

Tuesday 1 March 2022

LICENSING SUB-COMMITTEE

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

Thursday, 10 March 2022

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 Douglas-Dunbar

Councillor Ellery

Councillor Foster

Together Torbay will thrive

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Governance Support, 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. **Franx Lifestyle Café, 343 Torquay Road, Paignton, TQ3 2EP**

In accordance with the Licensing Act 2003 to consider an application for a Premises Licence in respect of Franx Lifestyle Café, 343 Torquay Road, Paignton.

(Pages 4 - 28)

Meeting Attendance

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Franx Lifestyle Café, 343 Torquay Road, Paignton, TQ3 2EP

Wards Affected: **Preston**

To: **Licensing Sub Committee** **10 March 2022**

Contact Officer: **Carrie Cottell**
Telephone: **01803 207079**
Email: **licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application for a new Premises Licence, in respect of the Premise detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives the “Prevention of Public Nuisance”, the “Prevention of Crime and Disorder”.
- 1.4 The matter must be considered on its merits, having received details of the issues arising either at a hearing or by written Representation. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.

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

2. Application

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:-

Recorded Music indoors from 23:00 until 00:00 Friday and Saturday. On New Year's Eve from 23:00 until 01:00 on the following day.

Late Night Refreshment indoors from 23:00 until 00:30 Friday and Saturday.

The Supply of Alcohol for consumption both on and off the premises from 07:00 until 23:00 Sunday to Thursday and from 07:00 until midnight on Friday and Saturday. On New Year's Eve from 07:00 until 02:00 on the following day.

Premises opening hours from 07:00 until 23:30 Sunday to Thursday and from 07:00 until 00:30 on Friday and Saturday. On New Years Eve from 07:00 until 02:30 on the following day.

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

"After extensive development work this application is to allow the sale of Alcohol with Champagne Breakfasts, Lunches, afternoon teas & deliveries with hamper style packages . This includes an external garden/patio area.

This will be a limited range of pre-packaged drinks (eg, Prosecco, Beers, Wines, Mixers). The long hours reflect the need for flexibility and also covers delivery times for Hampers."

The plan accompanying the application is shown as Appendix 2.

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

We have received 3 Representations from Interested Parties outlining their objections in relation to the Licensing Objectives the "Prevention of Crime and Disorder" and the "Prevention of Public Nuisance". These are shown as Appendix 3.

We have received 1 Representation from a Responsible Authority. This is from the Torbay Council's Public Protection Officer in relation to the Licensing Objective, the "Prevention of Public Nuisance". This is shown as Appendix 4.

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

- 2.3 The Authority is required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
- (i) to impose conditions on the licence, or
- (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
- (b) Any person who made a relevant Representation who desires to contend
- (i) that the licence ought not to have been granted, or
- (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.
- 2.7 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
- (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
- (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

- Appendix 1 Relevant sections of the application form
- Appendix 2 Plan of the Premises
- Appendix 3 Representations from Interested Parties
- Appendix 4 Representation from a Responsible Authority

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2021-26



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

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

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

[Redacted]

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 / /

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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.

After extensive development work this application is to allow the sale of Alcohol with , Champagne Breakfasts , Lunchs , afternoon teas & deliveries with hampers style packages . This includes an external garden/patio area
This will be a limited range of pre-packaged drinks (eg , Prosecco , Beers , Wines , Mixers) .
The long hours reflect the need for flexibility and also covers delivery times for Hampers

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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

Continued from previous page...

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 23:00

End 00:00

SATURDAY

Start

End

Start 23:00

End 00:00

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.

Continued from previous page...

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.

New Years eve to 01.00 the next day

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

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

[See guidance on regulated entertainment](#)

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

- Yes No

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

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

Continued from previous page...

FRIDAY

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

SATURDAY

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

SUNDAY

| | | | |
|-------|----------------------|-----|----------------------|
| Start | <input type="text"/> | End | <input type="text"/> |
| 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.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Continued from previous page...

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.

New Years eve until 02.00 the next 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)

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

Continued from previous page...

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

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

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.

New years eve until 02.30 the next 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.

The range of drinks on offer will be pre-packed and served by the staff . it will be a limited range .
The style & nature and pricing of the beverages will not appeal to the volume consumer .
There is a maximum capacity of 50 people

b) The prevention of crime and disorder

The site offers full CCTV , this is digital , and can be viewed by visiting officials up to 31 days in arrears.
The site has security alarms .
Due to the town centre proximity there are many other council run CCTV cameras in the area.
Delivery drivers will be instructed to leave alcohol in the delivery vehicle until " Challenge 25 " age verification has been completed .

c) Public safety

There is a full Fire Safety Risk assessment in place , this can be viewed at any time by visiting officials
It is a ground floor business

d) The prevention of public nuisance

The kitchen extractor system will maintained and kept in good working order.
Deliveries will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to local residents.
The accommodation above is owned by the operators
External seating will be cleared & closed by 23.00

Continued from previous page...

e) The protection of children from harm

The premises shall operate a Challenge 25 Policy. Any individual who appears to be under the age of 25 will be required to produce an approved form of photographic ID in line with Torbay Council's Licensing Statement of Principles.

