Committee

25 July 2019

-: Present :-

Councillors Doggett, Ellery and Foster

49. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

50. The Morley Guest House, 16 Bridge Road, Torquay

Members considered a report on an application for a Premises Licence in respect of The Morley Guest House, 16 Bridge Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	18 June 2019

Oral Representations received from:

Name	Details
Applicant	The Applicant presented their application for a Premises Licence and responded to questions.
Member of the Public	The Member of the Public outlined their representation and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Morley Guest House, 16 Bridge Road, Torquay be granted, as applied for and subject to the following additional condition:

On receiving a complaint in respect of unreasonable disturbance from noise emanating from the premises outside area between 9 pm and 7 am, the Premises Licence Holder or a member of staff shall request that patron(s) responsible for causing the noise to either cease doing so or return inside the Premises.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the Premises Licence as they were satisfied on the evidence before them, that such a condition should alleviate the concerns of the Interest Party and would ensure that the Licensing Objectives are upheld.

Members noted that there were no representations from any of the Responsible Authorities and therefore drew inference that they did not have any concerns in respect of this application.

In concluding, Members further noted that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

51. The Curious Kitchen, 14-16 Middle Street, Brixham

Members considered a report on an application for a Premises Licence in respect of The Curious Kitchen, 14-16 Middle Street, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	25 June 2019

Oral Representations received from:

Name	Details
Applicant	The Applicant presented their application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of The Curious Kitchen, 14-16 Middle, Street, Brixham be granted as applied for, subject to the following amended condition:

That Condition 2 on page 37 of the report, under the heading 'The Prevention of Public Nuisance', shall be amended to read as follows:

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

And; that the following additional condition shall be added to the Premises Licence:

That the sale of alcohol shall only be made to persons taking table meals and seated.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the Premises Licence as applied for subject to the amended and additional conditions, having been satisfied that such conditions, along with those contained within the operating schedule, should alleviate the concerns of the Interest Party and would uphold the Licensing Objectives.

Members noted that there were no representations from any of the Responsible Authorities and therefore drew inference that they did not have any concerns in respect of this application.

In concluding, Members further noted that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

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

Members considered a report that set out relevant facts relating to a holder of a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence. Members were requested to determine on the facts before them, whether or not the holder of the dual Hackney Carriage and Private Hire drivers licence remained a fit and proper person to hold such licence.

Members gave consideration to a request by the Respondent for oral representations be heard in private. Members concluded that the meeting should proceed in public having determined that the public interest in disclosing the information outweighed the public interest in maintaining exempt information.

The Respondent addressed Members and responded to questions.

Decision:

That Mr Marconi's Torbay Council Dual Hackney Carriage and Private Hire Drivers' Licence be suspended for a period of 3 months or until such time within that 3 months, that Mr Marconi successfully undertakes a driver awareness course and provides written evidence of completion of the course to the Licensing Authority.

Should Mr Marconi fail to successfully undertake a driver awareness course and provided written evidence of completion of the course to the Licensing Authority by

the 1st November 2019, Mr Marconi drivers' licence shall remain suspended until he has done so.

Reason for Decision:

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the drivers' licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to them to get into a vehicle with the Respondent alone. An unequivocal and unanimous answer by Members to this question was 'no'.

Whilst Mr Marconi appeared to display genuine remorse for the matters in which he appeared before them, however in light of the seriousness of offence and the aggravating factor in not reporting the conviction to the Licensing Authority, as required and which Mr Marconi should have been aware of, Members determined on the evidence before them that a suspension was an appropriate determination.

It is anticipated that undertaking the course successfully and familiarising himself with Torbay Council's Hackney Carriage and Private Hire Licensing Policy, Mr Marconi will become again a 'fit and proper person' to be a driver licensed by Torbay Council. However on the evidence before them when determining this decision, Members could not be satisfied that should Mr Marconi, when presented with similar circumstances, would not react in a similar manner to that resulting in the driving conviction he received in October 2018.

Members gave careful consideration to revoking Mr Marconi's drivers licence but in noting his 10 years excellent record as a driver licensed by Torbay Council, up until this incident, the mitigation put forward by him surrounding the incident which led to the conviction, and that he was not carrying out his duty as a licensed driver at the time of the incident, they determined that successfully undertaking a driver awareness course to highlight the significant dangers of his action and thereby assist him to reconsider driving when in an extremely emotional state would alleviate any further risks.

Chairman/woman



Minutes of the Licensing Sub-Committee

26 July 2019

-: Present :-

Councillors Brooks, Ellery and David Thomas

1. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

2. Exclusion of the Press and Public

Prior to consideration of the item in Minute 3 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 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended.)

3. Summary Review Application - The White Hart Inn, 48 Temperance Street, Torquay

Members considered a report on an application for an expedited review of a Premises Licence in respect of The White Hart Inn, 48 Temperance Street, Torquay.

Written representations received from:

Name	Details	Date of Representation
Police	Application for an expedited review of the Premises Licence.	24 July 2019
Premises Licence Holder	Representation on behalf of the Premises Licence Holder responding to the expedited review.	24 July 2019
Torbay Council Senior Licensing Office	Confirmation of the Premises Licence Holders' response to the expedited review.	24 July 2019

Additional Information:

An image using Google maps to identify the location of the Premises was circulated to all parties present, with the agreement of the Chairman.

The Police also circulated photographic evidence, as part of their application, with agreement of the Chairman.

Oral Representations received from:

Name	Details
Applicant	The applicant outlined their application for an expedited Review of the Premises Licence and responded to Members Questions.

Decision:

That the premises licence in respect of The White Hart, 48 Temperance Street, Torquay, be suspended with immediate effect until the 21 August 2019 and a Review of the premises licence shall take place on Monday, 19 August 2019, in accordance with the Licensing Act 2003.

Reason for Decision

Having carefully considered all the written and oral representations and notwithstanding the offer made on behalf of the Premises License Holder in an email to the Local Authority Senior Licensing Officer on 24 July 2019 at 16:51, Members resolved that the only appropriate option on the evidence before them, was to suspend the premises licence with immediate effect.

In coming to that decision, Members noted the absence of any representation from the Premises License Holder or the Designated Premises Supervisor, in respect of that raised by the Police in their application, other than to offer a suspension of the premises licence.

Members gave careful consideration to all options available to them as interim steps but determined in the absence of answers to the concerns they had surrounding the premises current operation, the accessibility of objects which had been used as weapons, why the individual who was involved in both the incidents on the 15th and 22nd July 2019 had not been banned from the premises following the incident on the 15th July 2019 which in Members opinion, on the evidence before them, would have been reasonable and have prevented the incident on the 22nd July 2019 occurring, the apparent familiarity by patrons of this premises to such an extent that they would take it upon themselves to be behind the bar area and to enter the private dwelling area of the Designated Premises Supervisor, the lack of opportunity to explore the suitability of the Designated Premises Supervisor remaining in post, the absence of a robust plan to ensure that these repeated incidents involving the same patron would not reoccur and the escalation of what is serious disorder resulting in serious injuries being caused to patrons frequenting this premises, that on the evidence before them, they could not be satisfied that similar incidents would not reoccur; and that the Licensing Objectives would not be undermined further should this premises be permitted to continue operating.

Chairman



Minutes of the Licensing Sub-Committee

19 August 2019

-: Present :-

Councillors Brooks, Ellery and David Thomas

4. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

5. White Hart Inn, 48 Temperance Street, Torquay

Members considered a report on an application for Full Review of a Premises Licence, following an application made under section 53A for a Summary (Expedited) Review of the White Hart Inn, 48 Temperance Street, Torquay, TQ2 5PU. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Summary (Expedited) Review (exempt)	24 July 2019
Police	Additional information submitted by the Police showing a log of crimes recorded between 2006 and 1 August 2019 and a log of incidents at the White Hart since 28 June 2012.	various
Police	Photographs (exempt).	22 July 2019
Torbay Council Safeguarding and Reviewing Service	Representation suggesting four conditions that should be added to the Licence on the grounds of 'prevention of crime and disorder' and 'protection of children from harm'.	29 July 2019

Additional Information:

With the agreement of the Chairman the time for making representation was extended to 1 hour to allow the Police to show CCTV footage of the recent assault.

An image using Google maps to identify the location of the Premises was circulated to all parties present, with the agreement of the Chairman.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application for a Full Review of the Premises Licence, showed CCTV footage and responded to Members' Questions.
Respondent	The Respondents legal representative submitted a response to the Review and answered questions on behalf of the Premises Licence Holder, Admiral Taverns.

Applicant's response to Representations:

Ten proposed conditions suggested by the Police, were circulated to all parties present at the meeting with the agreement of the Chairman.

Miss Clamp, on behalf of Admiral Taverns, following a 30 minute adjournment to consult with her client, Admiral Taverns, accepted the ten conditions in principle, but suggested changes to some of the conditions and questioned how others would be enforced.

Decision:

The Premises Licence in respect of the White Hart Inn, 48 Temperance Street, Torquay, TQ2 5PU be revoked.

Reason for Decision:

Having carefully considered all of the written and oral Representations, the Sub-Committee resolved that on the evidence before them, the only appropriate option was to revoke the premises licence to ensure that patrons who frequented these premises were safe and The Prevention of Crime and Disorder licensing objection was not undermined further by these premises operations.

In coming to their decision Members gave full consideration to the representation made by the Police and their initial request, which was retracted in their summing up, that the premises licence be suspended for three months together with ten conditions proposed by them to be added to the licence. Members also gave full consideration to the Respondents offer to accept those ten conditions in part, the offer also of a three month suspension and two conditions proposed by them.

