

Monday, 29 March 2021

LICENSING SUB-COMMITTEE

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

Thursday, 8 April 2021

commencing at **9.30 am**

Join Zoom Meeting

<https://us02web.zoom.us/j/82838433475?pwd=VGVrdnorYUxORjNqZDJMdTAvU1dmZz09>

Meeting ID: 828 3843 3475

Passcode: 291089

One tap mobile

+441314601196,,82838433475#,,,,*291089# United Kingdom

+442030512874,,82838433475#,,,,*291089# United Kingdom

Together Torbay will thrive

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

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

-
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.

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.

 5. **The Holiday Shop, Cliff Park Road, Goodrington, Paignton TQ4 6NB** (Pages 4 - 21)
To consider an application for a Premises Licence in respect of The Holiday Shop, Cliff Park Road, Goodrington, Paignton TQ4 6NB.

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

Briefing Report No: Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of The Holiday Shop, Cliff Park Road, Goodrington, Paignton TQ4 6NB

Wards Affected: **Goodrington-with-Roselands**

To: **Licensing Sub Committee** **8th April 2021**

Contact Officer: **Amanda Turner**
Telephone: **01803 208112**
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 “Public safety”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation 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 Supply of Alcohol on the premises from 9.00 until 21:00 7 days a week.

To be open to the public from 9:30 until 21:30 seven days a week.

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

“We are going to be a beach shop/tea room and garden. We would like to serve light lunches and evening meals with alcohol if required. All alcohol will be served on the premises. We are approximately 100 yards from the beach and also surrounded by residential housing and holiday lets.”

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation have been received. The Licensing Authority is also satisfied that the Representation have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received one Representation. This is from a Member of the Public (Interested Party). This is in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “Public safety”. This is shown as Appendix 2.

There have been no Representations received from any of the Statutory Consultees on this application.

- 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 One Representation received against the application (in 2 parts).

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2021-2026.

APPENDIX 1



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Susan Holmes
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Holiday Shop, Cliff Park Rd, Goodrington Paignton TQ46NB			
Post town	Paignton	Postcode	TQ46NB

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 8200

Part 2 - Applicant Details

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

- a) an individual or individuals * **Err or! Bo ok ma rk not defi ned** please complete section (A)

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

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

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

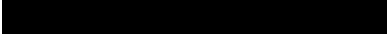
Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

E-mail address (optional)	
--------------------------------------	---

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	03 2021

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

We are going to be a beach shop/tea room and garden. We would like to serve light lunches and evening meals with alcohol if required. All alcohol will be served on the premises. We are approximately 100 yards from the beach and also surrounded by residential housing and holiday lets.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M
J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	x <input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:00	21:00			
Tue	09:00	21:00			
Wed	09:00	21:00			
Thur	09:00	21:00			
Fri	09:00	21:00			
Sat	09:00	21:00			
Sun	09:00	21:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name Susan Holmes	
Date of Birth [REDACTED]	
Address	
Postcode [REDACTED]	
Personal licence number (if known) [REDACTED]	

Issuing licensing authority (if known)
Cornwall Council

K

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

L

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

State any seasonal variations (please read guidance note 5)

Day	Start	Finish
Mon	09:00	21:30
Tue	09:00	21:30
Wed	09:00	21:30
Thur	09:00	21:30
Fri	09:00	21:30
Sat	09:00	21:30
Sun	09:00	21:30

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

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

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

b) The prevention of crime and disorder

we have installed CCTV, recording 24 hours a day facing indoors and outdoors. A burglar alarm system with door detectors and motion sensors. A local key holder who lives nearby. Food shall be available to the public while the premises are open. All staff serving alcohol shall receive training under the Licensing Act 2003. No alcohol shall be served to a person that seems drunk or approaching a state of drunkenness, these people will be removed from the premises.

c) Public safety

We have put in place fire extinguishers, smoke alarms and carbon monoxide sensors. All risk assessments have been applied. Fire regulations for fire escapes/emergency exits. Signage for fire escapes are clearly marked. Floor shall be kept clean and clear of all obstructions.

d) The prevention of public nuisance

The control of alcohol consumption, challenge 25 signage is clearly marked. Sign shall be put up to encourage customers to keep the noise down and to respect the neighbours when leaving the premises. No bottles shall be disposed of at night, these will be left for the morning.

e) The protection of children from harm

All children must be accompanied by an adult at all times (over 18). Nobody under 18 will be served alcohol at any time. The premises shall provide a large range of non-alcoholic beverages for under 18s. Challenge 25 posters will be put on display around the premises. The premises shall operate a Challenge 25 policy whereby any individual who appears to be under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.

