

Wednesday, 28 June 2023

LICENSING SUB-COMMITTEE

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

Thursday, 6 July 2023

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 Joyce

Councillor Barbara Lewis

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 Sub-Committee.
3. **Minutes** (Pages 4 - 9)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 18 May and 8 June 2023.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **The Berry Hotel, 6 Berry Square, Paignton** (Pages 10 - 35)
To consider an application for a Premises Licence in respect of The Berry Hotel, 6 Berry Square, Paignton.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Minutes of the Licensing Sub-Committee

18 May 2023

-: Present :-

Councillors Douglas-Dunbar, Barbara Lewis and Long

17. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairman for the meeting.

18. East in the West, 39 Torwood Street, Torquay

Members considered a report on an application for a Premises Licence in respect of East in the West, 39 Torwood Street, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation received from the Police, suggesting conditions should the application for a Premises Licence be granted.	14 April 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application for a Premises Licence, responded to Members questions and confirmed that they were in agreement with the conditions outlined in the written representation submitted by the Police on 14 April 2023.

Decision:

That the application for a Premises Licence in respect of East in the West, 39 Torwood Street, Torquay be approved, subject to the additional conditions proposed by the Police and agreed by the Applicant.

Reason for Decision

Having carefully considered all the written and oral Representations, Members unanimously resolved to grant the application, having been reassured by the Applicants experience of operating a similar premises in Torbay, namely Paignton.

Members were satisfied that the imposition of the additional conditions proposed by the Police and agreed by the Applicant, would ensure the Licensing Objectives were upheld.

Not that it was envisaged by Members, but should issues of concern arise as a result of this grant, a Review of the premises licence is available to any Responsible Authority or Interested Party.

19. Chubbs, 5 Babbacombe Road, Torquay

Members considered a report on an application for a Premises Licence in respect of Chubbs, 5 Babbcombe Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Received 20 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'Public Safety'.	18 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of the 'Prevention of Public Nuisance' and 'Public Safety'.	18 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'Public Safety'.	18 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Crime and Disorder'.	14 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	20 April 2023

Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	19 April 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'Public Safety'.	20 April 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to Members questions
Member of the Public	A Member of the Public outlined their representation and responded to questions.
Member of the Public	A Member of the Public outlined her representation.
Member of the Public	A Member of the Public outlined his representation.
Member of the Public	A Member of the Public outlined her representation.

Decision:

That the application for a Premises Licence in respect of Chubbs, 5 Babbacombe Road, Torquay be approved as applied for, subject to the following additional conditions:

- 1) Smoking shall not be permitted directly outside the premises, and patrons shall be encouraged to smoke away from residential premises.
- 2) Clear and legible notices shall be prominently displayed at all exits notifying patrons that smoking directly outside the premises is prohibited.
- 3) The premises shall keep and maintain an incident log and that log shall be made available to any Responsible Authority Officer, on request.

Reasons for Decision

Having carefully considered all the written and oral Representations, Members unanimously resolved to grant the application for a Premises Licence, having heard the Applicants extensive experience of operating premises in mixed use areas. Members noted the Applicant had recognised that there may be concerns regarding noise outbreak and had taken mitigating measures by installing sound insulation to an area of the premises and detailed further mitigation works to be undertaken, in order to reduce noise outbreak through the internal walls. Thereby demonstrating to Members, the Applicant's willingness to address issues before and should they arise.

Members considered the nature of the business and intended operation, and determined that the application before them, would not cause anti-social behaviour but instead, would enhance the commercial offer of the area.

In coming to their decision, Members had careful regard to the concerns raised by interested parties, noting that there were many which were beyond the remit of the Licensing Sub-Committee and were not matters that they could take into account or base their decision upon. Of those which were within the remit, Members were satisfied once the premises was open and operating, that the Applicant would engage responsibly with its immediate neighbours to overcome any concerns, should they arise.

In concluding, Members had particular regard to the absence of any Representations received from any of the Responsible Authorities, who in their experience, are very responsive to applications and premises which cause or are likely to cause concern and undermine the Licensing Objectives. In consideration of this, Members deduced that the intended operation did not cause the Responsible Authorities a concern and this echoed their own determination, when considering the Applicant's experience and responses to their questions, and concerns raised by the Interested Parties.

Should issues arise as a result of this grant, Members noted that a Review of the Premises Licence can be sought by any Interested party or Responsible Authority.

Chairman/woman

Minutes of the Licensing Sub-Committee

8 June 2023

-: Present :-

Councillors Barbara Lewis, Tolchard and Virdee

20. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

21. Minutes

The Minutes of the meeting of the Sub-Committee held on 16 and 23 March 2023 were confirmed as a correct record and signed by the Chairwoman.