Whilst this should have alleviated the concerns of Members, it was following the oral representation from the Respondents legal representative, that Members could not be satisfied that since the serving of the summary (expedited) review application on the 24th July 2019 and today's hearing, that the Respondent had sufficiently demonstrated proactive measures to prevent the likely reoccurrence of violent incidents continuing at these premises once and if, it reopened as a licensed premises. Members noted, notwithstanding the interim step to suspend this premises licence until the 21 August 2019, the Respondents submission that these premises were up for sale and may not be sold as a licensed premises.

Members resolved that a three months suspension of the premises licence would not eliminate the risk to patrons safety, noting the historical number of incidents recorded at these premises by the Police which has resulted in it having the third highest crime rate of all premises within the area in the last four and a half years, that this is a regular's pub and should it opened again, there was no robust plan that would seek to prevent those patrons associated with these incidents returning. This Members determined on the evidence before them that the individual who was involved in the violent incident on the 15th July 2019 where a weapon had been used, was the same individual involved in the serious violent incident on the 22nd July 2019, where the victim could have sustained life changing injuries. Members noted that this individual had not be banned from the premises and had he been so, the indecent on the 22nd July 2019 may have been avoided. Members considered whether the removal of the current Designated Premises Supervisor would go far enough to alleviate the issues of concern, given her inaction to operate these premises in a responsible manner but resolved that there was an historical cultural issue of concern relating to these premises and that the current Designated Premises Supervisor had only been in the post is post since 21st November 2018, whereas incidents of concern dated much further back. Members noted the Respondents submission that they had removed the current Designated Premises Supervisor and had served her with a notice to quit the premises but it was reported by the Licensing Officer at the hearing, that they had not received formal or verbal notification from the Respondent of this change.

Given the seriousness of the injuries suffered and level of the violence that had occurred at this premises on the 22nd July 2019, which Members viewed the CCTV footage of and were advised a copy of this footage had been sent to the Respondent to view also, Members were extremely concerned to learn that despite being offered on three separate occasions following the summary (expedited) review hearing and prior to this hearing, an opportunity for the Respondent to meet with the Police to discuss their concerns, the Respondent had declined these offers due to the distance of their offices and the availability of a representative. Members could not fathom why an area manager who attended these premises every 4 to 6 weeks on average or a sufficiently qualified member of staff, if this person was not available, could not, given the scale of the Admiral Taverns operation, attend a meeting with the Police to collectively look at measures and devise a robust plan to ensure that further incidents of such violence did not reoccur.

This in Members opinion demonstrated a lack of commitment to address what is an escalation of serious violent incidents which they should have known and been proactive to address sooner, given the evidence of the Police which dated back to 2009. To state that they were not aware of such incidents, despite regular visits by an area manager and that it was for the Responsible Authorities to notify them, fell well below the standard reasonably expected by Members of a responsible Premises Licence Holder whose premises are situated within the Authority's Cumulative Impact Area. This being an area identified by the Police as being subject to high levels of alcohol related crime and public nuisance and whilst not a new or varied application, it was reasonable to expect the Respondent to be aware of the area in which their premises is situated and that their premise operations

was largely a contributing factor to this negative status. Members also noted the wording of the Licensing Objective, which is the 'Prevention' of Crime and Disorder, and determined that it was not unreasonable for them to have expected a Respondent such as Admiral Tavern to have been more proactive in ensuring that these premises were operating in a way which maintained promotion of the Licensing Objectives and where they were found not to, taken robust action to address this.

Members noted the submissions of the legal representative, in respect of only having had sight of the ten conditions, once circulated at the hearing and having had a 30 minute adjournment to discuss them with Respondent. However, they unanimously resolved that, notwithstanding the short notice and noting that no further period of adjournment had been requested by the Respondents legal representative as necessary, had a representative of the Respondent attended one of the three offered meetings, they would have had the opportunity to have collectively formulated these conditions with the Police and demonstrated reassurance to Members of their intended compliance. Instead, Members were presented with an attempt by the Respondent to refine some of the conditions in a way that abdicated any responsibility by them in submitting that the Designated Premises Supervisor was a self-employed person and that whilst they could inform them of such requirements within the conditions, they could not ensure they were undertaken. The metaphor 'taking a horse to water' was submitted.

When asked what the Respondent had proposed to put forward in response to this Review, not knowing what the Police's proposals would have been, Members were concerned to learn that other than a three month suspension, two conditions were proposed which would provide for enhanced training and CCTV. Given the seriousness of the matters to which the premises appeared before them, Members found that proposed by the Respondent, fell well below that needed to address the serious and historically persistent concerns at these premises.

Members had grave concerns, following the submissions of the Respondent's legal representative that the Respondent sought to abdicate their responsibility by seeking to remove themselves from being named in some of the Police's proposed conditions. This the Respondent submitted was due to these premises having a tenanted arrangement, and the practicality for them to manage compliance with those conditions. This resulted in Members having absolutely no confidence that the Respondent would or could ensure that the operations of these premises would prevent incidents of concern reoccurring, which in light of the submissions and the evidence before them, had in their opinion, a high likelihood of risk which may potentially lead to a fatality, should the Respondent be permitted to continue operating these premises.

Members were surprised to learn that a Respondent, such as Admiral Tavern, did not have available an acceptable behaviour policy which could be adopted by these premises, albeit with some amendments to ensure its relevance to the specific issues of concern, given the scale of its national operation and to submit that they would welcome more detail in respect of this, was in Members opinion, a real concern. In Members opinion and experience, it is for a Premises Licence Holder to manage the operations of its premises in a way that seeks to promote

licensing objectives and that this may include, where appropriate, an acceptable behaviour policy. Such a policy should consider the geographical area in which the premises is located, the licensable activities on offer and its opening times, taking also into account an established clientele, as is the case with this premises and any operational expectations a tenanted pub should maintain to protect the Premises Licence Holders, premises licence. To seek a further discussion with the Police after the Review hearing and not being able to evidence that such policies were readily available, albeit may need slight modifications, was in Members opinion, a further concern.

In noting that the Respondent was legally represented at the hearing, it was extremely disappointing and hindering for Members that the Respondent had not prioritised sending a representative of Admiral Tavern, given the seriousness of the matters before them. This is despite having almost a calendar month to arrange for such a representatives attendance and would have assisted Members in answering relevant operational questions to which the Respondents legal representative was not able to.

In concluding, Members gave careful consideration to all options available to them in determining the appropriate outcome of this Review and unanimously resolved that in all the circumstances before them, revocation was the only appropriate option.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of No 18, 18 Esplanade Road, Paignton TQ4 6BD**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee** **24th October 2019**

Contact Officer: **Mandy Guy**

☎ 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 Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation 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.

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

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant 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 provision of Indoor Sporting Events from Sunday to Thursday 08:00 until 02:00 and on Friday and Saturday 08:00 until 03:00.

The provision of Live Music indoors 7 days a week from 10:00 until midnight.

The provision of Recorded Music indoors from Sunday to Thursday 08:00 until 02:00 and on Friday and Saturday 08:00 until 03:00.

The provision of the Performance of Dance indoors from Sunday to Thursday 08:00 until 02:00 and on Friday and Saturday 08:00 until 03:00.

The provision of anything of a similar description to Live Music, Recorded Music or the Performance of Dance indoors from Sunday to Thursday 08:00 until 02:00 and on Friday and Saturday 08:00 until 03:00.

The provision of Late Night Refreshment both indoors and outdoors from Sunday to Thursday 23:00 until 02:00 and on Friday and Saturday 23:00 until 03:00.

The Supply of Alcohol both on and off the premises from Sunday to Thursday 08:00 until 02:00 and on Friday and Saturday 08:00 until 03:00.

To be Open to the Public from Sunday to Thursday 08:00 until 02:30 and on Friday and Saturday 08:00 until 03:30.

There is also a request that all of the above activities, apart from Indoor Sporting Events and Live Music, continue on New year's Eve from the close of business on New Year's Eve to the opening of the business on New Year's Day.

The applicant has given the description of the Premises in section 5 of the application as follows:-

'No 18 is planned to operate as an entertainment venue, with a mix of live music, dance, disco and televised sports. No 18 forms the basement of the Hyde Dendy with its own entrance, outside area and facilities.'

- 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 a Representation from the Police which relates to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. This is shown as Appendix 2.

We have received a Representation from Public Protection in relation to the Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 3.

We have received one Representation from a member of the Public in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. This is shown as Appendix 4.

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

- 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 Representation from the Police.

Appendix 3 Representation from Public Protection.

Appendix 4 Representation from a Member 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 2016-2021.



Torbay
Application for a premises licence
Licensing Act 2003

For help contact
<https://forms.torbay.gov.uk/ContactLicenseTrading>
 Telephone: 01803 208025

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

No18 is planned to operate as an entertainment venue, with a mix of live music, dance, disco and televised sports. No18 forms the basement of Hyde Dendy with its own entrance, outside area and facilities.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

State any seasonal variations for indoor sporting events

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

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

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

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 10:00

End 00:00

Start

End

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

TUESDAY

Start 10:00

End 00:00

Start

End

WEDNESDAY

Start 10:00

End 00:00

Start

End

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 00:00

Start

End

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 00:00

Start

End

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

Indoors

Outdoors

Both

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

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

State any seasonal variations for the performance of live music

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

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start 08:00

End 02:00

Start

End

TUESDAY

Start 08:00

End 02:00

Start

End

WEDNESDAY

Start 08:00

End 02:00

Start

End

THURSDAY

Start 08:00

End 02:00

Start

End

FRIDAY

Start 08:00

End 03:00

Start

End

SATURDAY

Start 08:00

End 03:00

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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

Indoors Outdoors Both

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

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

State any seasonal variations for playing recorded music

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

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

Close of business New Years eve to open of business New Years Day

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

State any seasonal variations for the performance of dance

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

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

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

Close of business New Years Eve	to open of business New Years Day		
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Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

--

Continued from previous page...

