

Wednesday, 22 May 2024

STATUTORY LICENSING SUB-COMMITTEE

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

Thursday, 30 May 2024

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Douglas-Dunbar

Councillor Tolchard

Councillor Virdee

A Healthy, Happy and Prosperous Torbay

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

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

STATUTORY 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. **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. **Arena Torquay, 39-41 Torwood Street, Torquay** (Pages 3 - 78)
To consider an application for a Premises Licence in respect of Arena Torquay, 39-41 Torwood Street, Torquay.
6. **Adjournment**
To consider adjourning the meeting until 1.30 pm on Thursday, 30 May 2024 to deal with the remainder of the business.
7. **Wall Park Touring & Centry Road Camping, Centry Road, Berry Head, Brixham** (Pages 79 - 116)
To consider an application for a Variation to a Premises Licence in respect of Wall Park Touring & Centry Road Camping, Centry Road, Berry Head, Brixham.

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Arena Torquay, 39-41 Torwood Street, Torquay

Wards Affected: **Tormohun, Torquay**

To: **Licensing Sub Committee**

30 May 2023

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ 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 Objective “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.

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, Responsible Authorities and all Interested Parties, following the determination of the matter.

2. Torbay Council Cumulative Impact Assessment

- 2.1 The premises subject of the application is situated within a Torbay Council Cumulative Impact Assessment (CIA) area.

The Torbay Council Cumulative Impact Assessment 2024-27 states:

“Cumulative Impact has been used a term to describe the stress that a large number of licensed premises can have on crime and disorder, nuisance and the demand on local services. The guidance describes cumulative impact as ‘the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area’. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the accumulation of the premises and the people attending them that creates the increased problems and demands on services.”

The Cumulative Impact Assessment creates a rebuttable presumption that applications for a new premises licence or club premises certificate or the variation of an existing licence or certificate in these area will normally be refused where:

- Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas.
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing Objectives.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure.

The Licensing Authority will consider the locality and local trading environment when assessing applications. For example, while a large nightclub or high-capacity public house might add to the problems, a small restaurant or theatre may not.

3. Application

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

A brief description of the application, is as follows:-

The sale of alcohol by retail for consumption on the premises between 1000 and 0300 hours Monday to Sunday.

Provision of Plays, indoors only, between 1000 and 0000 hrs Monday to Sunday.

Provision of Films, indoors only, between 1000 and 0000 hrs Monday to Sunday.

Provision of Indoor Sporting Events between 1000 and 0000 hrs Monday to Sunday.

Provision of Boxing or Wrestling, indoors only, between 1000 and 0000 hrs Monday to Sunday.

Provision of Live Music, indoors only, between 1000 and 0300 hrs Monday to Sunday.

Provision of Recorded Music, indoors only, between 1000 and 0330 hrs Monday to Sunday.

Provision of Performances of Dance, indoors only, between 1000 and 0000 hrs Monday to Sunday.

Provision of Late Night Refreshment, indoors only, between 2300 and 0300 hrs Monday to Sunday.

Opening hours of the premises between 1000 and 0330 hours Monday to Sunday.

The Applicant has also requested "On New Years Eve from the close of business on New Years Eve to the opening of business on New Years Day" in respect of all the above activities and the opening hours.

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

"The premises will be used as a mixed entertainment venue, not a nightclub, with ancillary bar/lounge space. The venue area will host a range of entertainment such as concerts, comedy nights, record fairs, exhibitions, private event hire, wrestling/boxing, film, basically anything related to the entertainment genre. We will also be encouraging new musicians and artists and helping them to perform along with under 18 club nights. The bar/lounge will be open to the public, available for hire or open for specific events and to support the main function room on large events as required. We would like to serve food whenever open and also anticipate operating hours varying between 10.00 hr – 03.30 hrs. We would seek a 1200 capacity as although the space can accommodate more people this figure would comply with the fire escape capacity."

The plan accompanying the application is shown in Appendix 2.

- 3.2 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 a Representation from Devon and Cornwall Police in respect of a reduction in the opening hours on Sundays to Thursdays to 0200 hrs, with the sale of alcohol finishing at 0130 hrs on these days, and the addition of further

conditions to the licence. The Applicant has indicated that he agrees with the recommendations of the Police. A copy of this agreement is shown in Appendix 3.

We have received Relevant Representations from Mr Thomas West, Environmental Health Officer, 10 Interested Parties who oppose the application, and 2 Relevant Representations from Interested Parties who support the application. These Representations are shown in Appendix 4.

No other Relevant Representations have been received from any other Responsible Authority or Interested Party.

- 3.3 Copies of all Representations were forwarded to the Applicant on Friday 10 May 2024. Later that day the Officer received an email from the Applicant's Representative indicating that, having considered the Representations, the Applicant has decided to further reduce the hours sought as follows:

Live Music 1000 – 0000 hrs Monday to Sunday
Recorded Music 1000 – 0130 hrs (last 30 minutes to be ambient music for the egress of persons) Monday to Sunday
Late Night Refreshment 2300 – 0100 hrs Monday to Sunday
Sale of Alcohol 1000 – 0100 hrs Monday to Sunday
Opening Times 1000 – 0130 hrs Monday to Sunday

A copy of this email is contained in Appendix 5.

- 3.4 The Authority is required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 3.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 3.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 3.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 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.
- 3.8 Following such Appeal, the Magistrates' Court may:-

- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager (Commercial)

Appendices

- Appendix 1 Relevant sections of the application form
- Appendix 2 Plan of the Premises
- Appendix 3 Agreement reached between Devon and Cornwall Police and the Applicant
- Appendix 4 Representations from Environment Health and Interested Parties
- Appendix 5 Email from Applicant regarding a reduction in hours for activities

Documents available in Members' rooms

None

Background Papers:

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

- Torbay Council Licensing Policy 2021-26
- Torbay Council Cumulative Impact Assessment 2024-27

* 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 | <input type="text" value="Not Currently In Use"/> | This is the unique reference for this application generated by the system. |
| Your reference | <input type="text" value="Arena Torquay 1"/> | 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? | <input checked="" type="radio"/> Yes <input type="radio"/> 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 | <input type="text" value="Steven"/> | |
| * Family name | <input type="text" value="Garratt"/> | |
| * E-mail | <input type="text" value="[REDACTED]"/> | |
| Main telephone number | <input type="text" value="[REDACTED]"/> | Include country code. |
| Other telephone number | <input type="text"/> | |
| <input type="checkbox"/> | 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? | <input checked="" type="radio"/> Yes <input type="radio"/> No | Note: completing the Applicant Business section is optional in this form. |
| Registration number | <input type="text" value="15634109"/> | |
| Business name | <input type="text" value="Arena Torquay Ltd"/> | If the applicant's business is registered, use its registered name. |
| VAT number | <input type="text" value="-"/> <input type="text" value="None"/> | Put "none" if the applicant is not registered for VAT. |
| Legal status | <input type="text" value="Private Limited Company"/> | |

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 private individual acting as an agent

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

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.

Is your business registered outside the UK? Yes No

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 Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* 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.

The premises will be used as a mixed entertainment venue, not a nightclub, with ancillary bar /lounge space. The venue area will host a range of entertainment such as concerts, comedy nights, record fairs, exhibitions, private event hire, wrestling/boxing, film basically anything related to the entertainment genre. We will also be encouraging new musicians and artists and helping them to perform along with under 18 club nights.
The Bar / lounge will be open to the public, available for hire or open for specific events and to support the main function

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room on large events as required.

We would like to serve food whenever open and also anticipate operating hours varying between 10.00 hrs - 03.30 hrs. We would seek a 1200 capacity as although the space can accommodate more people this figure would comply with the fire escape capacity.

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

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Continued from previous page...

Will the performance of a play 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 performing plays

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

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

Non standard timings. Where the premises will be used for the performance of a play 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 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- 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

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WEDNESDAY

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Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

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SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

State any seasonal variations for the exhibition of film

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

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

Non standard timings. Where the premises will be used for the exhibition of film 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 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing indoor sporting events?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

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

State any seasonal variations for indoor sporting events

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

New Years Eve - From the close of business on New Years Eve to the opening of business on New Years Day.

Continued from previous page...

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

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

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Continued from previous page...

SUNDAY

Start End

Start End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

State any seasonal variations for boxing and wrestling entertainment

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

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

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

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

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes No

Standard Days And Timings

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

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WEDNESDAY

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| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:00"/> |
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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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

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

- Indoors Outdoors Both

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

State any seasonal variations for the performance of live music

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

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

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

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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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.

Continued from previous page...

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.

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

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.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

Start End

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SUNDAY

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Start End

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

Indoors Outdoors Both

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

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

State any seasonal variations for the performance of dance

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

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

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

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

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

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 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

Continued from previous page...

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

New Years Eve - From the close of business on New Years Eve to te opening of business on New Years Day.

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

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

Continued from previous page...

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.

New Years Eve - From the close of business on New Years Eve to the opening of business on New Years Day.

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.

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 / /

Continued from previous page...

Enter the contact's 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"/> |
| Personal Licence number (if known) | <input type="text" value="24/00123/LPER"/> |
| Issuing licensing authority (if known) | <input type="text" value="Teignbridge District Council"/> |

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.

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.

Continued from previous page...

TUESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="03:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

State any seasonal variations

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

New Years Eve - From the close of business on New Years Eve to the opening of business on New Years Day.

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.

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)

Continued from previous page...

