

Wednesday, 29 July 2020

LICENSING SUB-COMMITTEE

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

Thursday, 6 August 2020

commencing at **9.30 am**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/86176294884?pwd=di9hRVc2bzgxSW9vZ1NMOURFaHRCQT09>

Meeting ID: 861 7629 4884

Password: 552437

One tap mobile

+442030512874,86176294884#,0#,552437# United Kingdom

+442034815237,86176294884#,0#,552437# United Kingdom

Dial by your location

+44 203 051 2874 United Kingdom

+44 203 481 5237 United Kingdom

Meeting ID: 861 7629 4884

Password: 552437

Members of the Committee

Councillor Ellery

Councillor Kennedy

Councillor Foster

A prosperous and healthy Torbay

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

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

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. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

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

5. **Shoals Café on the Lido, Berry Head Road, Brixham**

To consider an application for a Variation to a Premises Licence in respect of Shoals Café on the Lido, Berry Head Road, Brixham.

(Pages 4 - 22)

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a Meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

TORBAY COUNCIL

Public Agenda Item: **Yes**

Title: **Shoals Café on the Lido, Berry Head Road, Brixham**

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

To: **Licensing Sub-Committee** On: **6 August 2020**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: Licensing@torbay.gov.uk

1. Key points and Summary

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

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

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

2. Introduction

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

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

To allow the Sale of Alcohol for consumption off the premises from 11:00am until 11:00pm seven days a week.

The premises is currently licensed for the Sale of Alcohol on the premises from 11:00am until 11:00pm seven days a week.

The Applicant has proposed three new conditions shown in section 16 of the application. These are in relation to the Licensing Objective the Prevention of Public Nuisance.

1. All drinks will be served in environmentally friendly containers to ensure no glass bottles are taken from the premises.
2. Adequate waste bins to be provided for customers and regular checks will be carried out by staff to ensure any litter left behind by customers will be cleared and disposed of responsibly.
3. The outside area shall be regularly monitored by staff.

The Applicant has written the following description of the proposed variation which is shown in section 3 of the application form:-

"Shoals Café is a restaurant with indoor seating for approximately 22 people and outdoor seating for approximately 20 people. Shoals is situated 3 metres away from an old putting green, behind Berry Head Road which is included in our lease and forms part of our overall premises. The proposed variation is to provide off sales to takeaway or consume on the green".

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report. A copy of the plan from the licence is shown at Appendix 3.

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

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) of the Act but is unable to issue the Variation to the Premises Licence, as a relevant Representation has been received from an Interested Party. The Licensing Authority is also satisfied that the Representation was received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have accepted a Representation from an Interested Party who is objecting to this application. The Representation relates to the Licensing Objectives "The Prevention of Crime and Disorder", "The Prevention of Public Nuisance" and "Public Safety". This is shown as Appendix 4.

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

- 2.4 The Licensing Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
(a) The applicant for the variation of the licence against any decision to modify the conditions
(b) Any person who made a relevant representation in relation to the application who desires to contend
(i) that any variation made ought not to have been made, or
(ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 Following such Appeal, the Magistrates' Court may:-
(a) dismiss the appeal,
(b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
(c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Relevant sections of the application form.
Appendix 2	Copy of the Premises Licence and Plan.
Appendix 3	Copy of the plan from the licence.
Appendix 4	Representations from an Interested Party.

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2016-2021.



Torbay
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if 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

VAT number

Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business PROPRIETOR

Home country United Kingdom

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 DEVON

Postcode

Country United Kingdom

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number PL1080

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 SHOALS CAFE ON THE LIDO

Street BERRY HEAD ROAD

District

City or town BRIXHAM

County or administrative area DEVON

Postcode TQ5 9AE

Country United Kingdom

Premises Contact Details

Telephone number 01803 854874

Continued from previous page...