Will this entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

State any seasonal variations for entertainment

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

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

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

Close of business New Years Eve to open of business New Years Day

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

State any seasonal variations

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

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

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

Close of business New Years Eve to open of business New Years Day

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

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

State any seasonal variations

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

Continued from previous page...

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

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

Close of business New Years Eve to open of business New Years Day

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

Electronically, by the proposed designated premises supervisor

As an attachment to this application

Reference number for consent form (if known)

Continued from previous page...

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 08:00

End 02:30

Start

End

TUESDAY

Start 08:00

End 02:30

Start

End

WEDNESDAY

Start 08:00

End 02:30

Start

End

THURSDAY

Start 08:00

End 02:30

Start

End

FRIDAY

Start 08:00

End 03:30

Start

End

SATURDAY

Start 08:00

End 03:30

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Close of business New Years Eve to open of business New Years Day

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

There shall be no entry or re entry to the premises after 2am except for those customers who have left to use the designated smoking area.

The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.

The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Training records will be retained for at least 12 months and made available for inspection by officers of both the licensing Authority and the Police.

b) The prevention of crime and disorder

The premises shall liaise and co operate with the responsible authorities.

A zero tolerance towards illegal drugs shall operate at all times.

Customers shall be encouraged to leave the premises in a quiet and orderly manner.

Premises must join and maintain membership of the Nitenet Radio Communications Scheme.

The external areas of the premises shall continue to be well lit.

Glasses will be regularly collected throughout the premises whilst trading.

A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with monitors and a recording system. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided within downloaded images within 7 days of any request.

Continued from previous page...

On any Friday and Saturday nights that the premises remain open for the sale of alcohol after midnight and then close after 00.30 hrs, SIA door supervisors shall be employed on the premises from 22.00 until 30 minutes after the premises close, at a ratio of 2 stewards for the first 100 persons and one additional steward for each 100 persons thereafter. The Premises Licence Holder shall also carry out a risk assessment taking the layout of the premises and proposed activity to be carried out into consideration to determine whether any additional stewards are required. On all other occasions the Premises Licence Holder shall risk assess the requirement for door supervisors and employ such numbers, if at all, in such numbers and at such times determined by that risk assessment.

Written records of all SIA door stewards, including full name and full badge number, shall be kept on the premises for at least 12 months and be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

The DPS shall ensure that an incident book is kept on the premises and that all incidents are recorded therein on a daily basis. The record shall include the full names of all persons involved, if possible or practical to do so. The incident book shall be available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

The premises licence holder will ensure that the DPS or other nominated person shall attend at least two meetings of the Torbay Licensing Forum per calender year, together with any other meetings arranged by the police in respect of high risk events.

All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after midnight from which it is intended or likely that a person shall drink.

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 available for inspection on demand by a police officer, a police licencing officer or officers of the local authority.

c) Public safety

The necessary fire safety precautions shall be installed and maintained.

d) The prevention of public nuisance

Any noise from the licensable activities provided shall be monitored in order to prevent nuisance.

The placing of refuse, such as bottles, in receptacles outside the premises must not take place between 22.00 and 07.00 hrs to prevent disturbance to nearby properties.

The current noise limitation device installed within the premises must be used for all amplified live music and entertainment including karaoke. This device shall be regularly maintained to ensure the noise produced with the premises shall not be audible within any residential premises in the vicinity.

The volume of the amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/ Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.

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

All doors and windows at the premises shall be kept closed during regulated entertainment to prevent noise breakout, except for access, egress and in cases of emergency.

Entrances with lobbies shall be fitted with automatic door closers. The lobbies shall be in use throughout the time of the entertainment.

Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.

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

When the outside smoking area is used after midnight on a Friday and Saturday a SIA door steward shall be located in that area to ensure that patrons using the area do not behave in a manner which causes a nuisance to nearby residences.

A member of staff shall be designated to monitor the outside smoking area after midnight to ensure that any empty drinking vessels are cleared away promptly.

The premises shall have a written noise management plan, in consultation with and agreed by, the licensing authority's Public protection Officer.

The premises noise management plan must be kept at the premises and reviewed when appropriate to do so.

Continued from previous page...

e) The protection of children from harm

There will be in place a written age verification policy in relation to the sale and supply of alcohol, which will specify a Challenge 25 proof of age requirement. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

RGS
ARCHITECTURAL
DESIGN
CONSULTANTS LTD

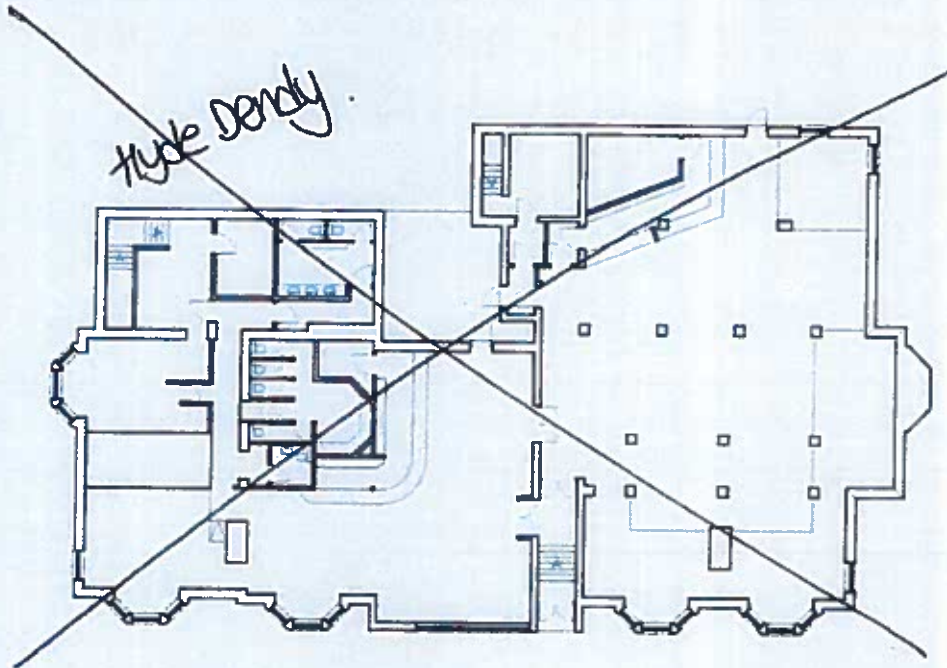
4 Leader Close
Brixham
Devon
TQ5 9FQ
bob@rgsdesign.co.uk
tel. 01803 807725
mob. 07783 007016

Drawing Title
Drawing No.
Client
Project

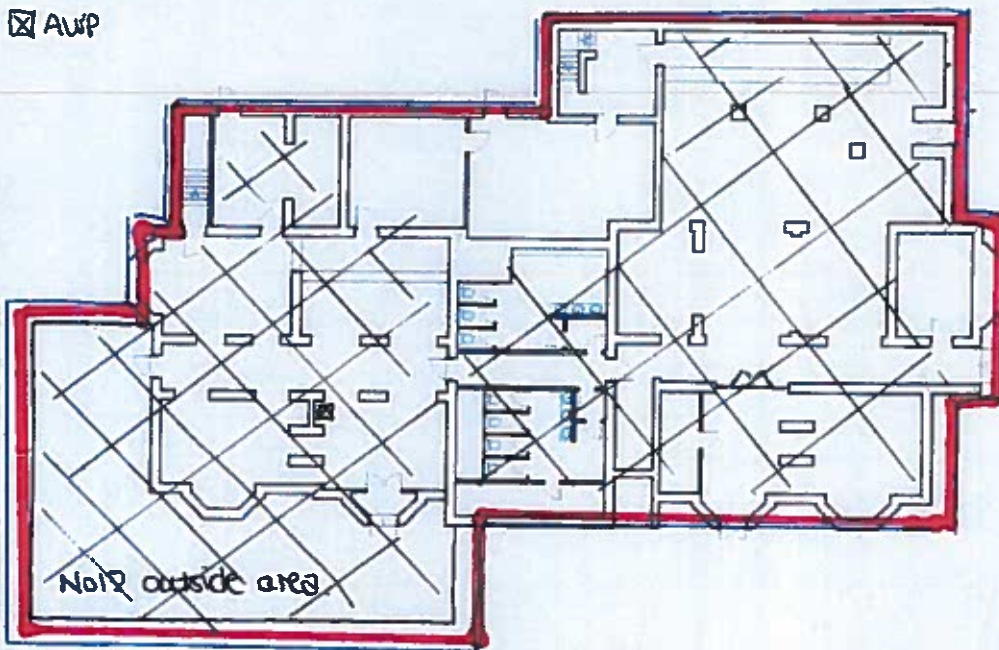
GROUND & BASEMENT FLOOR PLANS
1847 - 04
East Street Pub Company
The Hyde Dendy, Esplanade Road,
Paignton, Devon.

Date - May '18

Scale NT50A3



☒ AUP





Devon & Cornwall Police

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

25 September 2018

Dear Sir/Madam

No 18, 18 Esplanade Road, Paignton, Devon, TQ4 6BD

I refer to an application for the Grant of a Premises Licence in respect of the above named premises submitted by Mr Stephen Narvidge, a director of the applicant, East Street Pub Company Ltd.