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

The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
The Premises Licence Holder/DPS shall be available/contactable at all times and be responsible for cooperating and liaising with any responsible authority.

b) The prevention of crime and disorder

A CCTV system of an evidential standard must be installed to the satisfaction of the Police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
The premises shall install, operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:

- i. Cover all public areas of the licensed premises, including entry and exit points. This also includes any outside areas under the control of the premises licence holder. (The location of cameras can also be specified on the plan attached to the premises licence).
- ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
- iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- iv. Have a constant and accurate time and date generation.
- v. Store recordings for a minimum period of 14 days with date and time stamping.
- vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998
- vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
- viii. The CCTV system will capture a minimum of 4 frames per second.
- ix. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).

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

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. 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 annual 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 will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons

Continued from previous page...

- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

As a standard, all drinks served shall be served in toughened or strengthened glasses.

Door Staff

The number of SIA registered door supervisors shall be in attendance at the premises in the following numbers, days & times listed below and employed until 30 minutes after closing time each day.

Monday, Tuesday, Wednesday, Thursday and Sunday - No SIA door supervisors unless the Risk Assessment by management requires it.

Friday and Saturday – As a standard, a minimum of 2 SIA Door supervisors will be on duty from 21.00 hours until close on Friday and Saturday nights. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers. During peak times a minimum of 4 SIA door supervisors will be on duty from 2100hrs until close. For the purposes of this premises licence “peak times” is defined by school holidays and tourist season which runs from June – August.

DPS and/or the premises licence holder will be responsible for conducting risk assessments for the requirement of additional door staff especially during busy periods, public holidays, or any other events such as sporting events or festivals.

A Risk Assessment with a full review will be completed every quarter, but immediate action will be taken if there is seen to be evidence to suggest an increase to the volume of SIA trained door staff is required on any particular day.

A register of door staff will be maintained with the name, date, license number and times that the door staff were on duty. This will be available to any representative of the police or local authority when requested.

A search policy shall be in place and will include procedures for the confiscation of prohibited articles, such as drugs and weapons.

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.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

All premises must have emergency lighting, tested daily and a log maintained.

d) The prevention of public nuisance

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 08.00 hours or after 23.00 hours.

Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 23.000 hours. This shall be assessed from the boundary to the nearest residential properties, on all side of the licensed premises. The criteria that shall be applied are: -

- 1 - Before 23.00 hours – Noise emanating from the premises shall not be clearly distinguishable above other noise.
- 2 - After 23:00 hours – Noise emanating from the premises shall not be distinguishable above background level noise.

Continued from previous page...

3 - The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.

A senior member of staff (Manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure level of noise have not increased.

No deliveries (in relation to licensable activities) to the premises shall take place between 20.00 hours and 09.00 hours.

No fumes, smoke, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Ventilation equipment will be regularly cleaned and maintained to control the levels of fumes, smoke, steam or odour generated by 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.

During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area outside the premises. This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity as quickly and quietly as possible.

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

e) The protection of children from harm

The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. 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 6 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 will be retained for at least 12 months

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

* 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.

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

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

* 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

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

[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).

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?"

* Full name

* Capacity

* Date / /
dd mm yyyy

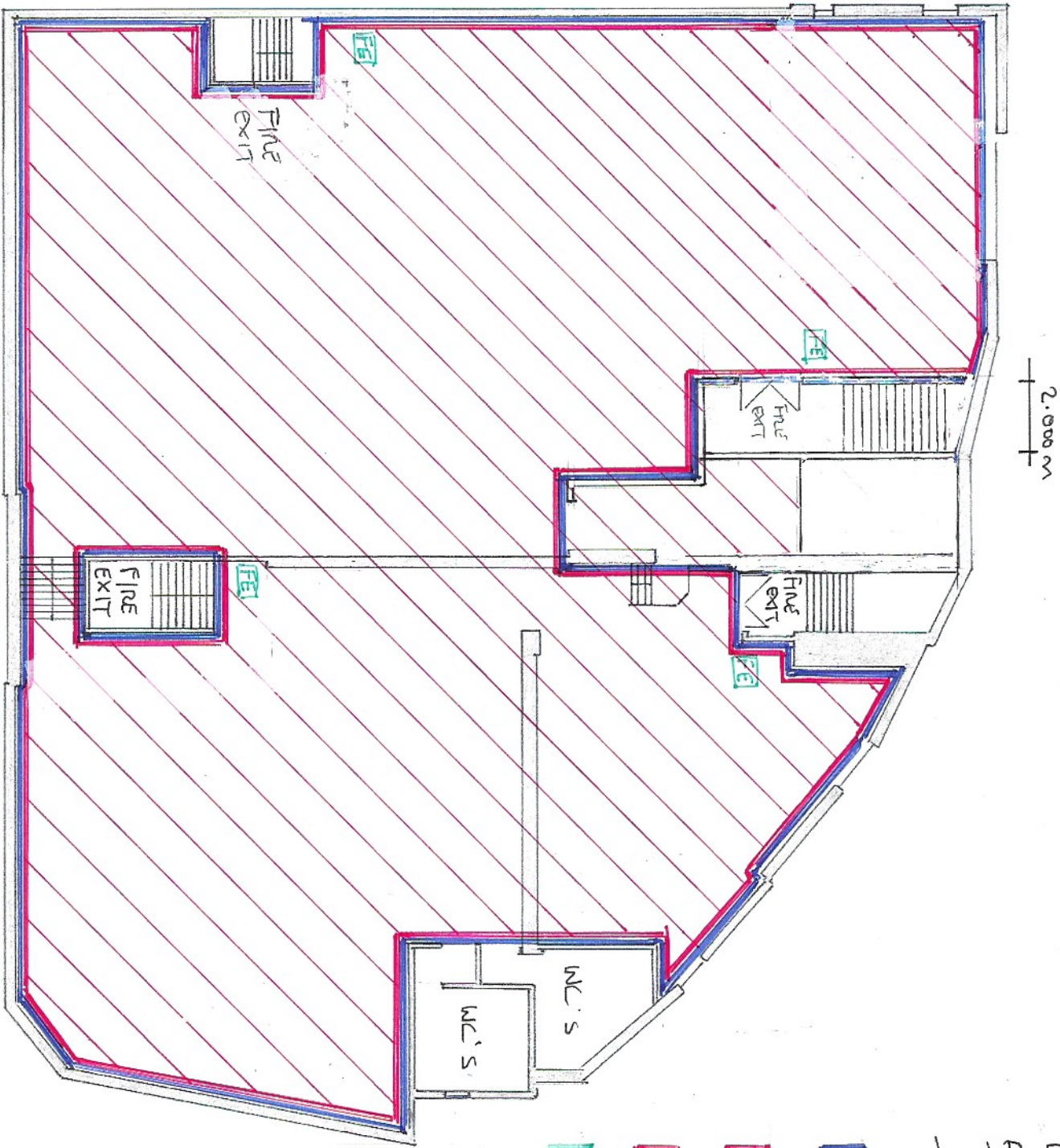
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/torbay/apply-1> 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



LICENSING PLAN
 AVENA TORQUAY 39-41
 TOMWOOD STREET
 TORQUAY TQ1 1DZ

- REGULATED ENTERTAINMENT
 - RETAIL SALE OF ALCOHOL
 - CONSUMPTION OF ALCOHOL
 - FIRE EXTINGUISHER
- SCALE 1:20 A4

From: [SHOTTON Rachael 57742](#)
To: [Licensing](#)
Cc: [GIFFORD Olivia 31386](#)
Subject: RE: Torbay Council new premises licence application - Arena Torquay
Date: 29 April 2024 16:12:15
Attachments: [image001.png](#)
[image004.jpg](#)
[image006.png](#)
[image003.png](#)
[image007.jpg](#)
[Re - Additional conditions Arena.pdf](#)
[Arena Conditions - Final v1 \(002\).docx](#)

Good afternoon,

We wish to make a representation in the above-named matter on the basis that the application omitted conditions relevant to the operation of the business and upholding the four Licensing objectives.

As a responsible authority we are aware that this application is of concern therefore to mitigate any risk of this application being granted without robust conditions we have ensured that the applicant has demonstrated within their operating schedule that there will be no negative impacts on the four Licensing Objectives.

We have been able to reach a mutual agreement with the applicant (see attached email thread).

Should the agreed upon conditions be accepted onto the licence then we will be happy to withdraw our representation.

Kind regards

Rachael SHOTTON (57742)

Police Alcohol Licensing Officer (Torbay)
Drug and Alcohol Harm Reduction
Prevention Department
Torquay Police Station
South Street
Torquay
TQ2 5AH

[REDACTED]

[REDACTED]

[REDACTED]

From: Licensing <Licensing@torbay.gov.uk>

Sent: Thursday, April 11, 2024 3:53 PM

To: [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Dear all

Please find attached an application with supporting information for a new premises licence for:

- **Arena Torquay, 39-41 Torwood Street, Torquay, TQ1 1DZ**

The date to return any comments by is **Thursday 9 May 2024**.

Kind regards
Laura



Laura Wright | Admin, Finance and Performance Leader | Community Safety
Town Hall, Castle Circus, Torquay TQ1 3DR
[Redacted]

www.torbay.gov.uk
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For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

From: [Hayley Carpenter](#)
To: [SHOTTON Rachael 57742](#)
Subject: Re: Additional conditions
Date: 29 April 2024 10:24:23
Attachments: [image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good Morning Rachael,

Thank you for your email.

I have just spoken to Steve and although he has no objection to adding that condition we have added in when they are required. As during day time or early evening events door staff may not be on duty. Worded as it is would mean the venue would always have to have a SIA registered door person on duty just to watch any smokers.

I hope that this is okay.

1. Any congregation of patrons for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors when they are required, so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions
[REDACTED]

On Mon, Apr 29, 2024 at 9:53 AM SHOTTON Rachael 57742

[REDACTED] > wrote:

Good Morning Hayley,

I am aware that you have negotiated conditions with Olivia, she is now on annual leave and we are looking to forward the revised conditions to Torbay Council by the end of today.