Non-domestic rateable value of premises (£)

4,000

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

SHOALS CAFE IS A RESTAURANT WITH INDOOR SEATING FOR APPROXIMATELY 22 PEOPLE AND OUTDOOR SEATING FOR APPROXIMATELY 30 PEOPLE. SHOALS IS SITUATED 3 METRES AWAY FROM AN OLD PUTTING GREEN, BEHIND BERRY HEAD ROAD WHICH IS INCLUDED IN OUR LEASE AND FORMS PART OF OUR OVERALL PREMISES. THE PROPOSED VARIATION IS TO PROVIDE OFF SALES TO TAKEAWAY OR CONSUME ON THE GREEN.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

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

Yes No

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SUPPLY OF ALCOHOL

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

Section 14 of 18

ADULT ENTERTAINMENT

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

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

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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

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

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

b) The prevention of crime and disorder

As existing license.

c) Public safety

As existing license.

d) The prevention of public nuisance

All drinks will be served in environmentally friendly containers to ensure no glass or bottles are taken from the premises. Adequate waste bins to be provided for customers and regular checks will be carried out by staff to ensure any litter left behind by customers will be cleared and disposed of responsibly. The outside areas shall be regularly monitored by staff.

e) The protection of children from harm


As existing License.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Licensing Act 2003
Premises Licence

1080

LOCAL AUTHORITY	
	<p>Torbay Council Licensing & Public Protection c/o Town Hall Castle Circus Torquay TQ1 3DR</p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<p>Shoals Cafe on the Lido Berryhead Road, Brixham, Devon, TQ5 9AE.</p>	<p>Telephone 01803854874</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	11:00am	11:00pm

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Monday to Sunday	8:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Sarah Louise Perkes	Berryhead Road, Brixham, Devon, TQ5 9AE Telephone 01803 854874

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

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
Sarah Louise PERKES	Berryhead Road, Brixham, Devon, TQ5 9AE Telephone 01803 854874

Licensing Act 2003

Premises Licence

1080

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

Licence No. PA3206

Issued by Torbay



Steve Cox
Environmental Health Manager
14 February 2017



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3)
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is

ANNEXES continued ...

available to customers in the following measures:-

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

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

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

Minimum Drinks Pricing

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

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

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

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

Where:-

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

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

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

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

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

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

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

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

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

- 1. The premises licence holder will provide strong management control and train staff to be fully aware of the Licensing Act and the four licensing objectives.
- 2. The premises will not sell any alcohol to underage customers.

ANNEXES continued ...

3. The premises will not permit any violent, anti-social, drunk and disorderly behaviour on the premises.
4. The premises will prevent the sale or use of illegal drugs within and around the premises.
5. The premises will not allow any harm to children.
6. The premises will have CCTV.
7. The premises shall have "Challenge 25" clearly displayed and adhered to.

The Prevention of Crime and Disorder

1. The premises shall have clear and legible notices displayed outside the premises stating the normal hours under the terms of the premises licence during which licensable activities are permitted.
2. The premises shall have clear notices warning of potential criminal activity targeted towards customers.
3. The premises shall have CCTV covering all entrances and surrounding areas.
4. The premises shall not serve any alcohol to drunk or intoxicated customer.
5. The premises shall train all staff to ask customers in an orderly respectful manner.
6. The premises shall prevent and be vigilant in illegal drug use in and around the premises.

Public Safety

1. The premises will provide training and implementing of underage ID checks.
2. The premises shall train staff to adhere to environmental health requirements.
3. All internal and external lighting will be positioned to promote the public safety objectives.
4. All fixture and fittings within and surrounding the premises to include lighting, heating, electrical, air conditioning, poor fastenings, notices, sanitary accommodation and other installations to be maintained to a good and safe conditions.
5. The premises shall have a log book, which will be kept updated with inspections and to be available for inspections made by persons acting on behalf of licensing act 2003 or associated legislation.
6. Safety conditions complied to, to be noted.

The Prevention of Public Nuisance

1. The premises will have clear and prominent notices displayed at exits requesting that customers respect nearby residents and leave quietly.
2. Deliveries to be carried out in a manner to respect nearby residents.
3. Customers will be asked to not talk loudly outside the premises.
4. Customers will not be admitted to the premises above opening hours.
5. Adequate waste bins to be provided for customers.
6. The movement of furniture, rubbish removal will be kept to a minimum after 2300 hours.
7. Staff will be asked to respect residents by keeping noise levels to a minimum when leaving the premises.