All staff serving alcohol, including delivery drivers will be fully trained in their responsibilities

This training will be recorded and refreshed every 6 months.

Delivery drivers will be particularly briefed on not leaving alcohol deliveries for minors.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

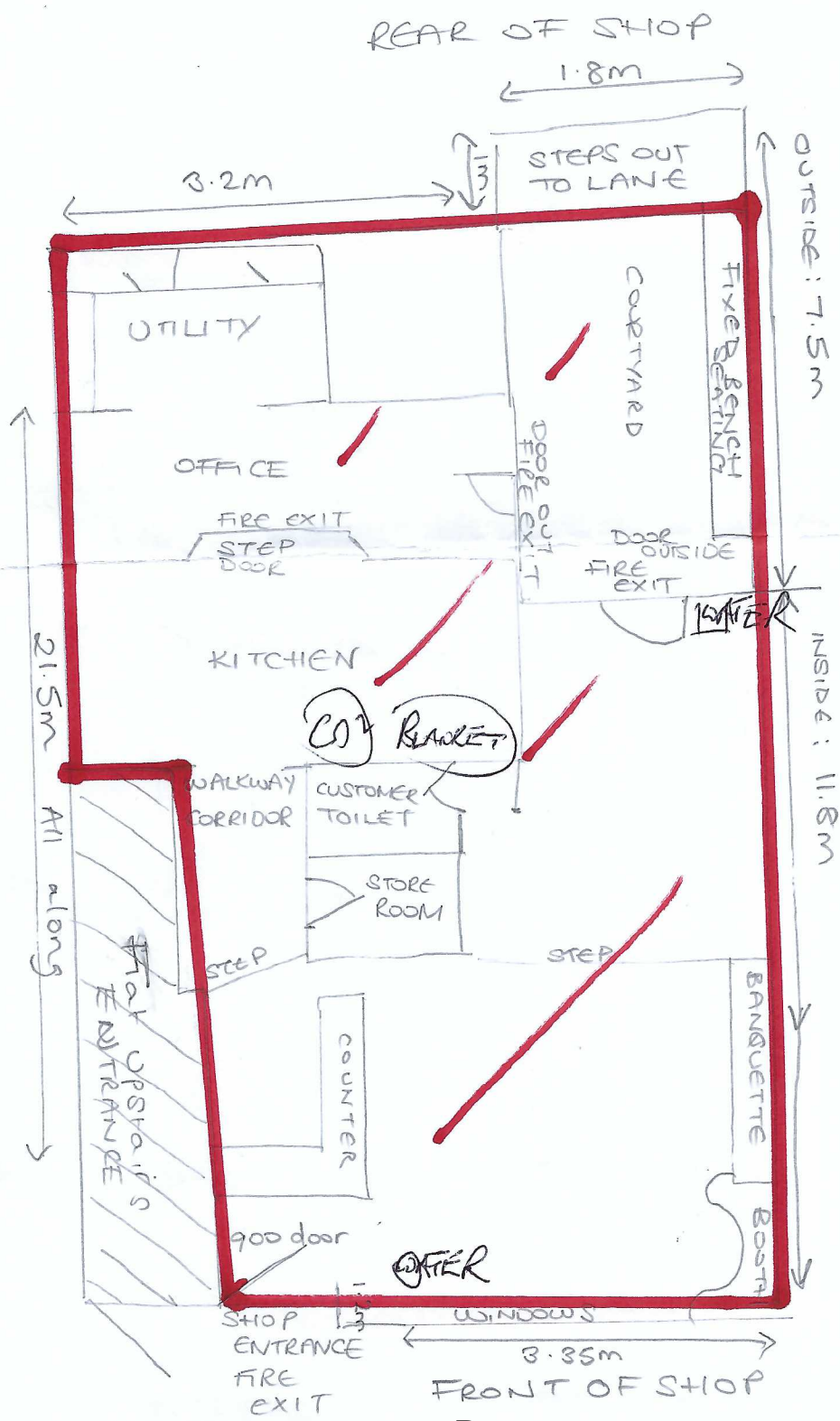
Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

AREA TO LICENSE

FRANK LIFESTYLE CAFE
343 TORQUAY ROAD





[REDACTED]

19th January 2022

Licensing & Public Protection
Torbay Council
Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Dear Sir/Madam

Application No: 060427 343 Torquay Road Paignton TQ3 2EP
Premises Licence with Alcohol Franx Lifestyle Ltd.

As the owners of [REDACTED] we wish to register our **strong objection** to the above application for a music and alcohol licence at No 343 Torquay Road.

The playing of music and serving refreshments at 23.00 – 00.00 on Friday and Saturday evenings is **unacceptable in an area where there are residents living above commercial properties**. This would particularly impair our tenants' right to live a peaceful existence [REDACTED] to such a property.