We would like to lastly add a condition to alleviate the concerns around the smoking provision of patrons in order to minimise compromising the objective of Prevention of crime and disorder and public nuisance. If your only smoking area is out the front of the building please can you suggest a condition to add to your operating schedule that demonstrates how you will manage this aspect. For example similar to the management of queues:-

1. Any congregation of patrons for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

Please can you respond asap so as that this can be finalised today.

Kind regards



Rachael

SHOTTON (57742)

Police Alcohol Licensing Officer (Torbay)

Drug and Alcohol Harm Reduction

Prevention Department

Torquay Police Station

South Street

Torquay

TQ2 5AH

[Redacted]

[Redacted]

From: Hayley Carpenter [Redacted]

Sent: Friday, April 26, 2024 12:50 PM

To: GIFFORD Olivia 31386 [Redacted]

Subject: Re: Additional conditions

Hi Liv

I think we have got there, happy to accept that condition.

Thanks once again for all you help.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions
[REDACTED]

On Fri, Apr 26, 2024 at 12:28 PM GIFFORD Olivia 31386

[REDACTED] wrote:

Hi Hayley,

14 days is fine by me, though I think you've misunderstood my intentions here.

- Where there is a planned event that will finish after 0100hrs and will have attendance of 500 or more, responsible authorities will be advised in writing at least 14 days before the event.

To be clear, this can be via email.

To give an example:

D&B Nightclub Club Type Event starts at 2100hrs, finish at 0300hrs with an audience of 501, you'd need to give us the heads up.

DJ Event, Ends at 0200hrs, 300 attendance, we don't need to know.

Wedding/Private Event starts at 1400, finishes at 0100, 200 in attendance, we don't need to know.

Hopefully that makes sense. I'm essentially asking that we're informed when there are large scale/riskier events that will impact the late nighttime economy and potentially police resourcing. With that knowledge we can also then provide guidance on any Event Management Plans if that support is required. We also have knife arches and other resources that can be utilised for large scale events,. I'm hoping that this way we can support management of the premise to manage the impact on the licensing objectives.

Many thanks,



Gifford

Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

[Redacted]

[Redacted]



From: Hayley Carpenter [Redacted]
Sent: Friday, April 26, 2024 11:45 AM
To: GIFFORD Olivia 31386 [Redacted]
Subject: Re: Additional conditions

Hi Olivia

Thank you for your continued support and guidance with this application.

I have checked the conditions and all are correct.

I have had a discussion with Steve regarding the final condition you would like added.

Would it be possible to change it to 14 days notice? The reason being, sometimes artists become available at very short notice. For example they may be doing a gig in Exeter and then their agent releases more availability to book due to changes in travel arrangements/timings etc. It would be a shame to miss out on some of these last minute opportunities that do happen in this business. because we could not meet the 28 day criteria.

We would also like to amend the time to 1.30 to allow for soft egress of the venue, so if the gig/event ends at 1 am we have until 1.30 for people to leave. Or do you mean that the event is scheduled to end at 1 but 1 is not the time that the venue has to close?

Kind Regards

Hayley Carpenter

HJC Licensing Solutions

[REDACTED]

On Fri, Apr 26, 2024 at 10:11 AM GIFFORD Olivia 31386

[REDACTED] > wrote:

Good Morning,

Thanks for your amendments, happy with those.

I did give some options for you to choose from re: late night events, the other option was to inform authorities in advance when a late-night event was planned – this will help to pre-empt Police Resourcing in the CIA. Perhaps this will be less restrictive?

- Where a planned event will run past 01:00hrs with anticipated attendance of 500 or more, responsible authorities will be advised in writing 28 days before the event.

I have attached a final (?) draft with all amendments – could you please double check that everything is present and correct? Let me know if there are any issues. Hopefully we've cracked it!

Many thanks,



Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Hayley Carpenter <[Redacted]>

Sent: Wednesday, April 24, 2024 4:31 PM

To: GIFFORD Olivia 31386 [Redacted]

Cc: Steve Garratt [Redacted]

SHOTTON Rachael 57742 <[Redacted]>

Subject: Re: Additional conditions

Good Afternoon Olivia

I had just finished making amendments to the conditions when your new proposals came through. I have spoken to Steve and agreed that the timings regarding the protection of children from harm will now remain at 23.00 hours.

I have now only got too small changes in wording for the conditions. I have attached them and highlighted them in red. Hopefully you will be happy with the wording of these. Please let me know if you would like it worded differently.

With regard to limiting the number of late nights per annum this would severely impact on the business. It has already been agreed to amend the terminal hour from Sunday to Thursday to 02.00 hours. The original licence for this venue was until 5 am. We have pulled this back to 3.30 am which is 30 minutes earlier than some of the nearby establishments. To restrict the number of times that we can remain open until 3.30 would be prohibitive to the business.

Thank you for the considerable amount of time you have given to these conditions. It is very much appreciated. Hopefully we now have conditions that everyone is happy to move forward with.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions

[REDACTED]

On Wed, Apr 24, 2024 at 3:45 PM GIFFORD Olivia 31386
[REDACTED] wrote:

Hi Steve,

Thanks for coming back to me.

I've made some amendments and added some comments. Again, happy to discuss further, though I'm afraid I'll have to be steadfast in the conditions surrounding under 18s.

- The premise will be permitted to run a total of X late night (past Xan) events per calendar year - **Do you mean after 3.30am?** No, I mean late events past an

agreed upon time. For me late night means past 1am, but this could be negotiable.

Many thanks,



Liv Gifford

Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

[Redacted]

[Redacted]

[Redacted]

From: Steve Garratt [Redacted]

Sent: Wednesday, April 24, 2024 1:00 PM

To: GIFFORD Olivia 31386 <[Redacted]>

Hayley Carpenter [Redacted]

Cc: Dan Sheldon [Redacted]

Subject: RE: Additional conditions

Afternoon Liv,

Thanks for your continued input into this to find a mutual agreement.

I don't think we are too far away but have made a few comments, in orange, on the word document that I hope make sense and we can compromise on. I totally understand someone may come along and operate differently but we have a long lease and don't intend to move on. It may be that a condition to review the license if it did change may satisfy concerns if that's an option?

One question I did have relates to the below point

- The premise will be permitted to run a total of X late night (past Xan) events per calendar year - **Do you mean after 3.30am?**

Although a different business plan, as an example the Apple & Parrot have a flat 10am – 3.30am license 7 days a week, as does the Foundry I believe? I am happy though to change the hours to Thursday/ Friday / Sat 3.30am (3am stop serving, 30 minutes to safely move everyone out) then change Sunday to Wednesday to 2am - serve till 1.30am then 30 mins clear out) if that compromises.

If we needed to open later Sunday – Wednesday, which is unlikely, then we could do a TENS.

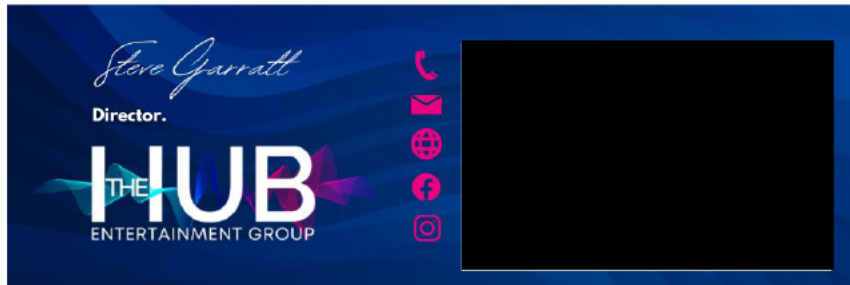
In terms of first aid provision, at concert for example, we would have a small dedicated medical team, both current PLH are first aid trained and any door staff have to have EFAW as a minimum.

Hope this all makes sense please let us know of any other concerns or if you'd like to discuss my comments further.

Best Regards

Steve

Kind Regards, Steve.



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To learn more about how we collect, keep, and process your private information in compliance with GDPR, please view our privacy policy. This policy was last updated on 01/09/2022

From: GIFFORD Olivia 31386 [REDACTED]
Sent: Wednesday, April 24, 2024 9:49 AM
To: Hayley Carpenter [REDACTED]; Steve Garratt
[REDACTED]

Dear Steve / Hayley,

Many thanks for sending over the additional conditions.

We've put our heads together and come up with some suggested conditions which cover some of the concerns we had regarding the application for Arena. Specifically, we had concerns around the lack of consideration for how events involving under 18s and mixed events will be managed, as well as first aid provisions, queue/smoking area management, dispersal and a safeguarding and welfare policy. Please see the attached document and let me know your thoughts.

Further, the suggested hours of operation are a concern. While I can appreciate where you're coming from in terms of the flexibility to host late night events such as game/music releases and the occasional D&B night, the concern is that the space could be utilised as a nightclub by yourselves or future leaseholders which contradicts the aims of the Licensing Authority's CIA policy. That being said, I have no desire to make

those business opportunities a no go for you, so I wonder if we could come to a compromise by using one of the following conditions:

- The premise will be permitted to run a total of X late night (past Xam) events per calendar year
- Where a planned event will run past X time, responsible authorities will be advised in writing 28 days before the event

Rachael and I would be more than happy to discuss this with you should you require more guidance and suggest that a meeting via teams would be most efficient.