The Protection of Children from Harm

1. All staff will be fully trained in the requirement to check identification, age etc.
2. "Challenge 25" signs will be displayed encouraging anyone over 18 to carry acceptable identification e.g. passprt, photographic driving licence, pass hologram if they wish to buy alcohol.

ANNEXES continued ...

3. All details to be kept in the training book, kept updated and be available on premises.

ANNEXE 3

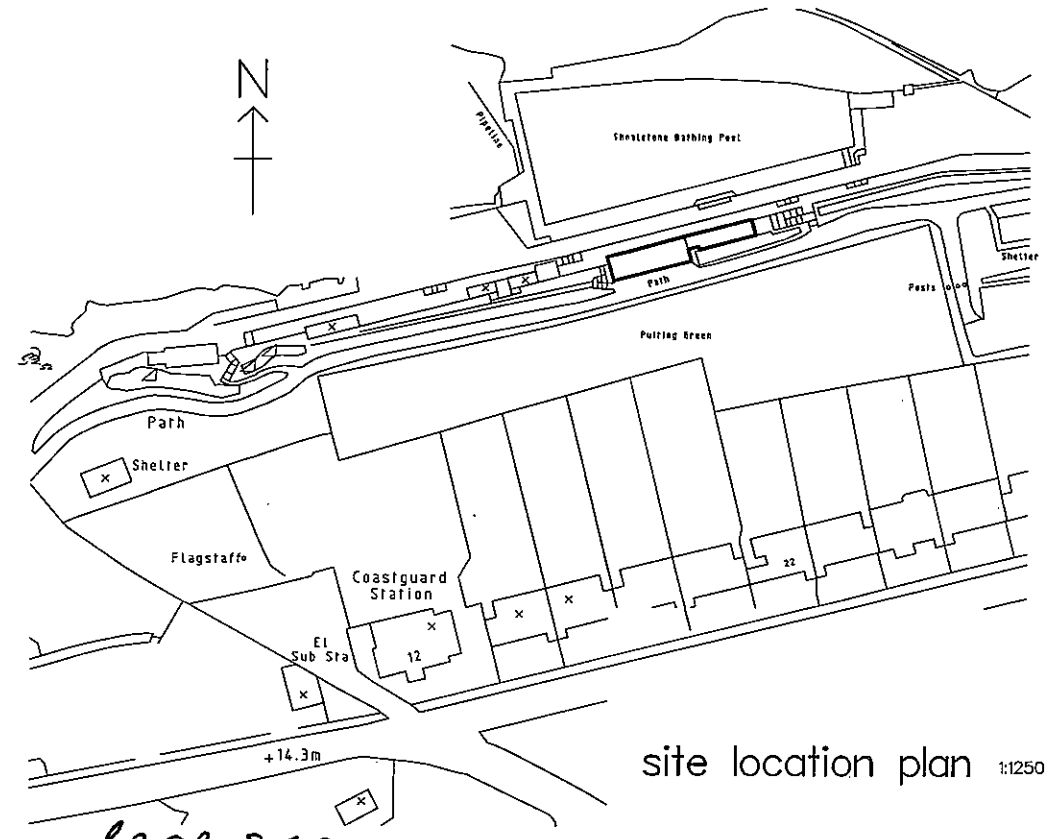
CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