The selling of alcohol to be consumed ON and OFF premises throughout the entire week 7.00 – 23.00 (and until 00.00 on Fridays and Saturdays) would also create unacceptable noise in the street, whilst families are sleeping on first and second floors of their properties.

We trust you will take our objections into consideration before a licence is granted.

Yours sincerely

[REDACTED]

TORBAY COUNCIL
25 JAN 2022
COMMUNITY SAFETY

Executive Head of Community Safety
Torbay Council
Town Hall
Castle Circus
Torquay
Devon TQ1 3DR

23rd January 2022

Dear Sir/Madam

**RE; 343 Torquay Road, Preston, Paignton TQ3 2EP
Application for Drinks Licence and the playing of Recorded Music**

We wish to register our objection to the application by the above premises for a licence to supply, serve and consume alcohol and for the playing of recorded music.

We are residents of Preston and have been for the last 25 years. Preston is a densely populated residential area with many residents living in very close proximity to the premises.

In fact the vast majority of living space above the commercial properties on Torquay Road is arranged as living accommodation and appears to be fully occupied.

All of the streets leading off Torquay Road and to the rear of the premises are predominantly residential properties, again where there is some commercial there is living accommodation above.

The usage of this location is totally unsuitable for the purpose proposed. In particular, it is made worse by the late opening hours and therefore potential for noise from both the premises themselves and from patrons entering and leaving the building later at night.

Our full details are as follows –

[Redacted]

Yours faithfully

[Redacted Signature]

[Redacted Name]

[Redacted]

[Redacted]

[Redacted]

11 FEB 2022

COMUNITY SAFETY
Regards ~~license~~ # Frank

Lifestyle Cafe, 343 Torquay Rd

As a resident I would hate

to think if this license was granted that it would be a license to engage or incur crime or noise in anyway the owners need to know that Preston has always been respectable place and as residents want to keep it that way, we dont want noise crime or antisocial behaviour in any form in Preston and if we are compelled to have another cafe I want it given deep sort that it no way will it cause crime for police or cause loud noise if that can be made clear then I will say no more about Frank Lifestyle Cafe, 343 Torquay Road Preston T93 2 EP
ITO

[REDACTED]

[Faint, illegible handwriting on lined paper, possibly bleed-through from the reverse side of the page.]

Memorandum

| | | | |
|----------------------------------|----------|---|--------------------------------|
| To: | From | : | Community Safety |
| c.c | Contact | : | Mr Karl Martin |
| c.c. | Ext | : | 01803 208025 |
| c.c | My Ref | : | FRANX/KJM/REP |
| . | Your Ref | : | |
| For the attention of: [REDACTED] | Date | : | 14 th February 2022 |

Premises Name & Address: Franx lifestyle Ltd, 343 Torquay Road

Subject: New 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

Prevention of Public Nuisance

1. The premises is situated in a mixed-use area. Immediately above and to the left and right consist of residential units with commercial enterprises below.
2. The arrangement of former houses which have been split into mixed use is not uncommon in Torbay. However, the Authority does receive complaints from residents living above or adjacent to these types of conversions regarding noise nuisance. Predominately in the form of recorded/live music and/or noise from patrons.
3. Torbay Councils Licensing Statement of Principles P22 Para 4 states: -

'Where Applicants are completing Operating Schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.'

There is no indication in the operating schedule that the applicant has considered noise transmission through the building and impact this may have on the existing residential properties. For example, the applicant has not sought reassurance by providing information on the current sound insulation properties of the building.

4. Furthermore, the applicant seeks recorded music until midnight on a Friday and Saturday. Past 11:00pm the Live Music Act no longer applies. The applicant has not suggested any conditions on how they might control noise nuisance past 11:00pm.

5. Torbay Councils Licensing Statement of Principles P42 Para 5 states:-

'Applicants with access to outdoor spaces, such as beer gardens and designated smoking areas, may be asked to provide a written noise management plan if the location of outdoor spaces is adjacent to or in proximity of residential accommodation or hospitality services, such as hotels and B&Bs.'

The operating schedule makes reference to an outdoor seating/patio area, yet the operating schedule is silent on how this area will be controlled. The risks of nuisance occurring from an outdoor seating area situated directly under residential accommodation needs to be considered. I would urge the applicant to produce a suitable and sufficient noise management plan and propose suitable conditions.

6. Torbay Councils Licensing Statement of Principles P43 Para 9 states:-

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

7. In summary licensed premises such as bistros, restaurants and Cafes generally do not cause public or Statutory nuisance. In cases where this type of premises do it is almost always because of the lack of sound insulation between the licensed premises and adjoining residential accommodation. Applicants must consider the full impact of the proposed activity will have upon the surrounding area and show evidence in the application.

8. The Licensing Statement of Principles clearly indicates this application should not be granted as applied for. However, at this time I will not make any formal recommendations as the applicant may wish to provide further supporting evidence to alleviate the concerns raised by residents and the Responsible Authority for the Prevention of Public Nuisance.

Mr Karl Martin
Public Protection Officer
Torbay Council