This application has been made in respect of the basement area of a premises known as the Hyde Dendy, 18 Esplanade Road, Paignton. Part of the premises covered within this application is already licensed for the sale of alcohol until 1.00 am under the authority of the Premises Licence for the Hyde Dendy, Premises Licence No 1132, issued by Torbay Council.

This application requests the supply of alcohol between 0800 and 0200 hrs on Sundays to Thursdays, and 0800 hrs to 0300 hrs on Friday and Saturday nights, with the premises closing 30 minutes after the permitted last sale.

The Applicant

The applicant, East Street Pub Company Ltd, currently operates the Hyde Dendy, and has done so since the licence was transferred to them on 9 February 2018.

Since the East Street Pub Company Ltd became the Premises Licence Holders of the Hyde Dendy I have had a few dealings with them, and I shall now outline details of all relevant contact.

During the afternoon of Saturday 2 June 2018 myself and Mrs Mandy Guy (Senior Licensing

Contact the police

Emergency 999

Non-emergency  www.devon-cornwall.police.uk/reportcrime

 101@dc.police.uk  101

Follow us  DevonAndCornwallPolice

 DC_Police

 DCPolice

Enforcement Officer of Torbay Council) visited the premises whilst the Torbay Airshow was taking place. At that time the premises were very busy but we had a look around and met with the DPS, Mr Stephen Narvidge, and his son, Mr Xander Narvidge. Within the outside area at the front of the premises myself and Mrs Guy noted that a large wooden TV viewing area/smoking shelter and an ice cream stall/bar had been erected and these structures were not shown on the approved plan of the premises. Mrs Guy advised Mr Stephen Narvidge that he needed to submit a minor variation to include these structures on the plan. During the airshow myself and Mrs Guy noticed some customers leaving the premises with glasses of drinks and Mr Narvidge was advised to ensure that no drinks or glasses are removed from his premises.

On 19 October 2018 I received an email from Mr James Cross, Solicitor of Kitsons Solicitors, who advised me that Mr Narvidge wished to apply for a variation to allow the sale of alcohol until 3.00 am within the basement area of the premises.

On Thursday 1 November 2018 myself and Karl Martin (Public Protection Officer of Torbay Council) attended the Hyde Dendy where we met with Mr Stephen Narvidge, Mr Xander Narvidge and Mr James Cross to discuss the proposed variation. On entering the upper main bar area to the right of the entrance, I noted that the internal layout of this area had changed and a kitchen area had been built into the rear right hand corner. I advised Mr Narvidge that the plan for the premises forms part of the Premises Licence and therefore licensable activities were not taking in accordance with the licence and he needed to apply for a variation to amend the plan of the premises.

At that meeting I told Mr Narvidge that if he applied for a variation to allow the sale of alcohol until 3.00 am, it was likely that the police would object to this application due to the likelihood that it would have a negative impact on crime, disorder and anti-social behaviour at the premises and surrounding area. Mr Martin told him that he should contact a specialist in order for them to provide him with a detailed acoustic report and it was likely that he would need to invest a significant amount of money in order to make structural improvements to the building. Mr Martin told him that even if the building could satisfactorily prevent noise breakout he would still have concerns with the noise associated with people leaving the premises.

I can advise you that no variation application was received following the meeting at the Hyde Dendy in November 2018.

On Wednesday 31 July 2019 I attended the Hyde Dendy with Mrs Carrie Cottell (Licensing Enforcement Officer of Torbay Council) in relation to a glassing incident that occurred at the premises on Sunday 28 July 2019. We met with Mr Stephen Narvidge and Mr Xander Narvidge. At that time I completed a Significant Event Audit in relation to the incident and Mrs Cottell ran through each of the conditions contained within the Premises Licence to check compliance. Mrs Cottell established that a condition on the licence requires the DPS to hold or complete the BIIAB National Certificate for Designated Premises Supervisors within 2 months of commencing employment at the premises. Mr Stephen Narvidge, the DPS, confirmed that he did not hold nor had completed this certificate. Mrs Smart advised Mr Narvidge to complete the training within the next 3 months, ie by no later than 31 October 2019.

Further enquiries revealed that Mr Narvidge was appointed as the DPS on 23 January 2018 and therefore he should have completed this training by no later than 23 March 2018.

It was also established on 31 July 2019 that no variation had been received in relation to the kitchen area which had been built within the main bar area and Mrs Cottell provided Mr Narvidge with an application form in order that he could address this matter.

As a result of that visit it is apparent that offences under Section 136 of the Licensing Act 2003 had been taking place every time that licensable activities took place on the premises since at least 23 March 2018.

A letter was sent to the East Street Pub Company concerning that visit, and a copy of that letter, together with the Significant Event Audit is attached for your information.

History of Premises

There has been a Premises Licence at this premises since the introduction of the Licensing Act 2003 and it would be fair to say that the premises has history of being subject to noise and anti-social behaviour complaints from nearby residents and business owners.

In September 2017 the Premises Licence at 18 Esplanade Road, Paignton, then called Murphy's Roadhouse, lapsed due to the insolvency Premises Licence Holders. The management subsequently applied for the grant of a Premises Licence, to re-instate the lapsed licence, authorising the sale of alcohol until 3.00 am every day of the week, but the police, Mr Martin and various residents objected to that application. The police representation in respect of that application included documents outlining crimes recorded at the premises and in Kernou Road between October 2007 and October 2017.

At a hearing of the Licensing Authority, the Licensing Committee subsequently granted the application with the sale of alcohol until 1.00 am every day of the week.

A copy of the crime figures outlined above are attached (amended to include totals for each year) for your information and I have now prepared and attached up to date documents showing the crimes recorded at the premises and in Kernou Road between 9 February 2018 and 17 September 2019, being the time that the East Street Pub Company has been responsible for the premises. Please note that the documents containing details of crimes that have occurred in Kernou Road are intended to give the Licensing Authority an idea of the levels and types of crimes that have been reported in that area and it is not known whether there are any links between these and the premises subject of this application.

The Application

I have read the application in conjunction with the Torbay Council Licensing Statement of Principles and consider that it is lacking in several areas, as follows:

The application does not indicate what the intended capacity of the premises will be. This information would assist the responsible authorities in identifying the potential impact of a 3.00 am licence at the premises.

In relation to drugs, the applicant proposes a condition "A zero tolerance towards illegal drugs shall operate at all times". Will there be a written drugs policy and what will be included within this policy in relation to staff training, identification, retention and disposal of drugs?

The applicant proposes that customers shall be encouraged to leave the premises in a quiet and orderly manner, but there is no detail as to how they intend to fulfil this requirement.

The application does not make any reference to staff completing the BIIAB Level 1 Award in Responsible Alcohol Retailing, the DPS completing the BIIAB National Certificate for Designated Premises Supervisors, or whether there will be a Personal Licence Holder on duty when alcohol is sold after midnight, which the police now recommend for all nightclub type premises seeking the sale of alcohol until the early hours of the morning.

It does not contain any information to demonstrate that the applicant has considered the impact that the sale of alcohol for an additional 2 hours on Friday and Saturday nights may have. What steps does the applicant propose to take in relation to identifying drunkenness at his premises? Has the applicant considered the use of breathboxes?

Throughout the UK there has been an increase in knife related crime, however the application does not contain any detail in relation to this matter, so has it been considered by the applicant?

The application does not contain any information as to whether the applicant has considered imposing an age limitation for those under 18 years on attending the premises, limiting their access to certain parts of the premises or excluding them from the premises at particular times as recommended within the Licensing Statement of Principles.

The application seeks to allow off sales of alcohol, but there is no further information contained within the application indicating whether this will be restricted to alcohol supplied in the original sealed containers or whether customers.

Conclusion

With regard to the licensing objective, the Prevention of Public Nuisance, I recognise that the Torbay Council Public Protection Officer is the responsible authority for noise issues. However, myself and police officers are frequently contacted by residents in relation to noise issues, our call centres often receive noise complaints when the local authority staff are not on duty, and we strive to assist both the local authority and residents wherever possible. I therefore consider it appropriate to advise you that I am seriously concerned about the negative impact a 3.00 am licence for entertainment and alcohol will have on public nuisance within the vicinity of this premises.

It is the opinion of the police from our vast experience of dealing with licensed premises that those premises where alcohol sales cease up to 11.00 pm or midnight occasionally come to the attention of police but generally do not impact on the Licensing Objections. Premises authorised to sell alcohol until 1.00 am may impact on the licensing objectives, particularly the Prevention of Crime and Disorder and the Prevention of Public Nuisance, but with suitable management and policies in place most of these concerns can be addressed. However in respect of premises which are authorised to sell alcohol until 3.00 am the risks significantly increase and irrespective of any conditions imposed on the licence, there is an extremely high likelihood of crime, disorder, anti-social behaviour and public nuisance issues.

The police have considered this application together with the history of the premises and we object to all licensing activities ceasing at 0200 and 0300 hrs as outlined, with the premises closing 30 minutes thereafter, on the grounds that this is likely to have a negative impact on the licensing objectives the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

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

Yours faithfully



Julie Smart,
Police Licensing Officer – Torbay



Devon & Cornwall Police

East Street Pub Company Ltd
The Hyde Dendy
18 Esplanade Road
PAIGNTON
Devon
TQ4 6BD

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

7 August 2019

Dear Sir/Madam

The Hyde Dendy, 18 Esplanade Road, Paignton, Devon, TQ4 6BD

I am writing to you in your capacity of Premises Licence Holder of the above named premises which has the benefit of Premises Licence Number PL1132, issued by Torbay Council.