Kind Regards



Liv Gifford

Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

[Redacted]

[Redacted]

[Redacted]

From: Hayley Carpenter <[Redacted]>
Sent: Sunday, April 14, 2024 8:57 PM
To: Smart, Julie <[Redacted]>; GIFFORD Olivia 31386
[Redacted]
Subject: Additional conditions

Good Morning Julie and Olivia

I am on holiday but I want you to know that I have been considering additional conditions. I have outlined a few that need to be included but will also need to amend the condition on times for under 18,s to accommodate private functions such as weddings, as this is to be a multi purpose venue. I appreciate that we wil need to consider more conditions without making the licence onerous. Please find attached my initial additions.

This is to cover the sporting events, under 18 nights, inclusive nights and private functions.

The windows in the smaller area will be limited to 5 and will be shuttered and closed. Live music will be in the larger area that has no windows. Lobbies will be created at the top of the stairs to both entrances to avoid noise leakage, as opposed to the front doors which will make the premises look closed.

Apologies that this is not more comprehensive. We were on a timescale to get the application submitted as all work to the premise is dependent on getting the licence granted.

Again happy to work with all authorities to get the conditions in line.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions



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Revise the opening hours - Sunday to Thursday 2 am with a last sale of alcohol, live music at 1.30.
Recorded music until 2 am so that quitter chill down/ ambient music can be played whilst people are leaving.

SECTION 18

General

1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Recognising the signs of drunkenness.
 - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - vi. 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 annual 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 will be retained for at least 12 months.
2. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
3. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. The DPS or Premises Licence Holder will provide the Responsible Authorities with a copy of an up-to-date Operations Manual for the Premises annually on the anniversary of the opening date (together with a summary or index identifying any updates made).
5. Where a planned event will run past 01:00hrs with anticipated attendance of 500 or more, responsible authorities will be advised in writing 28 days before the event.

The prevention of crime and disorder

- 1) A CCTV system of an evidential standard must be installed to the satisfaction of the Police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.

The premises shall install, operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:

- i. Cover all public areas of the licensed premises, including entry and exit points. This also includes any outside areas under the control of the premises licence holder. (The location of cameras can also be specified on the plan attached to the premises licence).
- ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
- iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- iv. Have a constant and accurate time and date generation.
- v. Store recordings for a minimum period of 14 days with date and time stamping.
- vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998
- vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
- viii. The CCTV system will capture a minimum of 4 frames per second.
- ix. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).

- 2) Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
- 3) An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
 - i. Any incidents of disorder or of a violent or anti-social nature
 - ii. All crimes reported to the venue, or by the venue to the police
 - iii. All ejections of patrons
 - iv. Any complaints received
 - v. Seizures of drugs or offensive weapons
 - vi. Any faults in the CCTV system

vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

4) All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses.

5) From 2200hrs no alcohol shall be sold or supplied in glass bottles from which it is intended or likely that a person shall drink.

6) The number of SIA registered door supervisors shall be in attendance at the premises in the following numbers, days & times listed below and employed until 30 minutes after closing time each day.

Sunday – Thursday when the premise is open past 01.00 hours a minimum of 2 SIA Door supervisors will be on duty from 21.00 hours. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers

Friday and Saturday – As a standard, a minimum of 2 SIA Door supervisors will be on duty from 21.00 hours until close on Friday and Saturday nights. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers.

During any boxing event a minimum of 6 SIA door supervisors will be on duty.

7) DPS and/or the premises licence holder will be responsible for conducting written risk assessments for the requirement of additional door staff especially during busy periods, public holidays, or any other events such as sporting events or festivals.

8) A Risk Assessment with a full review will be completed every quarter, but immediate action will be taken if there is seen to be evidence to suggest an increase to the volume of SIA trained door staff is required on any particular day.

9) A register of door staff will be maintained with the name, date, license number and times that the door staff were on duty. This will be available to any representative of the police or local authority when requested.

10) A search policy shall be in place and will include procedures for the confiscation of prohibited articles, such as drugs and weapons.

11) A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.

Public safety

- 12) In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
- 13) The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
- 14) The premises must have emergency lighting, tested daily and a log maintained.
- 15) For boxing and wrestling, an appropriately qualified medical practitioner shall be present when entertainment Any event involving wrestling or similar sport - the public shall not occupy any seat within 2.5 metres of the ring.
- 16) When a ring is constructed, it shall be of an appropriate nationally recognised standard and any material shall be of a fire resistant nature.
- 17) Any event involving wrestling or similar sport - the public shall not occupy any seat within 2.5 metres of the ring.
- 18) The premises licence holder and/or the DPS must ensure that at all times there are adequate first aid arrangements. Suitable protective equipment must be provided to deal with hypodermic needles, blood spillages and other body fluids.
- 19) Any queue to enter the premises which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.
- 20) The premises licence holder and/or the DPS must take precautions to maintain occupancy levels.
- 21) All SIA licensed door supervisors will be provided with working radios to enable them to contact each other and the duty manager at the premises at all times whilst on duty.

The prevention of public nuisance

- 1) The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 08.00 hours or after 23.00 hours.
- 2) Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 23.00 hours. This shall be assessed from the boundary to the nearest residential properties, on all side of the licensed premises. The criteria that shall be applied are: -
 - 1 - Before 23.00 hours – Noise emanating form the premises shall not be clearly distinguishable above other noise.
 - 2 - After 23:00 hours – Noise emanating from the premises shall not be distinguishable above background level noise.
 - 3 - The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property. A senior member of staff (Manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure level of noise have not increased.
- 3) No deliveries (in relation to licensable activities) to the premises shall take place between 20.00 hours and 09.00 hours.
- 4) No fumes, smoke, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 5) Ventilation equipment will be regularly cleaned and maintained to control the levels of fumes, smoke, steam or odour generated by the premises.
- 6) 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.
- 7) During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area outside the premises. This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 8) The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.
- 9) Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
- 10) When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity as quickly and quietly as possible.

- 11) A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

- 12) Any congregation of patrons for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors when they are required, so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

The protection of children from harm

- 1) The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.

- 2) **Under 18 events may take place to which the following conditions shall apply:**
 - a) These events shall finish no later than 23:00 hours after which there will be a 30 minute period before the venue opens to over 18s

 - b) The police shall be notified in writing or email at least fourteen days prior to the event.

 - c) During International Student events a minimum of two SIA door stewards must be employed throughout the event. In addition, the PLH/DPS shall carry out a risk assessment based on the type of event being held and taking into account the ratio of students' leaders to students attending, and employ further door stewards, if at all, at such times and in such numbers as determined by that risk assessment.

 - d) All alcohol shall be locked away and/or obscured from view.

 - e) All gaming machines with prizes shall be unplugged and locked.

 - f) All promotional material relating to alcohol shall be removed.

 - g) Any person refusing to be searched shall be refused entry.

 - h) The event shall be promoted to ages 14 years and above.

 - i) International Student events shall be restricted to International Students only.

 - j) Throughout under 18 events, the DPS or personal licence holder must be present.

 - k) Shall be limited to 15 event per calendar year

3) Under 18 and over 18 mixed concerts, comedy or similar events may take place to which the following conditions shall apply:

a) These events shall finish no later than 23.00 hours. After the event has finished, those who are over 18 years old may re-queue outside the premises for re-entry via a separate entrance allowing for the venue to be thoroughly checked and cleaned.

b) The police shall be notified in writing or email at least fourteen days prior to the event.

c) A wristband system will be in place to identify customers who are under 18. This will not apply to private functions such as weddings and events aimed at under 14's, i.e. children's entertainment.

d) Throughout the event the door stewards will request and check ID of those people consuming alcohol to ensure that no-one under the age of 18 is consuming alcohol. Bar staff will still check ID while serving drinks. Staff will not serve alcohol to anyone they believe may be purchasing alcohol on the behalf of someone else, and in these circumstances, staff will immediately inform a member of management or a member of door staff.

e) Any person refusing to be searched shall be refused entry.

f) The DPS or personal licence holder must be present throughout the event.

4) Under 18's at private functions (Weddings, Private parties)

The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.

No persons under the age of 18 years shall be permitted in the premises after 23.00 hours.

All persons under the age of 18 must be accompanied by a responsible adult.

5) A written safeguarding and welfare policy shall be in place and operated at the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.

6) 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.

| |
|---|
| Licensing Act 2003 Environmental Health Representation |
| Application Details |
| Premises: Arena Torquay |
| Name of Applicant: Steve Garratt |
| Address: 39 – 41 Torwood Street, Torquay, TQ1 1DZ |
| Type of Application: Alcohol (On)/Entertainment Licence/ Late Night Refreshment Licence |
| Representation |
| This department would like to make the following representation: |
| I consider the application to undermine the following licensing objectives: |
| The Prevention of Public Nuisance |
| The likely effect of granting the licence as applied will undermine the licensing objectives because: |
| <p>All of the below points relate to the objective of the prevention of public nuisance. Should the licence be granted, I consider the likely effect to be as follows:</p> <ol style="list-style-type: none"> 1.) Live and recorded music emanating from the premises are likely to cause nuisance, particularly late into the night, based on previous history of the premises. 2.) Noise nuisance from customers queuing and smoking outside the entrance. 3.) Noise nuisance from customers loitering, and associated noise from anti-social behaviour. 4.) Smoking related littering |
| Recommendations |
| <p>I therefore recommend that this application is refused because:</p> <p>An application has been received by Torbay Council’s Licensing department for a new premises licence. This new application looks to re-instate the building belonging to the former nightclub known as Bohemia. During the periods between 2009 – 2013, Torbay Council’s Licensing department and environmental health department received several complaints relating to noise nuisance from nearby residents regarding the nightclub.</p> <p>This department has concerns with regards to the location of the proposed venue. The application for this premises licence lies within the boundary of Torbay Council’s cumulative impact area.</p> <p><i>“Cumulative Impact has been used as a term to describe the stress that a large number of licensed premises can have on crime and disorder, nuisance and the demand on local services. The guidance describes cumulative impact as ‘the potential impact on the promotion of the licensing objectives of a number of</i></p> |

licensed premises concentrated in one area'. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the accumulation of the premises and the people attending them that creates the increased problems and demands on services" (Source: Torbay Council Cumulative Impact Assessment 2024 - 2027).