Checklist:

Please tick to indicate agreement **x**

- I have made or enclosed payment of the fee. x
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). x

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	S Holmes
Date	12/12/20
Capacity	Applicant



LICENSING ACT 2003

CONSENT

OF INDIVIDUAL TO BEING SPECIFIED

AS PREMISES SUPERVISOR

NOTIFICATION

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

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

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

Completed forms should be returned to:

Environmental Health Manager (Commercial)
Torbay Council
Community Safety
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

Contact Details:


Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

Consent of individual to being specified as premises supervisor

I Susan Holmes
[full name of prospective premises supervisor]

Of 
.....
.....
.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises licence The Holiday Shop, Cliff Park Road, Goodrington Paignton TQ4 6NB
[type of application]

By Susan Holmes
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

For Holiday Shop, Cliff Park Road, Goodrington, Paignton, TQ4 6NB
.....
.....
.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Susan Holmes.....
[name of applicant]

concerning the supply of alcohol at Holiday Shop, Cliff Park Road, Goodrington, Paignton, TQ4 6NB
.....
.....
.....
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 
[insert personal licence number, if any]

Personal licence issuing authority Cornwall Council
.....
.....
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed S.Holmes

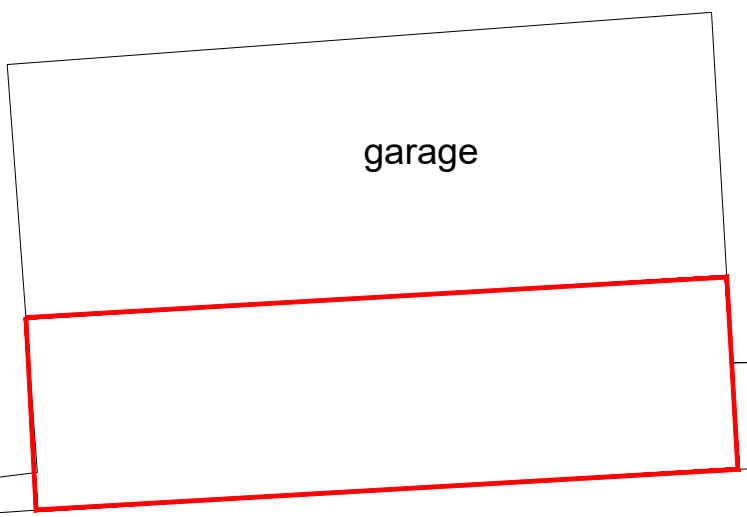
Name (please print) Susan Holmes

Date 11/02/2021

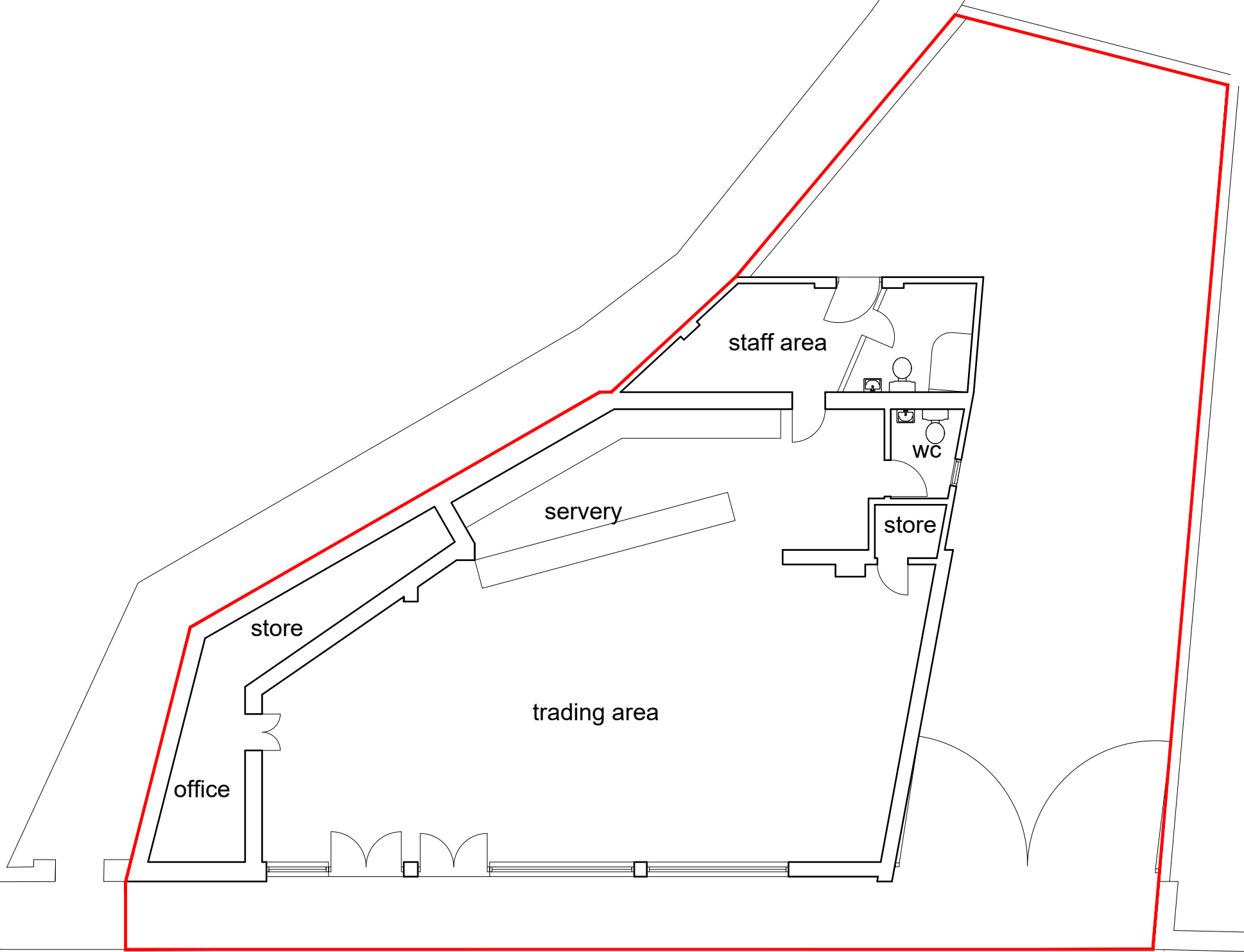


Location Plan
Scale 1:1250

Page 19



garage



office

store

trading area

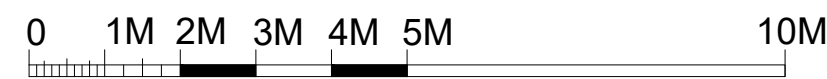
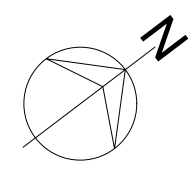
servery

store

staff area

WC

Cliff Park Road



Beach Goods Shop
Cliff Park Road
Goodrington, Paignton
TQ4 6NB

Ground Floor Plan

Scale: 1:100@A3 Drawn: DRL
1581-20-001B Date: Dec 20

ALL DIMENSIONS TO BE CHECKED ON SITE & ANY DISCREPANCIES TO BE NOTIFIED PRIOR TO COMMENCEMENT OF WORK.

Darren Law
Architecture