22. Babbacombe Convenience Store, 476 Babbacombe Road, Torquay

Members considered a report on an application for a Premises Licence in respect of Babbacombe Convenience Store, 476 Babbacombe Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Written representation received from the Police, setting out additional conditions for consideration should the application be granted.	10 May 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions and confirmed that they were in agreement with the conditions outlined in the written representation submitted by the Police on 10 May 2023.

Decision

That the application for a Premises Licence in respect of Babbacombe Convenience Store, 476 Babbacombe Road, Torquay be approved, subject to the additional conditions proposed by the Police and agreed by the Applicant.

Reason for Decision

Having carefully considered all the written and oral Representations, Members unanimously resolved to grant the application, having been satisfied that the imposition of the additional conditions proposed by the Police and agreed by the Applicant, would ensure the Licensing Objectives were upheld. Members were reassured by the absence of representations from any other Responsible Authority.

Not that it was envisaged by Members, but should issues of concern arise as a result of this grant, a Review of the premises licence is available to any Responsible Authority or Interested Party.

Chairman/woman

TORBAY COUNCIL

Public Agenda Item: Yes

Title: **The Berry Hotel, 6 Berry Square, Paignton, TQ4 6AZ**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee** **6th July 2023**

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 Crime and Disorder” and the “Prevention of Public Nuisance”.

1.4 The matter must be considered on its merits, having received details of the issues arising either at a hearing or by written Representation. 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:-

The Supply of Alcohol for consumption on the premises from 12:00 until 23:00 Monday to Sunday and 24 hours a day for residents staying at the hotel.

Premises opening hours from 07:00 until 23:30 Monday to Sunday and 24 hours a day for residents staying at the hotel.

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

“Alcohol for sale and consumption for residents of the hotel and for members of public using the restaurant.”

The plan accompanying the application is shown in 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 a relevant Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale and has not been subsequently withdrawn.

We have received 6 Representations from Interested Parties, in relation to the Licensing Objectives, the “Prevention of Crime & Disorder” and the “Prevention of Public Nuisance”. These are shown in Appendix 3.

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

Rachael Hind
Regulatory Services Manager

Appendices

- Appendix 1 Relevant sections of the application form
- Appendix 2 Plan of the Premises
- Appendix 3 Representations from 6 Interested Parties

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

Not Currently In Use

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

Name

First name

Family name

Contact Details

E-mail

Telephone number

Fax number

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

Is the applicant's business registered outside the UK?

- Yes No

Continued from previous page...

Commercial register

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

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

User Profile

Name

First name

Family name

Continued from previous page...

Contact Details

E-mail

Telephone number

Fax number

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.

Your Business

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

Is your business registered outside the UK? Yes No

Commercial register

The entity with which your business is registered, for example "Amsterdam Chamber of Commerce".

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

Your position in the business

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Address

Building number or name	<input type="text" value="The Berry Hotel, 6"/>
Street	<input type="text" value="Berry Sqaure"/>
District	<input type="text"/>
City or town	<input type="text" value="Paignton"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="TQ4 6AZ"/>
Country	<input type="text" value="United Kingdom"/>

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

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

Continued from previous page...

Address

Building number or name	<input type="text" value="The Berry Hotel, 6"/>
Street	<input type="text" value="Berry Sqaure"/>
District	<input type="text"/>
City or town	<input type="text" value="Paignton"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="TQ4 6AZ"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

E-mail	<input type="text"/>
Telephone number	<input type="text" value="REDACTED"/>
Fax number	<input type="text"/>
Other telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="7,500"/>

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

INDIVIDUAL APPLICANT DETAILS

Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail

Telephone number

Other telephone number

Date of birth / /
dd mm yyyy

Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

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...

Address

Building number or name	<input type="text" value="The Berry Hotel,6"/>
Street	<input type="text" value="Berry Sqaure"/>
District	<input type="text"/>
City or town	<input type="text" value="Paignton"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="TQ4 6AZ"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Fax number	<input type="text"/>
Other telephone number	<input type="text"/>
Date of birth	<input type="text" value="[REDACTED]"/> / <input type="text" value="[REDACTED]"/> / <input type="text" value="[REDACTED]"/> dd mm yyyy

Nationality	<input type="text" value="[REDACTED]"/>
<input type="button" value="Remove this applicant"/>	

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

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?	<input type="text" value="03"/> / <input type="text" value="06"/> / <input type="text" value="2023"/> dd mm yyyy
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If you wish the licence to be valid only for a limited period, when do you want it to end	<input type="text"/> / <input type="text"/> / <input type="text"/> 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.