At present, this area of Torbay is host to several existing licensed premises including a nightclub 'The Foundry' which operates until 03:30 hrs Monday to Sunday.

I have concern that the addition of a similar venue situated in close proximity to others of its type will give rise to increased noise nuisance. I suspect that this will be created by noise breakout from the venue itself but also from a significant increase in numbers of 'partygoers' in the area.

Torbay Council's Cumulative Impact Assessment 2024 – 2026 states that:

"In CIA's, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives."

The proposed venue is also surrounded by residential properties. There are flats directly opposite and there are several residential streets around the back of the property. Section 6 under the Prevention of Public Nuisance on page 42 of Torbay Council's Statement of Licensing Principles 2021 – 2026 states:

"6. Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the Applicant".

I have reviewed the proposed conditions under Annex 2, particularly with reference to the prevention of public nuisance objective. There are some conditions under this section which look to mitigate the effects of noise disturbance. Notably, the proposed condition which states:

Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 23.000 hours. This shall be assessed from the boundary to the nearest residential properties, on all side of the licensed premises. The criteria that shall be applied are: -

1 - Before 23.00 hours – Noise emanating form the premises shall not be clearly distinguishable above other noise.

2 - After 23:00 hours – Noise emanating from the premises shall not be distinguishable above background level noise.

3 - The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.

However, in view of the proposed activities and structure of the existing building, I fail to see how this condition can be met.

As mentioned, the premises has previously operated as a nightclub and has been closed since 2013. The Environmental Health Department received a number of complaints during this time about noise from music and from people congregating in the street. The previous premises Bohemia also has the same condition imposed on their licence but were not able to adhere to it. I can say this with confidence as between 2009 and 2013, the environmental health department were in receipt of 18 complaints about noise. These were made by residents in nearby properties including Torwood Street, Meadfoot Road and Trinity Hill.

Whilst the business has advised that it will not be operating as a nightclub, the noise implications are likely to be the same or worse as they have advised that they will be using the premises as:

“a mixed entertainment venue to host a range of entertainment such as concerts, comedy nights, record fairs, exhibitions, private event hire, wrestling/boxing, film, and basically anything related to the entertainment genre.”

We also have concern over the timings of the activities proposed under the provision of regulated entertainment. Notably, boxing/wrestling until 03:30am, recorded music until 03:30 and live music until 03:00. Such activities, along with their proposed timings will likely create an atmosphere that is conducive to very loud, night-time economy type venues. Such premises tend to attract large crowds, typically in drink and prone to making lots of noise, shouting, and having loud conversations into the early hours.

There appears to be no provision of mitigation against the effects of noise created by large crowds of people congregating outside the premises. Notably, there appears to be no provision of a dedicated smoking area and therefore customers are likely to congregate on the pavement area to smoke. There is no indication in the application as to how this will be managed. We note that the applicant has since agreed an additional condition with the Police with regards to managing smokers. However, the premises are only providing door staff at certain times and therefore there could be customers congregating outside with no management if the premises closes at 1am.

Owing to the proposed nature of the venue and estimated footfall, there will also be an increased likelihood for customers to queue outside the entrance and loiter outside when leaving the building/waiting for taxis. To the best of our knowledge there is only one entrance to the premises on Torwood Street. There is no suggestion of how this would be managed either. I believe this to be an issue considering when Bohemia was in operation, we received a number of complaints from nearby residents advising that loud shouting and conversations were being had outside the premises.

A noise abatement notice was served in December 2010 due to excessive noise from amplified music emanating from the premises. Further to this, a letter was sent in 2011 to the previous premises supervisor to reinforce the notice following further complaints after it had been served. The letter advised that there were several weak elements to the structure where noise was suspected to be leaking from. These included, the rear door to the premises as used by staff, the opening

for the cellar ventilation and the ventilation duct in the toilet that opened into the cellar area. There were issues with the boarded over windows on the lower end of the club where disused ventilation ducts were present.

In November 2013, the owner closed the building with the intention to carry out additional sound proofing as part of a refurbishment before reopening. However, they decided to relocate the business and the premises has not been open since. A noise limiter was in place at this premises, but noise was still causing disturbance due to escape from these openings. There were issues with the bass speakers and the noise was vibrating throughout the structure.

The original Bohemia premises licence is still in place. The applicant has applied for a new licence as they wish to increase the hours from the original licence. Please refer to Section 7 under the Prevention of Public Nuisance section on page 43 of Torbay Council's Statement of Licensing Principles 2021 – 2026 which states: ***The Authority will presume against the grant of new or variations to Premises Licences and Club Premises Certificates where there are extensions in operational hours, or the addition or extension of activities (regulated entertainment) that may cause public nuisance, and the Applicant cannot demonstrate that they have properly considered the issue of nuisance.***

There is also no information on the application form to advise if any additional sound proofing has been carried out to this building to prevent noise disturbance to nearby residents. Please refer to Section 8 and 9 under the Prevention of Public Nuisance on page 44 of Torbay Council's Statement of Licensing Principles 2021 – 2026 which states:

8. To demonstrate proper consideration, Applicants are strongly encouraged to engage the services of and obtain appropriate advice from those with the expertise in this field, to explore what if any mitigation measures could be put in place to alleviate the impact of potential nuisance arising from their premises operations.

9. 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.

Please also refer to section 12, 13 and 14 on page 43 also states:

The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for Applicants:

- ***Is an acoustic report needed if the application involves live or recorded music and later hours?***

- ***Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?***
- ***Can details of any measures to minimise the noise caused by patrons outside the premises be provided?***
- ***How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.***
- ***Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise?***
- ***The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.***
- ***Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.***
- ***Include details of dispersal policies, and consider the role of door supervision and winding down periods.***
- ***Will music sound levels and tempo be reduced towards the end of the evening?***
- ***Will lighting be increased towards the end of the evening?***
- ***Will there be an area for patrons to use whilst waiting for taxis, such as wind-down/chill out areas?***

13. If an application is expected to be contentious or noise problems already exist, expert advice should be sought. Applicants are advised to employ a noise consultant before an application is submitted but ideally before signing a lease agreement, if applicable.

14. Sound attenuation works can be very costly and Applicants should factor in the costs into their budget. It can be more expensive and inconvenient if noise breakout is not mitigated at the build stage. The consultant's report should be submitted as part of the application, or a proposed condition that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.

I therefore recommend that this application is refused.

Licensing representation

| | |
|-------------------------------|---|
| Date and Time Submitted | 25 April 2024 22:04:17 |
| Name of the premises: | Arena Torquay |
| Support/Object to application | Object |
| Address of the premises: | 39 - 41 Torwood Street Torquay Devon TQ11DZ |

Applicant Details

| | |
|------------------------------------|------------------|
| In what capacity are you applying? | Any other person |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Email address: | [REDACTED] |
| Address: | [REDACTED] |


Representation

Which of the following Licensing Objectives is this representation relevant to?


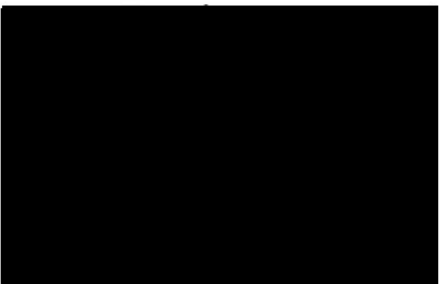
| | |
|--|---|
| This representation is relevant to the following Licensing Objectives | The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm |
| The reason for your representation: | <p>I object to this application on the grounds of noise, nuisance and antisocial behaviour adding to the already existing problems that happen along Torwood Street regularly. Almost every weekend and some nights during the week, notably Wednesday, Friday and Saturday and sometimes Sunday nights, where intoxicated people are shouting and screaming from 11pm through to 3 am and sometimes later, along with the noise of staff on their way home from the businesses further down Torwood Street that park outside of where i live, all of which affect my sleep and my life along with other residents on Torwood Street. Having lived at my current address since 2003 i understand how bad things can be on this street. The building in question has a history of noise, antisocial behaviour along with violence that spilled out onto the street, and sound leakage, that kept me awake which was never addressed and should be rectified before any license is granted. The</p> |

| | |
|--|---|
| | various remedial works to resolve the noise problem with the property failed, including the installation of noise limiters. |
| Is there any reason why you do not want your personal details to be passed on to the premises license holder? | Yes |
| What is the reason you do not want your personal details to be passed on to the premises license holder? | I do not wish to be contacted by the premises license holder. |
| Would you like to include any documentation in support of your representation | No |
| Uploaded Files | |

Confirmation

| | |
|---|--|
| I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder. | 1 |
| Full name: |  |



From  To Torbay Council
Address  Town Hall
Date 25/4/24 TQ1 3DR

I object to the licensing application:

Arena Torquay

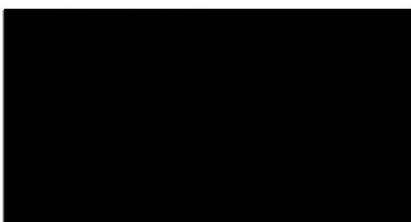
39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises Licence:

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

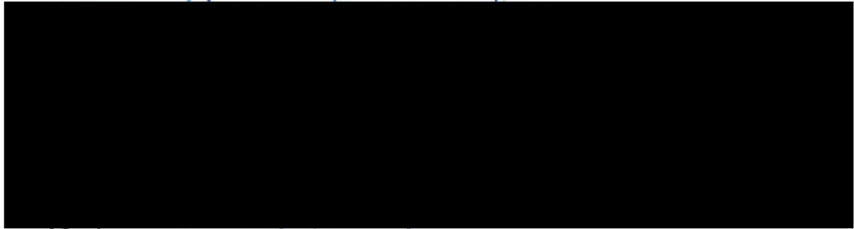
Yours sincerely

A large black rectangular redaction covering the signature area.