I have been advised that between 0015 and 0025 hours on the morning on Sunday 28 July 2019 an incident occurred in an area known as No 18 within your premises. This incident involved a 20 year old male (the aggrieved) who was on the dancefloor with 2 females when a further male (the suspect) approached one of the females and tried to speak to her. The female told the suspect to go away but he would not move away. The aggrieved then got in between the female and the suspect and the suspect punched the aggrieved male to the face, following which he picked up a glass and smashed this on the left side of the aggrieved's head causing cuts to his face, neck and chest. The aggrieved then punched the suspect, hitting him above the eye. Other people then intervened and pulled the offender away.

As a result of this incident, my Police Licensing Officer, Mrs Julie Smart, attended your premises at 10.00 am on Wednesday 31 July 2019, in the company of Mrs Carrie Carter, Licensing Enforcement Officer of Torbay Council. At that time Mrs Smart completed a Significant Event Audit with the assistance of Mr Stephen Narvidge, your Designated Premises Supervisor and a director of the East Street Pub Company Ltd, and Mr Xander Narvidge, who was working as a manager at the time of the incident. A copy of this Significant Event Audit is attached for your information.

Mrs Smart informs me that whilst completing this audit, Mr Xander Narvidge produced various documents, such as door steward reports, door steward signing-in sheets and training records. Mrs Smart advises me she is happy with the documents that she saw.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@dc.police.uk 101

Follow us  DevonAndCornwallPolice  DC_Police  DCPolice



After the Significant Event Audit had been completed, Mrs Carter ran through the conditions on your Premises Licence to check that each were being complied with.

I would take this opportunity to remind you of condition 7 under Annexe 3 Conditions Attached after a hearing by the Licensing Authority, The Prevention of Crime and Disorder, on your Premises Licence, which states:

"The DPS must hold or completed the BIIAB National Certificate for Designated Premises Supervisors within 2 months of commencing employment at the premises."

Records held by my Licensing Department show that on 23 January 2018 you submitted an application to Vary the DPS of the Hyde Dendy to Mr Stephen Narvidge and therefore it follows that he probably would have commenced employment at the premises on or around that date. In order to comply with this licence condition he would have needed to complete and passed the qualification by no later than 23 March 2018. Unfortunately, Mr Stephen Narvidge has confirmed that he does not hold the BIIAB National Certificate for Designated Premises Supervisors, nor has he undertaken this training.

It is therefore apparent that your premises has been operating in breach of this licence condition since 23 March 2018. Mrs Smart advises me that she has now informed Mr Narvidge that he must complete this training within the next 3 months, ie by no later than 31 October 2019.

Mrs Smart also informs me that she attended your premises on 1 November 2018, in the company of Mr Karl Martin (Public Protection Officer of Torbay Council) when she met with Mr Stephen Narvidge and your legal representative, Mr James Cross of Kitsons Solicitors. At the outset of that meeting the use of various individuals areas within your premises was discussed and Mrs Smart noted that in addition to a large smoking shelter, external TV area and an ice cream booth having been erected within the outside area, the internal layout of the premises had also been changed to include a kitchen area within the main bar and the bar servery may have been altered. Mrs Smart recalls advising Mr Narvidge and Mr Cross that any proposed changes to the layout of the premises need to be correctly authorised by the way of a variation application and she advised Mr Narvidge that your premises were therefore not operating in accordance with the Premises Licence, which contains a copy of the approved plan of the premises.

In respect of the smoking shelter, external TV area and ice cream booth, I believe that these have now been removed from the outside area. However, in respect of the new kitchen area this was still in situ on 31 July 2019 and, on that date, no variation application had been received by the Licensing Authority or the Police seeking authority for this building work.

At the meeting on 31 July 2019 Mrs Carter discussed this matter with Mr Narvidge. She handed him a blank minor variation application form, and explained what he needs to write on the form, to assist with the submission of this application. Despite Mr Narvidge indicating that he has up to date plans of the premises, this application has still not been submitted to the Licensing Authority and Police.

I would take this opportunity to remind you that failing to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, a term of imprisonment of up to 6 months, or to both.

In respect of the glassing incident, as you are aware, one of the Licensing Objectives under the Licensing Act 2003 is the Prevention of Crime and Disorder, and as such all glassing incidents are taken very seriously by the Devon and Cornwall Police.

You are hereby notified that should another incident involving a glass or bottle occur at your premises in the next 12 months, we may consider asking you to go glass free in your venue.

I would remind you that as Premises Licence Holder it is your responsibility to ensure that your premises is run in accordance with your Premises Licence, and within the confines of the law at all times. Should the matters raised within this letter not be addressed to a satisfactory level, by 31 October 2019 in respect of the BIIAB qualification, and by 16 August 2019 in respect of the minor variation, I shall consider applying for a prosecution for any offences committed or a Review of your Premises Licence, but I hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information. Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent J Hawley
Head of Prevention Department
Devon and Cornwall Police



Significant Event Audit (SEA) Record for Licensed Premises

To be completed by the Licensing Officer with the DPS.

AP - Aggrieved Person

Name of premises: THE HYDE DENDY
 Address of premises: 18 ESPLANADE ROAD, PAIGNTON
 Date of audit: 31 / 07 / 19 Time of audit: 1000 HRS
 Name of designated premises supervisor / duty manager present: MR STEVE NARVIDGE
MR XANDER NARVIDGE

Event Details: Crime Ref. No. (if applicable): 1CR/677DS/19
 Event details: ASSAULT - GLASS USED AS WEAPON
 Date of incident: 28 / 07 / 19 Time of incident: 0015 - 0025 HRS
 Nature of incident: AP ON DANCEFLOOR WITH 2 FEMALES OFFENDER
APPROACHED ONE FEMALE AND SHE TOLD HIM TO GO AWAY BUT HE
DID NOT MOVE AP GOT BETWEEN THEM + OFFENDER THEN
PUNCHED AP CAUSING CUT TO LIP AP PUSHED OFFENDER AWAY
+ OFFENDER SMASHED A GLASS TO LEFT SIDE OF AP'S HEAD
 Capacity of venue: 400 Number of customers at time of incident: 60 INSIDE
30 OUTSIDE
 How is capacity monitored? CLICKERS
 Exact location in venue where incident took place: DANCEFLOOR WITHIN '18'
 Incident book checked? Yes No
 Any comments: ALL IN ORDER

Door staff:
 Number of door staff on duty at time of incident (continue on additional sheet if required):

Name	Badge Number	Comments
	1015 0836 5045 8967	
W)	1015 9701 9036 8445	

Door staff (continued):

Does allegation implicate door staff in incident? Yes No

Were door staff in the vicinity and if so how many and where:

DANCE FLOOR + ~~WALL~~ OUTSIDE

Door staff signing in and / or incident book checked? Yes No

Any comments:

Was a weapon used? Yes No Give details: GLASS

Was weapon recovered for police? Yes No

Was incident scene preserved for police? Yes No NOT SEVERE ENOUGH

CCTV:

Does the premises have a CCTV system? Yes No

Was CCTV working at time of incident? Yes No

Were all aspects of incident captured? Yes No

Are ejection routes covered by CCTV? Yes No

Are duty staff always able to download on request? Yes No

Image quality: Good Poor Blind spot Other (too far away / out of focus)

Any comments:

Bar staff:

How many bar staff working? 2 How many glass collectors? 2

Any comments:

Is external radio link used? Yes No N/A + IN HOUSE RADIO SYSTEM Who is in possession of the radio?

ALL STEWARDS + SENIOR STAFF

Are tables clear of empty glasses? Yes No

Are polycarbonate glasses used on premises? Yes No

Are their bottle bins around premises? Yes No NO BOTTLES.

Any comments:

Age policy:

Were any under 18's involved in incident? Yes No

What proof of age policy operates on the premises? ..CHALLENGE 25

How frequently are staff trained in proof of age policy? ..ON INDUCTION & MONTHLY

Is this documented? Yes No

Toilets:

Checked? Male Yes No

Female Yes No

CHECKED REGULARLY + RECORD KEPT.

Is there a toilet attendant? Yes No

Do they have a radio link to door staff? Yes No N/A

Is there CCTV covering toilets? Yes No ONLY ENTRANCE.

Any comments:

Which licensing conditions relate to the incident? ..TOUGHENED GLASSES - ALL GLASSES MEET THIS CRITERIA. STAFF TRAINING RECORDS REVOID NO SALE. DPS HAS NOT COMPLETED DPS COURSE

Have breaches in licensing conditions been identified? Yes No Details: ..DPS NOT COMPLETED APPROPRIATE BII DPS COURSE.

What other areas of concern have been highlighted (if applicable)? ..NONE

Is an action plan required? Yes No

What recommendations have been made? ..DPS NEEDS TO COMPLETE BII DPS COURSE TO COMPLY.

What timescale has been given to remedy identified issues? ..3 MTHS.