NONE

ANNEXE 4

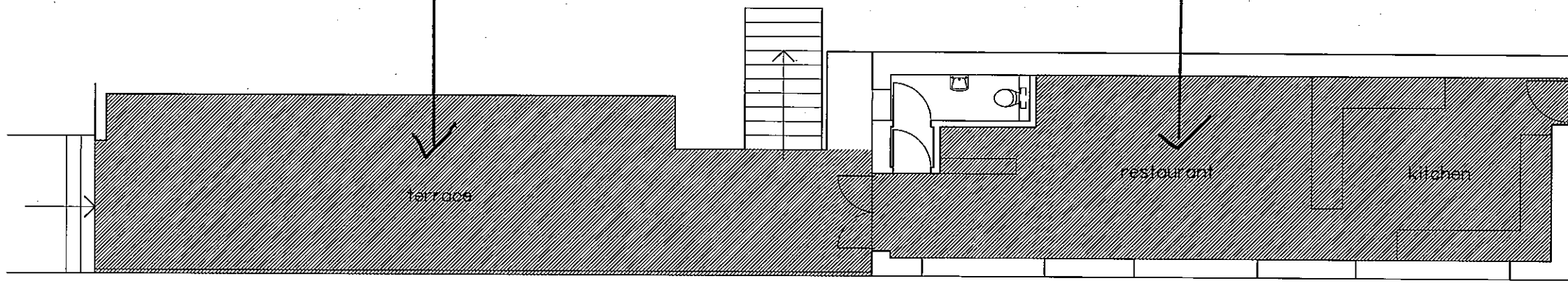
PLANS

Copy attached to Licence.

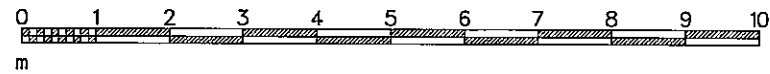


PROPOSED LICENSED AREA

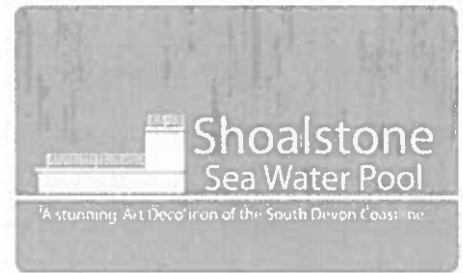
PROPOSED LICENSED AREA



ground floor plan 1:100



licence plan . shoals restaurant . shoalstone pool . berry head road . brixham .



www.shoalstonepool.com

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

13 July 2020

Dear Sir,

PL1080, Shoals Café on the Lido, Berry Head Road, Brixham, Application no 057345

Shoalstone Pool CIC, as the management company responsible for operating the swimming pool site that includes Shoals Cafe on the Lido, would like to formally object to the proposed variation to their alcohol license (PL1080, Shoals Café on the Lido, Berry Head Road, Brixham).

We oppose this application to change the license to allow sales off the premises on the grounds of the foreseen increase in public nuisance, crime and disorder, and danger to public safety.

Prevention of public nuisance and prevention of crime and disorder: Shoalstone Pool and the surrounding site itself have been often subjected to vandalism and anti-social behaviour. We have regularly been in contact with the police to seek help to disperse groups causing a public nuisance on pool side and within the car park area during the day and in the evenings, and to report vandalism and break-ins. On numerous occasions this has been related to misuse of alcohol. All of these instances have been logged with the police.

Public safety: The risk to the public of the drinking of alcohol and swimming is well documented, as can be evidenced by the recent high-profile RNLI campaign that seeks to inform the public, "...remember alcohol and water don't mix". We also have to contend with the physical effects too. To protect public safety, all incidents of broken bottles and glass near the pool require the pool itself to be closed, drained completely and any glass removed from the bottom of the tank. This is not an easy task, and we need to wait for the correct tide levels to refill the pool, which thus represents loss of income and loss of an amenity to the community.

We have worked hard to improve conditions and behaviour on site, and the request for a change of license goes against everything we have been trying to achieve. We have liaised with our local neighbourhood policing team and taken on board various suggested strategies: looking to get the youth groups involved

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with the pool, providing our lifeguards with further training on how to maintain order and deal with difficult individuals, and making the immediate pool deck and surrounds an alcohol-free zone when lifeguards are on duty. The police did suggest making the whole site an alcohol-free area but on balance we felt it would be difficult to enforce.

We are aware that we cannot control what happens outside of the pool opening times, but at SPCIC we give a consistent message to all users of the site by controlling alcohol use.

Shoals Café currently only have an on-the-premises alcohol license, and intentionally the Shoals Café Lease between the tenants Sean and Sarah Perkes and BTC states that they can only sell alcohol on the premises:

PERMITTED USE: a Café for the sale by retail of food and alcoholic and non-alcoholic drinks for consumption ON THE PREMISES.

The proposed change of licence we believe will offer encouragement to the drinking of alcohol away from the defined trading areas of the café. The greater consumption of alcohol around the site itself is likely to make the effective running of the pool increasingly difficult and exacerbate, as detailed above, an already challenging situation.

Yours sincerely

A large black rectangular redaction box covering the signature area.

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