From



Address



To Torbay Council
Town Hall
TQ1 3DR

Date

26/04/2024

I object to the licensing application:

Arena Torquay

39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises Licence:

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be a rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

Yours sincerely



30 APR 2024

From



Address



To Torbay Council
Town Hall
TQ1 3DR

Date 26 April 2024

I object to the licensing application:

Arena Torquay

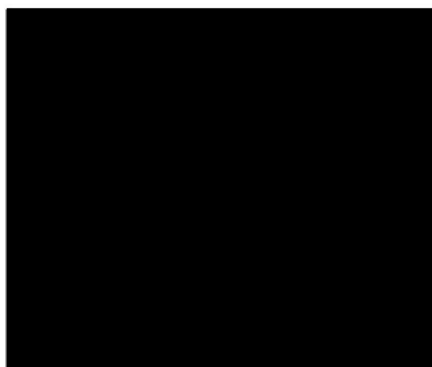
39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises Licence:

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be a rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

Yours sincerely



The area has improved markedly in the absence of this night club in particular as regards noise and people urinating and vomiting in our premises which led to us having to fence our premises and install security lighting.

TORBAY COUNCIL
30 APR 2024
COMMUNITY SAFETY

From [redacted] To Torbay Council
Address [redacted] Town Hall
[redacted] TQ1 3DR
Date 26-4-2024 [redacted]

I object to the licensing application:

Arena Torquay

39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises Licence:

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be a rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

Yours sincerely [redacted]



From 
Address 

To Torbay Council
Town Hall
TQ1 3DR

Date 25th APRIL 2024

I object to the licensing application:

Arena Torquay

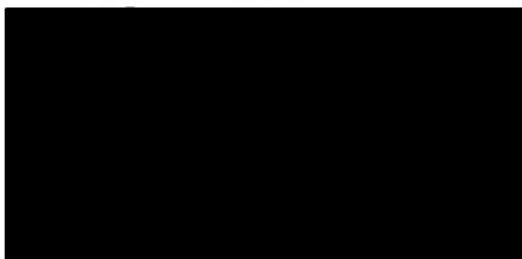
39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises
Licence:

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be a rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

Yours sincerely



From [REDACTED] To Torbay Council
Town Hall
Address [REDACTED] TQ1 3DR
[REDACTED]

Date 23/4/24

I object to the licensing application:

Arena Torquay

39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises Licence:

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be a rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

Yours sincerely [REDACTED]

TORBAY COUNCIL
- 7 MAY 2024
COMMUNITY SAFETY

From

[REDACTED]

To

Torbay Council
Town Hall
TQ1 3DR

Address

[REDACTED]

[REDACTED]

Date 01-05-24

I object to the licensing application:

Arena Torquay

39-41 Torwood Street, Torquay, Devon, TQ1 1DZ

Open application 067024 which is a New Application for Premises Licence:

THIS Building is ONLY 4.9 meters from our home and there is no way we will put up with this!

I object to this application on the grounds of noise, nuisance and antisocial behaviour that this building has a history of when last used as a nightclub. There is a particular problem with noise breaking out through the roof which has not been addressed and at the very least should be a rectified before a licence is granted.

The various remedial works that were tried historically to solve the problems all failed including the installation of a noise limiter.

Yours since

[REDACTED]

Licensing representation

| | |
|-------------------------------|--------------------------------------|
| Date and Time Submitted | 07 May 2024 19:12:42 |
| Name of the premises: | 39-41 Torwood street TQ1 1DZ |
| Support/Object to application | Object |
| Address of the premises: | 39-41 Torwood Street Torquay TQ1 1DZ |

Applicant Details

| | |
|------------------------------------|------------------|
| In what capacity are you applying? | Any other person |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Contact number: | [REDACTED] |
| [REDACTED] address: | [REDACTED] |
| Address: | [REDACTED] |

Representation

Which of the following Licensing Objectives is this representation relevant to?

| | |
|--|---|
| This representation is relevant to the following Licensing Objectives | The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm |
| The reason for your representation: | Having only been made aware of application and no residential neighbours invited to a meeting on Tuesday 7th May, as being the closest residential property that will be very effected by this licence being granted, At the moment Torwood gardens road is under a massive problem with anti social behaviour that is linked to both drugs and alcohol, over the past six months we have had to allow access to our Cctv for police officers from stabbing to disorderly conduct. Torwood street has just got back to having a good reputation for street dining and would not benefit from another licence premises being open until 3.30am as the local police can not handle what is happening in the Bay. With regards to the noise, there is no way that this can be retained within the premises and not cause a nuisance to local residents let alone the new |

| | |
|---|--|
| | <p>multi million pound hotels that Torbay Council have so invested in over the last few years. Smoking areas that are shown are on the footpaths outside the premises that will again deter people using the restaurants, it was only last week when there was an event at Foundry police officers had to attend for two hours allowing locals and tourists get passed safely. After putting in time and lots of money into Torbay hospitality and our personal property that is less than 5 meters away we strongly suggest that this be refused. With regards to the safety of Children I can not understand why there would be a licences premises running alongside an application for a children's soft play directly below the said premises, and the play area would be received by all local businesses in Torquay. I would like to strongly object to the application due to noise more</p> |
| <p>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</p> | <p>No</p> |
| <p>Would you like to include any documentation in support of your representation</p> | <p>No</p> |
| <p>Uploaded Files</p> | |

Confirmation

| | |
|--|-------------------|
| <p>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.</p> | <p>1</p> |
| <p>Full name:</p> | <p>██████████</p> |

Licensing representation

| | |
|-------------------------------|---|
| Date and Time Submitted | 09 May 2024 14:44:06 |
| Name of the premises: | Arena Torquay |
| Support/Object to application | Object |
| Address of the premises: | Arena Torquay 39-41 Torwood Street Torquay TQ1 1DZ |

Applicant Details

| | |
|------------------------------------|--------------------------|
| In what capacity are you applying? | Any other person |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Contact number: | [REDACTED] |
| Email address: | [REDACTED] |
| Address: | [REDACTED] [REDACTED] |

Representation

Which of the following Licensing Objectives is this representation relevant to?

| | |
|---|--|
| This representation is relevant to the following Licensing Objectives | The prevention of public nuisance |
| The reason for your representation: | This premises was previously Bohemia nightclub. When this closed down the council assured the residents who live opposite that there would be no more late night music venues in this part of Torwood st. The applicant want's to have a late night license until 3 am with live music, recorded music bands, etc, with the capacity of over 1000 people. This would be completely detrimental to residents just 30 feet away. The past was a nightmare for us and we don't want to go through it again. I object to this application. |
| Is there any reason why you do not want your personal details to be passed on to the premises license holder? | Yes |
| What is the reason you do not want your | I only ever pass on my email address or any |

| | |
|--|--|
| personal details to be passed on to the premises license holder? | personal data only if it completely necessary. |
| Would you like to include any documentation in support of your representation | No |
| Uploaded Files | |

Confirmation

| | |
|---|------------|
| I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder. | 1 |
| Full name: | ██████████ |

Licensing representation

| | |
|-------------------------------|--------------------------------------|
| Date and Time Submitted | 03 May 2024 16:13:39 |
| Name of the premises: | ARENA Entertainments Venue |
| Support/Object to application | Support it |
| Address of the premises: | 39-41 Torward Street Torquay TQ1 1DZ |

Applicant Details

| | |
|------------------------------------|--------------------------|
| In what capacity are you applying? | A business |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Email address: | [REDACTED] |
| Address: | [REDACTED] [REDACTED] |



Representation

Which of the following Licensing Objectives is this representation relevant to?

| | |
|--|---|
| This representation is relevant to the following Licensing Objectives | The prevention of crime and disorder Public safety The prevention of public nuisance |
| The reason for your representation: | The Building has been empty and run down for many years. Allowing a venue of this type (non nightclub) in an area that is undergoing renovation will ensure a varied and vibrant entertainments economy as well as providing additional jobs in the area for locals. With the new Hilton and Premier Inn nearby, a venue of this unique type will draw in tourists and boost the local economy. It will turn an eyesore in to a fantastic asset for the local community and tourists to the area. As this is not a nightclub, it will not add to the late night / early morning noise from other clubs closing at 3am therefore not have a negative impact on the local neighbours. This type of venue also does not cause disorder to increase and is therefore only a huge positive for Torbay. |
| Is there any reason why you do not want your personal details to be passed on to the premises license holder? | No |

| | |
|---|----|
| Would you like to include any documentation in support of your representation | No |
| Uploaded Files | |

Confirmation

| | |
|--|---|
| I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder. | 1 |
|  |  |

Licensing representation

| | |
|-------------------------------|--|
| Date and Time Submitted | 07 May 2024 18:48:04 |
| Name of the premises: | Arena Entertainment Venue. Old Bohemia |
| Support/Object to application | Support it |
| Address of the premises: | 39-41 Torwood st Torquay Tq1 1dz |

Applicant Details

| | |
|------------------------------------|--------------------------|
| In what capacity are you applying? | A business |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Contact number: | [REDACTED] |
| Email address: | [REDACTED] |
| Address: | [REDACTED] [REDACTED] |

Representation

Which of the following Licensing Objectives is this representation relevant to?

| | |
|---|--|
| This representation is relevant to the following Licensing Objectives | The prevention of crime and disorder |
| The reason for your representation: | I strongly feel by having a venue for live music would attract a different class of clientele. People are more likely to use the local restaurants before and after a show, it would be fantastic for the Bay. |
| Is there any reason why you do not want your personal details to be passed on to the premises license holder? | No |
| Would you like to include any documentation in support of your representation | No |
| Uploaded Files | |

Confirmation

| | |
|---|------------|
| I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder. | 1 |
| Full name: | [REDACTED] |

From: [Hayley Carpenter](#)
To: [Smart, Julie](#)
Subject: Re: Arena Torquay - Hearing on 30 May 2024
Date: 10 May 2024 15:02:39

Good Afternoon Julie

Thank you for your email.