Any other comments:

Signature of licensing officer: *Z. Smith*

Date: 31/07/19

Signature of designated premises supervisor / duty manager: *[Signature]*

Date: 31-07-19

18 ESPLANADE ROAD, PAIGNTON

CRIMES AT THE PREMISES SINCE 22/10/07 TO 06/10/17 - IE FROM WHEN LICENSABLE ACTIVITIES EXTENDED TO 0300 HRS

2007 x 4	2010/2007 21:30	20/10/2007 22:15	THREATS TO KILL
CR/081937/07			
CR/082491/07	23/12/2007 00:00	23/12/2007 01:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
2008 x 34			
CR/076210/08	03/02/2008 00:01	03/02/2008 02:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076228/08	03/02/2008 00:01	03/02/2008 02:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/073825/08	01/03/2008 23:55	01/03/2008 23:59	DISPLAY VISIBLE REPRESENTATION W/ TO CAUSE FEAR PROVOKE VIOLENCE
CR/077049/08	01/03/2008 23:55	01/03/2008 23:59	POSSESS AN OFFENSIVE WEAPON IN A PUBLIC PLACE
CR/077197/08	14/03/2008 11:55	15/03/2008 01:01	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/077206/08	15/03/2008 01:00	15/03/2008 01:10	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/077320/08	28/03/2008 23:30	28/03/2008 23:55	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/073963/08	18/04/2008 23:20	18/04/2008 23:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074508/08	31/05/2008 01:00	31/05/2008 01:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074523/08	31/05/2008 01:00	31/05/2008 01:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074850/08	28/06/2008 00:30	28/06/2008 00:32	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/075475/08	25/07/2008 16:15	26/07/2008 17:00	THEFT - OTHER - INCLUDING THEFT BY FINDING

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/075481/08	23/08/2008 00:01	23/08/2008 00:20	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/076137/08	23/08/2008 00:01	23/08/2008 00:20	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/075482/08	23/08/2008 01:20	23/08/2008 01:29	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/075720/08	12/09/2008 23:50	12/09/2008 23:55	POSSESS CANNABIS A CLASS C CONTROLLED DRUG
CR/075809/08	20/09/2008 00:10	20/09/2008 00:35	POSSESS A CONTROLLED DRUG OF CLASS B - AMPHETAMINE
CR/076108/08	19/10/2008 01:05	19/10/2008 01:12	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/076617/08	07/11/2008 00:30	07/11/2008 00:31	POSSESS CANNABIS A CLASS C CONTROLLED
CR/076327/08	08/11/2008 23:30	08/11/2008 23:31	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/076328/08	09/11/2008 00:55	09/11/2008 00:56	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/076399/08	15/11/2008 23:00	16/11/2008 01:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076818/08	19/12/2008 23:00	20/12/2008 01:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
2009 x 19			
CR/067976/09	17/01/2009 00:50	17/01/2009 00:55	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/068775/09	24/01/2009 23:00	25/01/2009 01:00	THEFT FROM THE PERSON OF ANOTHER
CR/070031/09	26/02/2009 23:00	26/02/2009 23:45	BURGLARY OTHER THAN DWELLING WITH INTENT TO STEAL
CR/067249/09	05/04/2009 01:10	05/04/2009 01:17	WOUND / INFLECT GRIEVOUS BODILY HARM WITHOUT INTENT
CR/067307/09	11/04/2009 00:15	11/04/2009 00:40	POSSESS A CONTROLLED DRUG OF CLASS A - COCAINE
CR/067465/09	12/04/2009 00:01	26/04/2009 19:35	BURGLARY DWELLING - WITH INTENT TO STEAL
CR/067694/09	17/05/2009 00:30	17/05/2009 01:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/068033/09	14/06/2009 01:00	14/06/2009 01:30	COMMON ASSAULT
CR/068046/09	14/06/2009 01:04	14/06/2009 01:05	USE THREATENING/ABUSIVE/INSULTING WORDS/BEHAVIOUR
CR/068188/09	29/06/2009 18:59	29/06/2009 19:20	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

						THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/068368/09	17/07/2009 23:20	17/07/2009 23:21				POSSESS A CONTROLLED DRUG OF CLASS A - MDMA
CR/068666/09	04/08/2009 17:00	05/08/2009 08:00				THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/068606/09	09/08/2009 01:15	09/08/2009 01:30				ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/068696/09	16/08/2009 02:00	16/08/2009 02:20				SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT
2010 x 7						
CR/061186/10	17/05/2010 17:00	18/05/2010 08:15				BURGLARY OTHER THAN DWELLING WITH INTENT TO STEAL
CR/061572/10	27/06/2010 23:19	27/06/2010 23:20				THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/061790/10	19/07/2010 19:25	19/07/2010 19:40				TAKE A CHILD SO AS TO REMOVE FROM A PERSON HAVING LAWFUL CONTROL
						THEFT - OTHER - INCLUDING THEFT BY FINDING
						FIRE - ARMS - ANIMAL WELFARE - ACT 2006
						CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER
CR/062929/10	05/11/2010 19:35	05/11/2010 19:43				CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER
2011 x 2						
CR/062190/11	22/01/2011 21:30	22/01/2011 23:30				THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/063111/11	04/12/2011 13:25	04/12/2011 17:10				THEFT - OTHER - INCLUDING THEFT BY FINDING
2012 x 3						
CR/060576/12	08/06/2012 19:30	10/06/2012 17:00				BURGLARY DWELLING - WITH INTENT TO STEAL
CR/060955/12	16/07/2012 17:30	16/07/2012 17:40				COMPLAINT RE DOGS MINOR AND NON INJURY 1871 ACT
CR/115654/12	11/11/2012 13:00	11/11/2012 13:10				THEFT - OTHER - INCLUDING THEFT BY FINDING
2013 x 2						
CR/060688/13	01/09/2013 13:00	01/09/2013 13:05				THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/061030/13	28/09/2013 18:15	28/09/2013 18:30				CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER
2014 x 14						
CR/070927/14	09/02/2014 01:17	09/02/2014 01:20				ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/070928/14	09/02/2014 01:25	09/02/2014 01:35				ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
						DOMESTIC ASSAULT
						DOMESTIC ASSAULT
CR/051985/14	15/04/2014 20:00	15/04/2014 20:21				BURGLARY OTHER THAN DWELLING WITH INTENT TO STEAL

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/052002/14	17/04/2014 23:10	17/04/2014 23:20	COMMON ASSAULT
CR/064048/14	25/04/2014 23:55	26/04/2014 00:05	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/052074/14	26/04/2014 00:00	26/04/2014 00:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/075919/14	25/05/2014 01:10	25/05/2014 01:15	COMMON ASSAULT
CR/081863/14	15/06/2014 01:00	15/06/2014 01:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/089001/14	11/07/2014 22:30	11/07/2014 22:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
			ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/120876/14	08/11/2014 22:40	08/11/2014 22:45	COMMON ASSAULT
CR/123034/14	08/11/2014 22:45	08/11/2014 22:50	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
2015 x 6			
CR/049356/15	14/07/2015 20:30	14/07/2015 21:00	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR
CR/060198/15	26/08/2015 18:50	26/08/2015 19:00	COMMON ASSAULT
CR/080883/15	21/11/2015 01:15	21/11/2015 01:30	COMMON ASSAULT
2016 x 5			
CR/016801/16	14/03/2016 18:00	14/03/2016 18:55	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/016803/16	14/03/2016 18:00	14/03/2016 18:55	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/051028/16	23/07/2016 22:15	23/07/2016 22:35	WOUND / INFLICT GRIEVOUS BODILY HARM WITHOUT INTENT
CR/076603/16	29/10/2016 14:45	29/10/2016 15:13	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/086466/16	05/12/2016 11:00	05/12/2016 11:30	THEFT - OTHER - INCLUDING THEFT BY FINDING
2017 x 3			
CR/072395/17	25/08/2017 15:30	25/08/2017 15:30	POSSESS WITH INTENT TO SUPPLY A CONTROLLED DRUG OF CLASS A
CR/072397/17	25/08/2017 15:30	25/08/2017 15:44	POSSESS WITH INTENT TO SUPPLY A CONTROLLED DRUG OF CLASS B
CR/072400/17	25/08/2017 15:30	25/08/2017 15:44	POSSESS AN OFFENSIVE WEAPON IN A PUBLIC PLACE

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CRIMES IN KERNOU ROAD, PAIGNTON BETWEEN 22/10/07 AND 06/10/17

2007 x 1						
CR/082295/07	07/12/2007 19:00	08/12/2007 09:10	DESTROY/DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE			
2008 x 6						
CR/075973/08	24/02/2008 01:41	4/02/2008 01:41	POSSESS CANNIBIS A CLASS 1 CONTROLLED DRUG			
CR/074074/08	21/05/2008 19:27	01/05/2008 03:27	USE THREATENING WORDS BEHIND A VEIL			
CR/074992/08	11/07/2008 21:00	12/07/2008 07:45	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE			
CR/075367/08	04/08/2008 09:30	05/08/2008 01:15	SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT			
CR/075346/08	08/08/2008 23:45	08/08/2008 23:50	DRUNK AND DISORDERLY IN A PUBLIC PLACE			
2009 x 7						
CR/068584/09	23/01/2009 23:15	23/01/2009 23:20	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM			
CR/068589/09	23/01/2009 23:45	23/01/2009 23:50	ASSAULT A CONSTABLE IN THE EXECUTION OF HIS / HER DUTY			
CR/069830/09	07/02/2009 14:30	08/02/2009 08:15	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE			
CR/067370/09	17/04/2009 21:55	17/04/2009 22:00	DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT			
CR/068885/09	28/08/2009 09:30	29/08/2009 09:00	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE			
CR/069552/09	12/11/2009 23:20	12/11/2009 23:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM			
CR/069636/09	21/11/2009 00:30	21/11/2009 00:35	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM			
9910 x 1						
CR/063661/10	12/11/2009 23:20	12/11/2009 23:30	DRIVER OF A VEHICLE FAIL TO STOP AFTER A ROAD ACCIDENT			
2011 x 8						
CR/062533/11	01/02/2011 00:20	01/02/2011 00:22	DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT			
CR/063442/11	18/02/2011 23:20	19/02/2011 00:00	DRUNK AND DISORDERLY IN A PUBLIC PLACE			
CR/063506/11	28/02/2011 18:00	01/03/2011 08:00	THEFT FROM A MOTOR VEHICLE			
CR/061924/11	06/08/2011 23:40	06/08/2011 23:46	FAIL COMPLY WITH DIRECTION OF A CONSTABLE VIOLENT CRIME REDUCTION ACT 2006			