81 Steed Close Paignton TQ4 7SP
01803 844961 info@dl-arch.co.uk

Agenda Item 5
Appendix 3

From: [REDACTED] .com>
Sent: 03 March 2021 14:59
To: Licensing
Subject: Objection -re app. No. 058149 attn. Carrie Cottell

Thankyou for you call on 1/03/21. In order for there to be no confusion we were not suggesting that the beach shop was going to operate as an off license.

It has three indoor tables and will do takeaway food, surely Avery small tea room does not constitute a license from 9am to 9pm! You have been told there is a garden and alcohol will be served when and if she is working ! A site visit is essential to understand the size and limitations of such a small lock up shop, normally closing at 6pm in season and closed out of season. Due to open 13/03/21. .? Coved restrictions?

This is to be added to our objection initially.

Sent from my iPad

[REDACTED]
[REDACTED]

From: [REDACTED] com>
Sent: 25 February 2021 17:24
To: Licensing
Subject: Objections to application no. 058149

1) crime and prevention

Historically there were drink and drug issues, solved by torbay council allowing the land and car park to become residential. Please check police records and recent police visits to Cliff Park Road.

Prevention and public nuisance

This property has always been a lock-up, seasonal beach shop, selling buckets and spades. Currently being converted into a takeaway serving alcohol allowing potential for anti social behaviour/ smells/ waste/ litter and noise. (No planning applications submitted) This is directly opposite and adjoining permanent residential homes. i.e.:South Sands and Cliff Park Court.

Public Safety

Cliff Park Road is a single Lane used by children and families and walkers. Plus being a very popular cycle track. Congestion in season already creates problems, loading and unloading would add to these. Close to this shop alcohol is sold at: 100 yds. South Sands cafe, 300yds Waterside Inn, 400yds Inn on the quay, 500 yds. Cantina at Youngs Park. Applicant does not live on site locally, uses camper van as accommodation (refer to enforcement) There is no living accommodation at this shop.

Name and address: [REDACTED] I understand that my name and address is confidential and will not be distributed.

Sent from my iPad