After careful consideration of their business plan and taking into account the points raised by the local resident at the public meeting and the representations made, Steve and Dan have made the decision to pull back the hours for some of the regulated entertainment and close of business.

We are proposing the following alterations

Live Music 10.00 - 00.00 (Midnight)

Recorded Music 10.00 - 01.30 (last 30 mins to be ambient music for the egress of persons leaving)

Late Night Refreshment 23.00 - 01.00

Supply of alcohol 10.00 - 01.00

Opening Times 10.00 - 01.30

Please can this be included in the committee report. Hopefully this will be received positively with regard to the prevention of public nuisance and prevention of crime and disorder.

We will also be taking into account all of the individual matters raised by the Environmental Health Officer and will be addressing these at the hearing.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions
[REDACTED]

On Fri, May 10, 2024 at 11:40 AM Smart, Julie [REDACTED] > wrote:

Good morning Hayley

As relevant representations have been received in respect of your application for a premises licence for Arena Torquay, a hearing has been arranged for Thursday 30 May 2024 at 9.30 am in The Banking Hall, Town Hall, Torquay.

Please find copies of all relevant representations, a hearing invitation, a hearing information document and hearing notices attached.

Kind regards

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Wall Park Touring & Centry Road Camping, Centry Road, Berry Head, Brixham, TQ5 9ET**

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

To: **Licensing Sub-Committee** On: **30 May 2024**

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

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

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

2. Introduction

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

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

To remove a condition from the licence that prevents non-residents from purchasing alcohol at the site. The condition to be removed is:

Annexe 3 - Conditions Attached After a Hearing by The Licensing Authority -
General

"The sale and consumption of alcohol shall only be permitted to persons residing at the premises."

To amend the hours that the premises is open, to allow non-residents from 10:00 until 23:30 on Sunday to Thursday and from 10:00 until 24:00 on Friday and Saturday. Residents of the campsite will still retain 24 hour access to the site, as per the existing opening hours on the Premises Licence.

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

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

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

We have received 2 representations from Interested Parties in relation to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". These are shown at Appendix 3 of this report. The letter dated 16th May 2024 is additional information provided to accompany the first representation due to the Interested Party being unable to attend the hearing.

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

The Applicant has provided documentation to support their application, in the form of emails received from local residents. These are shown at Appendix 4.

- 2.4 The Licensing Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager

Appendices

| | |
|------------|--|
| Appendix 1 | Relevant sections of the application form. |
| Appendix 2 | Copy of the Premises Licence |
| Appendix 3 | Representations from 2 Interested Parties |
| Appendix 4 | Supporting information from the Applicant |

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2021 - 2026

* required information

Section 1 of 18

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

System reference

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

* First name

Nicholas

* Family name

Moss

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House?

- Yes No

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

Registration number

12860695

Business name

Park-Moss Ltd

If your business is registered, use its registered name.

VAT number

361999938

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

13,675

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

We have had requests from residents in the local area to come and have a drink at our premises currently we can only serve alcohol to our guests on site.
we would like to remove a condition annex 3 that says the sale and consumption of alcohol shall only be permitted to persons residing at the premises
we are not extending any hours for the sale of alcohol we would like to amend the non standard timing for the opening hours of the premises so that members of the public have access

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes No

Section 6 of 18

Continued from previous page...

PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

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

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

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

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

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

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 above, list below.

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

standard timing keep same as the premises is open to our residents 24 hours on site

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

The sale and consumption of alcohol shall only be permitted to persons residing at the premises

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

Continued from previous page...

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.

As existing conditions

b) The prevention of crime and disorder

As existing conditions

c) Public safety

As existing conditions

d) The prevention of public nuisance

As existing conditions

e) The protection of children from harm

As existing conditions

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

successful such as publication of business details on a public register, it may also be shared for the purposes of enforcement.

- * 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
 - * 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.
 - * I have gained permission from all licence holders in making this application
- 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?"

* 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 <https://www.gov.uk/apply-for-a-licence/premises-licence/torbay/change-1> 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, 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.

Licensing Act 2003
Premises Licence

1264

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

Part 1 - Premises Details

| POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION |
|---|
| <p>Wall Park Touring & Centry Road Camping Centry Road, Berry Head, Brixham, Devon, TQ5 9ET. Telephone 01803 856389</p> |

| WHERE THE LICENCE IS TIME LIMITED THE DATES |
|---|
| Not applicable |

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

| THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES | | | |
|--|--------------------|-----------|---------|
| Activity (and Area if applicable) | Description | Time From | Time To |
| M. The sale by retail of alcohol for consumption ON the premises only | Sunday to Thursday | 10:00am | 11:00pm |
| | Friday to Saturday | 10:00am | 11:30pm |

| THE OPENING HOURS OF THE PREMISES | | | |
|--|-----------|----------|--|
| Description | Time From | Time To | |
| Monday to Sunday | Midnight | Midnight | |
| The grounds are only open for guests that have booked onsite. Guests can access the site 24 hours a day. | | | |

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

Part 2

| NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE | |
|---|---|
| Park-Moss Ltd | Goodwood House, Blackbrook Park Avenue, Taunton, TA1 2PX. |

| REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE) |
|--|
| Park-Moss Ltd 12860695 |



Licensing Act 2003

Premises Licence

1264

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Faye MOSS

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

Licence No. BW1858

Issued by Bassetlaw

Rachael Hind
Regulatory Service Manager (Commercial)
15 May 2024



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is

ANNEXES continued ...

available to customers in the following measures:-

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

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

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

Minimum Drinks Pricing

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

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

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

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

Where:-

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

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

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

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

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

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

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

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

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. The site shall be committed to providing a safe, friendly and comfortable environment for patrons, guests.

The prevention of crime and disorder

1. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be

ANNEXES continued ...

taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by responsible authorities on demand.

2. All staff engaged in licensable activity at the premises will receive training and information in relation to the following prior to being authorised to sell/supply alcohol at the premises:
 - i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - iii. Recognising the signs of drunkenness.
 - iv. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or v. v. appears to be making a proxy purchase.
 - v. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
 - vi. Staff shall be fully trained in the requirement of the Licensing Act 2003 including that in relation to persons under 16 and 18.
 - vii. Staff shall receive training in the safe guarding of children.
3. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be retained on the premises for a period of 12 months and made available to Responsible Authorities on demand.
4. The site adheres to a zero tolerance policy in respect of underage drinking and anti-social behavior.
5. Anti-social behaviour will be dealt with immediately, ensuring a safe environment for all. The site adopts a zero tolerance policy in respect of anti-social behaviour. An incident log book shall be maintained by the Premises Supervisor and will be available for inspection by the responsible authorities.
6. An appropriate and adequate number of staff must be employed at all times to ensure that the premises remain at a safe occupancy level. The Premises Supervisor will closely monitor recommended capacity numbers in the grounds and reception.
7. Non-alcoholic drinks shall be stocked and promoted.
8. A range of snacks will be available at the bar at all times.
9. All drinking glasses in which drinks are served must be made of plastic and toughened glass.
10. A CCTV system will be installed and operative at all times while the premises are trading and equipment shall be maintained to the satisfaction of the Chief of Police. Recorded images shall be retained for 30 days and made available to the Police on request at any reasonable time. If the CCTV equipment is inoperative the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.

Public safety

1. Adequate access must be provided for emergency vehicles.
2. Facilities and equipment suitable for the number of patrons and type of event must be provided to enable first aid treatment to be given promptly to patrons or staff.
3. All doors and fastenings must at all times be kept in proper working order.
4. Gangways, exits routes and steps must be maintained in good order with non-slippery and even surfaces.
5. The Premises Supervisor will ensure that all entrances and exits are unobstructed.
6. An appropriate system must be in place to deal with spillages.
7. The Premises Licence Holder shall ensure that at all times there are adequate First Aid arrangements. The arrangements for First Aid provision include a First Aid Box, an adequate and appropriate supply of First Aid equipment and materials to be used by customers.
8. Staff will ensure that regular glass collection takes place within the premises.

ANNEXES continued ...

The prevention of public nuisance

1. As far as is practical persons on or leaving the premises and using adjacent car parks and highways will be reminded to conduct themselves in an orderly manner and to not in any way cause annoyance to residents or persons passing by. This shall be done through suitable signage displayed and staff requests.
2. Staff who arrive early in the morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents and leave the premises as quietly as possible.
3. Prominent, clear and legible notices must be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
4. A specific taxi operator shall be nominated for staff and customer use. The operator shall be made aware that they must arrive and depart as quietly as possible, should not sound horns as a signal of their arrival or leave their engines idling unnecessarily.
5. Regular maintenance must be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
6. Flashing or particularly bright lights on or outside the licensed premises must be positioned and screened in such a way so as not to cause a disturbance to nearby properties.
7. The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night or in the early morning, when the noise generated could cause a nuisance particularly outside buildings.
8. Bottle skips and bins containing cans or bottles must not be emptied outside after closing but shall be dealt with the next day during normal office hours.
9. All rubbish produced by the premises must be stored securely in a designated area or in a bin with a tight fitting lid.
10. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises.
11. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
12. The Premises Supervisor shall keep a log book of all accidents and incidents including disruptive behaviour and any complaints made by the public.