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/063290/11	22/12/2011	23:45	23/12/2011	00:05	DRUNK AND DISORDERLY IN A PUBLIC PLACE
2012 x 7					
CR/062552/12	19/02/2012	18:00	20/02/2012	06:00	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
CR/060536/12	07/06/2012	18:20	07/06/2012	18:43	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/060599/12	13/06/2012	14:00	13/06/2012	16:00	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - VEHICLE
2013 x 7					
CR/061126/13	02/02/2013	21:40	02/02/2013	21:45	AFFRAY
CR/059246/13	22/04/2013	16:40	22/04/2013	16:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/060596/13	23/08/2013	14:00	23/08/2013	14:20	COMMON ASSAULT
CR/060704/13	28/08/2013	17:00	28/08/2013	18:00	RACIALLY / RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT / ALARM / DISTRESS - WORDS / WRITING
CR/125532/13	07/09/2013	22:05	07/09/2013	22:12	USE THREATENING WORDS / BEHAVIOUR
CR/125533/13	08/09/2013	00:25	08/09/2013	00:30	DRUNK AND DISORDERLY IN A PUBLIC PLACE
2014 x 2					
CR/033418/14	16/02/2014	23:00	16/02/2014	23:15	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/110999/14	28/09/2014	01:00	28/09/2014	01:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
2015 x 4					
CR/007668/15	02/02/2015	19:33	02/02/2015	20:05	DRUNK ON A HIGHWAY / IN A PUBLIC PLACE / ON LICENSED PREMISES
CR/021456/15	29/03/2015	11:00	29/03/2015	12:00	ROBBERY
CR/027450/15	23/04/2015	01:00	23/04/2015	01:15	DRUNK AND DISORDERLY IN A PUBLIC PLACE
CR/030079/15	29/04/2015	20:30	29/04/2015	21:00	AFFRAY
2016 x 6					
CR/008426/16	06/02/2016	23:50	06/02/2016	23:57	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/008767/16	06/02/2016	23:50	06/02/2016	23:57	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/008768/16	06/02/2016	23:50	06/02/2016	23:57	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CR/033566/16	23/05/2016	12:22	23/05/2016	12:22	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR
CR/055936/16	13/08/2016	00:30	13/08/2016	00:44	SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT
CR/068351/16	24/09/2016	00:00	24/09/2016	01:09	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
2017 x 2					
CR/044164/17	05/06/2017	01:25	05/06/2017	01:37	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/052282/17	29/06/2017	09:10	29/06/2017	09:10	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

18 ESPLANADE ROAD, PAIGNTON

CRIMES AT THE PREMISES SINCE 9 FEBRUARY 2018

2018 x 5				
CR/054716/18	20/06/2018 23:00	21/06/2018 00:25		ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/056853/18	27/06/2018 11:45	27/06/2018 12:20		BREACH A CRIMINAL BEHAVIOUR ORDER
CR/066787/18	24/07/2018 00:00	24/07/2018 00:30		THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/101861/18	03/11/2018 00:50	03/11/2018 01:05		ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
2019 x 4				
CR/030747/19	05/04/2019 11:00	08/04/2019 09:00		ATTEMPT THEFT FROM METER / AUTOMATIC MACHINE
CR/067705/19	28/07/2019 00:15	28/07/2019 00:25		ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/076384/19	23/08/2019 18:15	23/08/2019 18:30		USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS
CR/079980/19	28/08/2019 00:00	28/08/2019 23:59		COMMON ASSAULT

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

CRIMES IN KERNOU ROAD, PAIGNTON SINCE 9 FEBRUARY 2018

2018 x 9						
CR/017499/18	27/02/2018 12:50	27/02/2018 12:50			OWNER / PERSON IN CHARGE OF A DOG DANGEROUSLY OUT OF CONTROL - NO INJURY	
CR/029237/18	06/04/2018 21:40	06/04/2018 21:40			USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS	
CR/038998/18	05/05/2018 00:00	06/05/2018 00:01			ROBBERY	
CR/056289/18	25/06/2018 22:35	25/06/2018 22:40			DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT	
CR/063125/18	09/07/2018 15:00	10/07/2018 16:00			THEFT IN DWELLING OTHER THAN AN AUTOMATIC MACHINE OR METER	
CR/075433/18	11/08/2018 20:00	11/08/2018 21:44			USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS	
CR/077158/18	21/08/2018 17:40	21/08/2018 18:15			BREACH A CRIMINAL BEHAVIOUR ORDER	
CR/083538/18	08/09/2018 20:00	09/09/2018 07:00			CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - VEHICLE	
CR/108864/18	24/11/2018 00:30	24/11/2018 00:50			FAIL TO PROVIDE SPECIMEN FOR ANALYSIS - VEHICLE DRIVER	
2019 x 6						
CR/000828/19	01/01/2019 00:00	01/01/2019 01:00			RACIALLY / RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT / ALARM / DISTRESS - WORDS / WRITING	
CR/000407/19	01/01/2019 00:01	01/01/2019 01:00			AFFRAY	
CR/048668/19	01/06/2019 20:00	01/06/2019 20:05			ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM	
CR/079347/19	01/09/2019 15:00	01/09/2019 15:10			ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM	
CR/079528/19	01/09/2019 21:00	02/09/2019 10:15			THEFT FROM A MOTOR VEHICLE	

Highlighted text indicates the incident occurred between 0000 and 0130 hrs

Memorandum

To:	<div style="border: 1px solid black; padding: 5px; display: inline-block;">TORBAY COUNCIL 27 SEP 2019 COMMUNITY SAFETY</div>	From :	Community Safety
c.c		Contact :	Mr Karl Martin
c.c.		Ext :	01803 208025
c.c		My Ref :	No18REP
For the attention of: Gary O'Shea		Your Ref :	
		Date :	27 th September 2019

Premises Name & Address: No 18, 18 Esplande Road, Paignton

Subject: Variation 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 applicant seeks to licence the basement area of an existing licensed premise knows as Hyde Dendy.
2. One half of the basement is currently licensed until 1:00am (PL1132) and the second half in recent years has been used as storage.
3. In the past the basement area adjacent to Kernou Road has been a fully licensed premises with a terminal hour of 03:00hrs.
4. Due to insolvency the premise licensed lapsed in 2017 requiring a former operator to submit a new license application. At hearing in March 2018 representations put forward by members of the public and responsible Authorities for Public Nuisance and for Crime and disorder. Please see appendix 1 for the decision notice.
5. At this hearing oral submission were given explaining the historical problems with noise nuisance from live and recorded music and from general nuisance from customers leaving the premises. Evidence to support a Public Nuisance had and was occurring contributed to a premises license only be granted with a terminal hour of 1:00am.

6. In November 2018 a meeting was arranged at the request of Mr Steve Narvidge with his legal representative, Julie Smart, Police Licensing and myself. The aim of the meeting was to discuss proposals for reopening the basement area as a licensed area until 3:00am. During this meeting in respect of noise I outlined the two issues I believe the applicant needs to examine in more detail:-
- Noise breakout- Historical problems of live and recorded music breaking out of the building disturbing nearby residents. Compounded by numerous changes to the buildings configuration, location of fire exits and lack of management.
 - Noise in the street- Despite numerous attempts, previous operators have never been successful in mitigating the impact of the community by customers leaving the area via Kernou Road.
7. In July 2019 a second meeting took place at the premises with Mr Steve Narvidge. Also present Mr Xander Narvidge, Neil Carpenter of Future Technical Solutions, Carrie Cottell, Torbay Council Licensing Officer and Julie Smart, Police Licensing Officer.
8. Mr Narvidge has commissioned Mr Carpenter to produce a noise impact assessment of the building. The report was not available to view at the meeting but a broad range of proposals was discussed. In relation to :-
- Noise Breakout – A number of proposals were put forward to prevent noise breakout which included a combination of physical improvements to the building such as improvements to fire exits, windows etc and installing in house PA equipment with noise limiters.
 - Noise in the street – A proposal to barricade of an exit on to Kernou Road and use of door stewards was put forward as a suggestion to control the way customers leave.
9. The application accepted by the Council does not contain Mr Carpenters Noise impact assessment. This maybe because the operator at this stage does not want this to become a public document. However without it there is no fine detail to comment on.
10. The application does however by way of suggested conditions indicate the operators is installing noise limiters.
11. The application does not fully address the impact of customers leaving the premises and this remains the greater concern.

Conclusion and recommendations

12. At this time I fully expect to continue working with Mr Narvidge and therefore it is prudent to circulate an update with recommendations ahead of the committee hearing.



Mr Karl Martin
Public Protection Officer
Torbay Council

Reason for decision

Having carefully considered all the oral and written Representations, Members resolved to grant the application with modifications, as they could not be satisfied that the mitigation put forward by the Applicant would ensure that The Prevention of Public Nuisance licensing objective would be promoted, due to the premises being in such close proximity to that of residential premises and commercial premises which offered guest accommodation.

Members noted the oral submissions of the Responsible Authorities in respect of the efforts and improvements made by the previous owners who are now the current managers to address noise nuisance emanating from the premises and its patrons but in the knowledge that these persons were imminently due to vacate the premises, they could not be satisfied at this stage that the new owners would maintain the same level of firm control and therefore had serious concerns that conditions alone would not ensure that The Prevention of Public Nuisance Licensing Objective would be promoted, if a 3am licence was granted.