Alcohol for sale and consumption for residents of the hotel and for members of public using the restaurant.

Continued from previous page...

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.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

Start

End

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

Start

End

End

Continued from previous page...

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.

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.

For residents staying in the hotel sale of alcohol is available 24hours a day.

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

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

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'.

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.

Continued from previous page...

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

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.

The premises is open 24 hours for the residents staying in the hotel.

Continued from previous page...

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.

All external doors and windows shall be maintained in good order. The licence holder is also required to comply with the provisions of the Licensing Act 2003. The measures covered by various legislation should not be repeated in the premises licence in accordance with the section 182 Guidance to Licensing Authorities.

b) The prevention of crime and disorder

Minimum of two staff to be on duty at times the premises remain open for sale.
All staff engaged in licensable activity at the premises will receive training and information in relation to the following: · The challenge 25 scheme in operation at the premises including the forms of identification that are acceptable · The hours and activities permitted by the premises license and the conditions attached to the license · How to complete and maintain the refusals register in operation at the premises · Recognising the signs of drunkenness · The operating procedures for refusing service to any person who is drunk, underage or appears to be underage, or appears to be making a proxy purchase · Action to be taken in the event of an emergency, including reporting an incident to the emergency services Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records shall be retained for at least 12 months.

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- the date and time of refusal
- the reason for refusal
- details of the person refusing the sale
- description of the customer
- any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

c) Public safety

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

Fire extinguishers must also be on the premises to protect the place from fire hazards.

Clear exit signs must also be available.

d) The prevention of public nuisance

Speakers will not be located in the entrance lobby outside the premises.

All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.

Clear and legible notices shall be prominently displayed at all points requesting patrons to respect the needs of local

Continued from previous page...

residents and businesses and to leave the vicinity as quickly and quietly as possible.

e) The protection of children from harm

The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products shall be asked for proof of their age.

Challenge 25 notices will be prominently displayed in the premises

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

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 in the processing of the application form, and will only be

* disclosed where necessary under any applicable legislation and certain circumstances should the application be successful such as publication of business details on a public register, it may also be shared for the purposes of enforcement

Ticking this box indicates you have read and understood the above declaration

You have the right to access 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 207467.

* Further information can be found on the Information Governance pages on Torbay Council's internet pages at www.torbay.gov.uk

Ticking this box indicates you have read and understood the above declaration

* 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

Ticking this box indicates you have read and understood the above declaration

* I have gained permission from all licence holders in making this application

Ticking this box indicates you have read and understood the above declaration

[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).

Ticking this box indicates you have read and understood the above declaration

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).

* Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

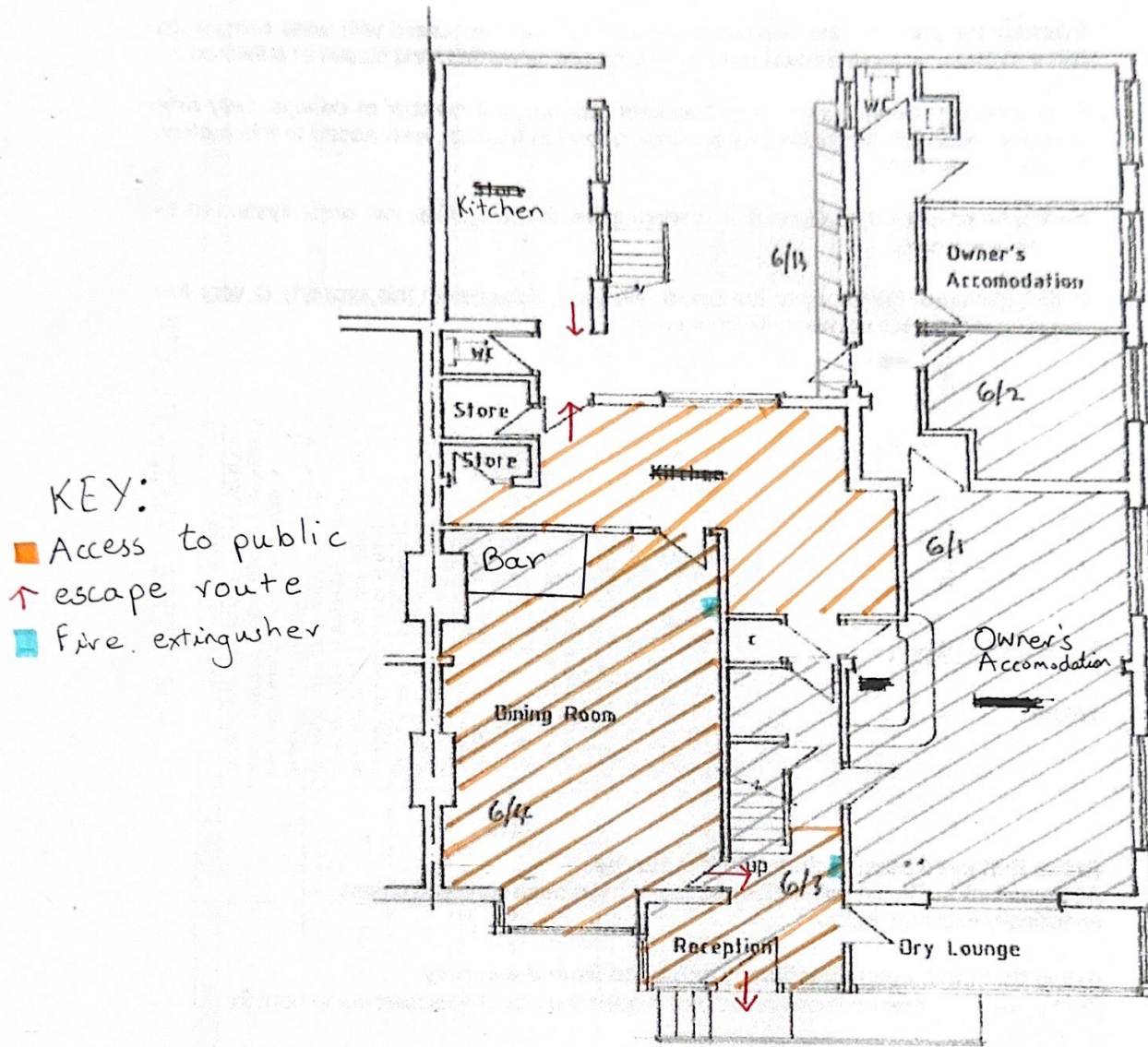
1. Save this form to your computer by clicking file/save as...
 2. Go back to to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

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

Building Plans Showing the Extent and Location of
Asbestos Containing Materials

Section 4/1



KEY:

- Access to public
- ↑ escape route
- fire extinguisher

Ground Floor Plan

Not to scale for identification only

©Blackdowns Chartered Surveyors 2007

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	<p>To whom it may concern. I've just heard that the Berry Hotel, Paignton TQ4 6AZ has applied for a drinks licence to non residents. My wife and I are not happy about this and do object to this drinks licence application, this is mainly a residential area which has a private road to the properties, this will cause late night disturposes, we already have to listen to late night revellers coming out of other bars, car doors banging, arguments from some who drink too much and often with bad language so this will just add to the commotion we have to listen to at night. We already have to protect our parking in front of our property, this license is not needed, there are plenty of bars in the surrounding area. My address is 4 Berry Square TQ4 6AZ , With kind regards. [REDACTED]</p>
Title	[REDACTED]
Contact Forename	[REDACTED]
Contact Surname	[REDACTED]
Contact Phone	[REDACTED]
Customer Address	[REDACTED]
Post Code	[REDACTED]
Email	[REDACTED]
Notes	

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	Hi I have serious concerns around the granting of an alcohol license in the property [REDACTED] [REDACTED] It is a guesthouse at the moment. The owner has had an extension to rear and raised roof height without any planning permission. The area of the property which was used years ago for alcohol sales / bar was on the kernau rd side, the area that would be used now is their current guest dining area and we can already hear chatting in the daytime let alone the noise from guests dining and drinking (I believe as he previously ran a Indian/ Nepal restaurant he wants to open the guest dining area and serve Indian food and sell alcohol. Berry square is now predominantly a quiet residential square. We do not want the noise and associated problems alcohol sales bring. Also we aren't sure why an alcohol license is needed with so many places to drink locally.
Title	[REDACTED]
Contact Forename	[REDACTED]
Contact Surname	[REDACTED]
Contact Phone	[REDACTED]
Customer Address	[REDACTED]
Post Code	[REDACTED]
Email	[REDACTED]
Notes	