In coming to that decision, Members noted from all the written and oral Representations, the impact such a late licence has had and would have on the nearby residential premises and commercial premises which offered guest accommodation, in what on some occasions had gone on until 4am.

Given that this premise was the only premises operating a 3am licence in the direct vicinity, Members were satisfied that there was a causal link of noise attributable to patrons leaving this premises and to allow it to continue with such uncertainty, was in their opinion not appropriate or proportionate.

Notwithstanding the Licensing Authority's Statement of Principles which clearly sets out the expectations on Applicants where they seek licensable activities after 11pm in residential areas, Members determined that it was appropriate and proportionate to permit a 1am licence with a closing time of 1.30am, given the areas mixed use and the need for the area to have diversity of use and that other premises in the same location operated a 1am licence without significant impact of neighbouring residential premises. In coming to this decision, Members had regard to the written and oral representations from members of the public and the Responsible Authorities.

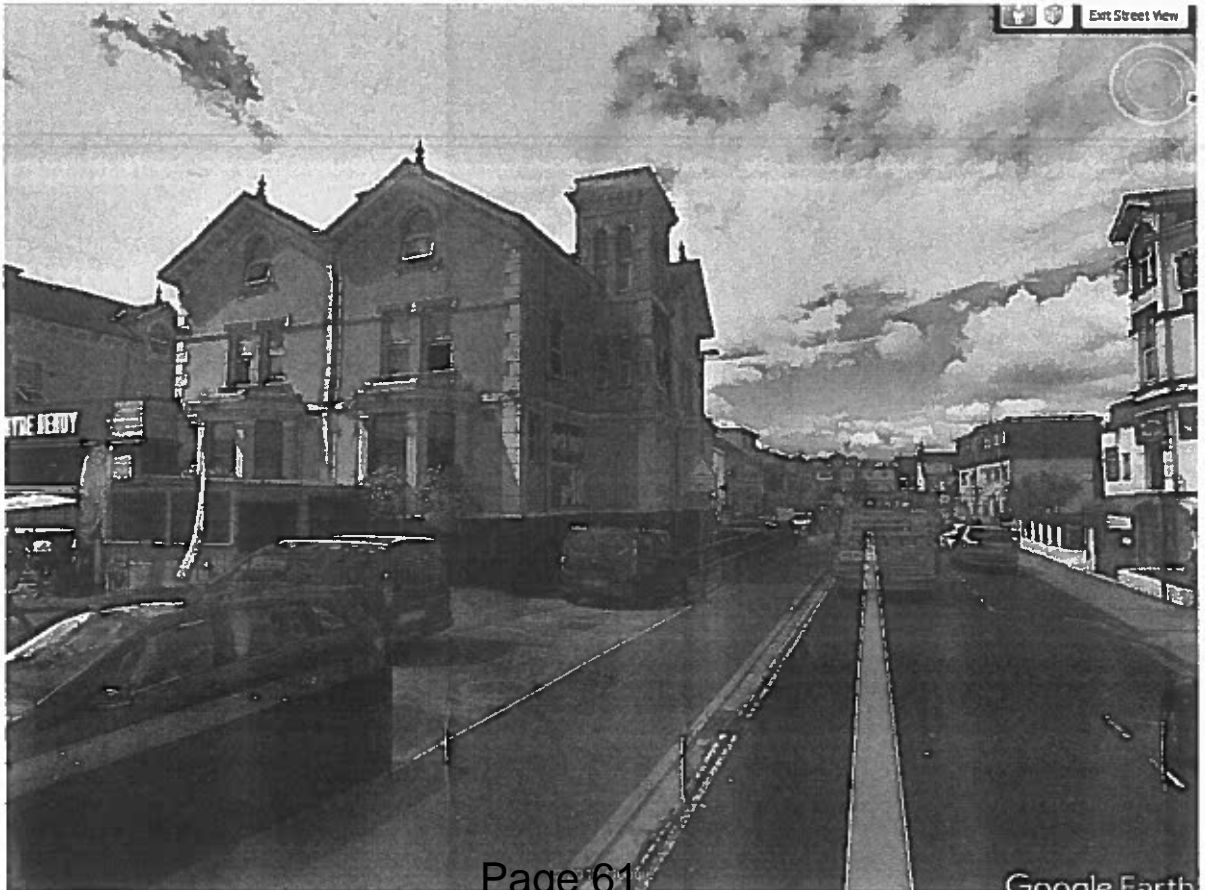
In concluding, it was disappointing to Members that despite this being the second attempt in hearing this application, it continued to lack specific detail and clarity in what was a request for a 3am licence. Only after oral submissions from the Applicant, Members questioning and consideration of proposed further amendments that Members were able to determine this application.

Appendix 2 – Maps

1.1 – Aerial view of Hyde Dendy



1.2 – Street View – Kernou Road



1.3 Street view - Esplande Road



1.4 Map View



27 September 2019

To whoever it might concern,

I write with reference to the current licencing application made by Hyde Dendy, of Esplanade Road, Paignton.

I would direct you to the submission that I made when the current licence was granted and state that my reservations remain the same, in that I do not believe that licencing objectives will be promoted by granting this new application for an extended licence, as I believe there will be a return of the antisocial behaviour and public nuisance that we used to be subject to, particularly at the currently proposed closing times.

Since the current licence was granted, I can say that it has been a real pleasure to be able to sleep on a Friday and Saturday night without disturbance from the public nuisance of noise and antisocial behaviour.

I would also like to point out that through this summer the Hyde Dendy has hosted live outdoor music on Sundays, and some Saturday, afternoons that has been so loud that I could still hear it in my living room with all the windows closed, which is not something that I particularly want to do when the weather is hot and sunny.

I will be happy to restate my previous reservations from when the current licence was granted if it is required.

28 September 2019

To whom it may concern,

I write with reference to the current licencing application made by Hyde Dendy, of Esplanade Road, Paignton.

Further to my letter dated 27 September 2019, I would like to expand on my reasons for my opposition to the application:

I have been the owner of the [REDACTED] since [REDACTED] 2007, and over the years and over all the different operators of clubs or bars at the said premise, we have always been subject to an erosion of our quality of life due to noise, antisocial behaviour and general public nuisance. I therefore do not believe that licencing objectives will be promoted by granting this new application for an extended licence, as I believe there will be a return of the aforementioned antisocial behaviour and public nuisance.

In the past, when the business was licenced until 03.00am, it caused loss of sleep or being woken up by patrons of the establishment leaving, running up and down the road, shouting, screaming or even singing any time between 03.00am and about 04.30am. In the past, I can remember lying in my bed at around 03.00 one Saturday or Sunday morning and hearing a death threat shouted by one individual to another. Am I supposed to lie there and ignore it or am expected to call a Police Force who remain massively understaffed and overstretched, and from experience, are unlikely to be able to attend?

Add to this the fact that this summer we have been bombarded with live music outdoors from the establishment on Sunday (and some Saturday) afternoons, that has been so loud that I could still hear it in my living room with all the windows closed, which is not something that I particularly want to do when the weather is hot and sunny. And if the extension to the licence is granted, I can expect to have to put up with that after my sleep has been interrupted for the prior two nights, as I have had to previously when the licence was granted until 3.00am.

We are in an area where there are a large number of guest houses and bed and breakfasts. We are in that business ourselves and we are trying to sell a good night's sleep to our guests. This is something that is directly impacted by those problems outlined above. A fair number of our guests over the years have been affected by these things and have mentioned it to me. I know of some guests from nearby properties who checked in on a Friday night for a week and checked out again Saturday morning because of this antisocial behaviour.

So I compare what has happened in the past and what is likely to happen again, with how it has been since the licence granted only extended to 1.00am. Since the licence was limited to 1.00 am we have had no complaints from our customers and, on a personal level, I've managed to have uninterrupted sleep on a Friday and Saturday night without all the noise, public nuisance and antisocial behaviour.

I have also taken into consideration that The Spinning Wheel has a licence until 01.00am. There is, sometimes some disturbance at closing time, but very rarely. It seems to me that The Spinning Wheel is a well-run establishment with owners who care about the impact of their business on the local neighbourhood. If the licence was to be extended, I could expect occasional disturbance at 1.00 am from those leaving the Spinning Wheel, and then more disturbance any time from 3.00am, which has in the past gone on until after 5.00am sometimes. Surely it makes sense and is in the best interests of the B&Bs and residents of the area if both licences were to terminate at 1.00am, as they do at present.

Another point I would like to make is that some years ago local residents, the Police Licencing Officer and the Council Licencing Officer got together in the dining room of the ~~XXXXXX~~ to discuss the problems that we have had to endure, only to be told that the Police have problems attending at the 03.00am closing time due to limited manpower and the fact that it is also the time of their shift changeover.

To sum up, I am not in favour of the granting of the extension to the licencing hours as it has been requested for the reasons stated above. I would point out that history suggests that the owners and operators should be forced to consider local residents with regard to their patrons leaving their premises, and of the excessive volume of the live music that affects us all, particularly on Sunday afternoons.

Finally, I would like to mention that there are other local residents, some of them senior citizens, who are affected by all of the matters covered above who are not prepared to identify themselves to the applicant of the license and so will not make

any representation. I would like to think that the licencing authority could take their best interests into account as well.

In summary, if a license was granted until 3.00am it wouldn't make any difference to us whether it was for 40 or 400 people. If they're drunk and disorderly, 80 people are just as capable of disrupting our sleep as 400.

In conclusion, I oppose any licence that extends beyond 1.00am, as this is the time at which all other local licences end.

Yours faithfully,