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	I wish to register a complaint .I have literally just discovered that a licensing application has been lodged by the Berry Hotel for 24 hr consumption on their premises and the deadline for comment is June 12th. This has been kept very quiet by our neighbours who have applied. I, on behalf of myself, husband and mother in law, can only object in the strongest possible terms . We live in a small row of houses , two of which are B and Bs, the Berry Hotel being one of them. We already deal with issues re parking both from clients of the B and Bs concerned and people casually driving into our PRIVATE garden expecting to be able to park. Noise is already an issue too due to our proximity to the Spinning Wheel and Hyde Dendy, with drunks screaming and shouting at all hours. I am told by a neighbour that the eventual aim is to open an Indian restaurant on the ground floor of the hotel which will be open to the public . It would also seem that preliminary building work has already commenced. The licensing application would appear to be the first step since I am informed by your planning dept that no such application exists for said restaurant. Most of the residents in Berry Square are of or near pension age and we would strongly object to anything which would create more noise and disturbance beyond that to which we are already subject. Thank you for your kind consideration
Title	█
Contact Forename	██████
Contact Surname	██████████
Contact Phone	██████████
Customer Address	██
Post Code	██████
Email	████████████████████
Notes	You will certainly be receiving more objections from other property owners and tenants over the weekend . Please be aware that we have only found out about this as of today Friday 9th June and we are all quite distressed.

From: [REDACTED]
To: [Licensing](#)
Subject: Representation alcohol license berry square
Date: 10 June 2023 02:12:42

[REDACTED]

Dear sir / madam

My name is [REDACTED] I have already sent representation on behalf of my family and myself who live next door to the Berry hotel. This was done using the digital form.

Myself and all the local residents I've spoken to wish to raise a question please, the notice in the window of the Berry hotel was only displayed on Saturday the 3rd June and we don't feel we have had the time to organise a response that covers the feeling of the local residents. This hasn't given us the 28 days we feel we should have been entitled too. As a [REDACTED] I feel I should have been informed directly rather than another neighbour informing me.? Is this right?

Representation

An elderly neighbour has asked me if I could email you her representation as she doesn't use email, she has dictated this is her words.

Her details are [REDACTED] and you can call her on [REDACTED].

Im really worried that this will bring unnecessary crime, violence and public disorder which happens on just about every premise that serves alcohol, my husband and myself are just [REDACTED] away from the Berry hotel and scared of the problems this will bring, this is a very quiet square where with private access for our mobility scooters, there will definitely be increased noise and people leaving drunk, more then likely damage to privately parked cars, flower planters, increased rubbish, general anti social behaviour associated with drink. This square has a group of residents that are proud of our small community, my grandchildren play on the grass in front of us, they can't do that safely with more strangers constantly walking through drunk . I've been told that the owners intention is not sell alcohol to guests but ultimately to customers as he has told people he intends to open the current guest dining area as a Indian/ Nepalese restaurant as until recently he owned one in winner street.

He has had building work to the rear store and extended and turned it into a commercial kitchen , there was no planning consent granted.

Currently the agreement in the square is we all use the grass directly in front of us , however with additional people coming there will be parking issues for residents, the roads around us are already saturated with guests from mercure hotel on weekends.

Why does he need a license ? It's not for current customers that stay in his hotel, there's the spinning wheel pub and The Hyde dandy pub behind the Berry hotel out on the main road.

Since the [REDACTED] B&B turned residential other then the [REDACTED] b& B (who also have older guests) next to them the square is purely residential flats and houses,it is quiet,peaceful, has no violence and granting a license to serve alcohol all day is a recipe for disaster , we have a beautiful square please don't grant this license as it will cause regular nuisance and upset for all of us.

If given 28 days I can prepare a local petition to show public opinion.

Thank you

Sent from my iPad

From: [REDACTED]
To: [Licensing](#)
Subject: Concerns of Granting application.
Date: 12 June 2023 18:56:33

[REDACTED]

To whom this may concern.

My Details are as follows.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Regarding the licence application of :

The Berry Hotel

Address: 6 Berry Square, Paignton, TQ4 6AZ
Type of application: Grant of premises licence
Licensing application: [The Berry Hotel's application](#)
Last date for representations: 12 June 2023

I must express my concerns of a licence to serve alcohol.

My experiences have led me to believe that this square already has enough degenerate behaviour, litter and is not safe to go out at night without a chaperone when it gets dark and clients of the Spinning Wheel and Hyde and Dendy are leaving the premises.

I am worried that I will see more inebriated people on the communal lawn we share and damage to vehicles parked in our private parking spaces.

I regularly witness trouble such as shouting broken bottles and gatherings behind my house as it is. I hope this does not encourage more.

If applicant stands by the rules of the application and they are adhered to. Such as drinking on the premises and not gatherings outside on the lawn. I trust this will not be an issue.

Thanks,

[REDACTED]