The protection of children from harm

1. Children must only be admitted on the premises when accompanied by a responsible adult.
2. A log book must be maintained showing record of refused sales.
3. Children shall be supervised by responsible adults at all times they are on site.
4. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
5. Challenge 25 posters shall be prominently displayed within the premises.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

General

1. The sale and consumption of alcohol shall only be permitted to persons residing at the premises.

Licensing representation

| | |
|--------------------------------------|--|
| Date and Time Submitted | 13 May 2024 08:24:08 |
| Name of the premises: | Wallpark Touring and Centry Rd Camp Site |
| Support/Object to application | Object |
| Address of the premises: | Wallpark Touring and Centry Campsite TQ5 9ET |

Applicant Details

| | |
|---|------------------|
| In what capacity are you applying? | Any other person |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Contact number: | [REDACTED] |
| Email address: | [REDACTED] |
| Address: | [REDACTED] |

Representation

Which of the following Licensing Objectives is this representation relevant to?

| | |
|--|---|
| This representation is relevant to the following Licensing Objectives | The prevention of public nuisance |
| The reason for your representation: | Homes adjacent to the site are designated for older and vulnerable people. Allowing the free sale of alcohol throughout the day is likely to increase the public nuisance that many of us experience in the early hours during the summer. The current agreement allowing casual visitors to purchase tea and coffee works well, but this modification will allow access to all despite the close proximity of the rugby club and bars in town. |
| Is there any reason why you do not want your personal details to be passed on to the premises license holder? | [REDACTED] |
| Would you like to include any documentation in support of your representation | No |
| Uploaded Files | |

Confirmation

| | |
|---|------------|
| I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder. | 1 |
| Full name: | [REDACTED] |

[Redacted]

16.05.2023

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

Dear Sir or Madam,

Re: Objection to Variation Application for Premises Licence 067154 Wallpark Touring and Centry Rd Camping TQ5 9ET

I am writing to object to the proposal to allow alcohol to be served at Wallpark camp site to any person, not just campers. This removes the restriction 'on the sale and consumption of alcohol only permitted to persons residing at the premises'.

The large tent used for current sales has signs saying 'The Pearl and Oyster' is now open to the public for teas, coffee and soft drinks only. This has worked perfectly well over the Easter period and Pirate weekend and should remain. During the summer period there will be an increase in casual users if it is open to all.

The homes adjacent to the site are designated by sanctuary housing for 'older and vulnerable people'. Allowing the free sale of alcohol throughout the day is likely to increase the **public nuisance** that many of us already experience in the early hours when campers return from town.

I note the supervisor is Mrs Faye Moss; presumably the wife of the owner who does not live locally, although a mobile home has been installed on the site for when he visits. Will Mrs Moss be present at all times?

I trust you will turn down the variation.
Yours sincerely

[Redacted signature]

[Redacted]

Licensing representation

| | |
|-------------------------------|---|
| Date and Time Submitted | 13 May 2024 17:55:52 |
| Name of the premises: | Wallpark Touring and Centry Road Campsitr |
| Support/Object to application | Object |
| Address of the premises: | Century Road Brixham TQ5 9ET |

Applicant Details

| | |
|------------------------------------|------------------|
| In what capacity are you applying? | Any other person |
| First name: | [REDACTED] |
| Last name: | [REDACTED] |
| Contact number: | [REDACTED] |
| Email address: | [REDACTED] |
| Address: | [REDACTED] |

Representation

Which of the following Licensing Objectives is this representation relevant to?

| | |
|---|---|
| This representation is relevant to the following Licensing Objectives | The prevention of crime and disorder The prevention of public nuisance |
| The reason for your representation: | I feel this would allow any person to use this and buy alcohol which could be detrimental to the surrounding neighbourhood in terms of noise pollution, anti social behaviour etc |
| Is there any reason why you do not want your personal details to be passed on to the premises license holder? | [REDACTED] |
| Would you like to include any documentation in support of your representation | No |
| Uploaded Files | |

Confirmation

| | |
|--|---|
| I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder. | 1 |
|--|---|

Full name:

[REDACTED]

Agenda Item 7

Appendix 4

From: [REDACTED]
To: [Cottell, Carrie](#)
Subject: Fw: letters for committee meeting
Date: 16 May 2024 10:49:45
Attachments: [document.pdf](#)

Hi Carrie

Please see letters of support from the local community sorry I meant to send sooner but it's took a bit of time to put together

Please let me know you have received ok there's 16 letters in total

Many Thanks [REDACTED]

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, May 16, 2024, 10:46 AM, [REDACTED]

[Sent from Yahoo Mail for iPhone](#)

Subject: The Bar.

From: [REDACTED]

Date: 15/05/2024, 11:38

To: "enquiries@centrytouring.co.uk" <enquiries@centrytouring.co.uk>

My name is [REDACTED] As you no I was very much against a lot to do with the site. The entrance and you having the Bar. I was very concerned that the noise coming from the bar would be bad. As it is I have been very pleased with how it is being run. I hear more noise coming from the Rugby Club and the Football Club when they have events. Also I am looking forward to doing a quiz for you. To anybody reading this would no I would not be doing this if I was not happy. The owner Nick keeps to his word. Anyone can talk to him or any of the staff who do listen to any issues you may have. I should say will most importantly work with you. This site I say is good for the area. Last but not least keep going.

Sent from [Mail](#) for Windows

Subject: Licensing Application

From: [REDACTED]

Date: 15/05/2024, 14:02

To: <enquiries@centrytouring.co.uk>

Dear Sir / Madam,

Ref:

Wall Park Touring & Centry Road Camping

Centry Road, Berry Head, Brixham, Devon, TQ5 9ET

Open application 067154 which is a Variation Application for Premises Licence

I write in support of this application for a variation to the premises Licence at Wall Park in which the owners have requested to extend the licence to provide for the general public.

I am a Licensee, a DPS, hold a Personal Licence and have been involved in the Hospitality Industry for 40 years and an advocate for the benefits that a community can gain in having a central, safe environment to meet. It's not all about the supply of alcohol, it's the Community spirit that such a facility can provide. I am a frequent visitor to Wall Park, and have witnessed the major investment, sympathetically made by the current owners of the site.

This area of Brixham is not served well for responsible public drinking. The nearby Brixham Rugby Club is a members Club, which also enjoys the benefit of allowing non members to use the facilities – but it is still a rugby club! I feel the same benefit should be made available to guests and locals of the Wall Park community.

The application and the running of the bar area, in my opinion, satisfies the 4 Licensing Objectives. The staff are experienced and conscientious and by opening the facility to the wider public, will give the owners a chance to maximise the facility (especially in quieter operating periods) in a sympathetic manner.

This application also supports policy TO1: of the Brixham Peninsular Neighbourhood Plan.

By increasing visitor trips and direct visitor spend into the Brixham Community as a whole, the owners are satisfying Policies 10.4 (Four keys needs to improve Brixham's Tourist Offer) plus other policies. The inclusion of allowing the public on the site will only enhance the community feel that is being created and enhance visitors positive experience of their holiday and Torbay as a whole.

I hope that you can approve the variation.

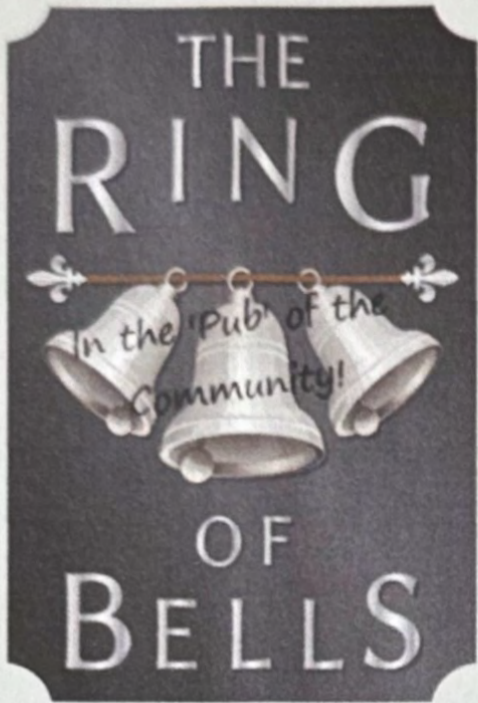
Should you need any further information, please do not hesitate to contact me.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]



Subject: Bar Licence Application

From: [REDACTED]

Date: 28/04/2024, 15:40

To: "enquiries@centrytouring.co.uk" <enquiries@centrytouring.co.uk>

Good afternoon,

Following a discussion with a member of your staff yesterday, whilst we were out walking. We asked about the tented bar and having a drink on the way back from our walk. We were surprised to be told that we could have a tea or coffee but weren't able to have any alcohol due to your licence restrictions!

However, you did have an application being heard by the council very soon. You are aware of an objection by someone...probably a local who doesn't go out and can't stand the thought of people enjoying a lazy drink after a walk to/from Berry Head/Coastal Path etc.

We would like to support your application to allow non-residents to use your bar facilities.

It would be a wonderful addition to the tourists and residents facilities in the area.

Plus supporting a local business that has redeveloped a tired old site into a beautiful touring park.

It would benefit local residents and those tourists not staying at the site (walkers, hikers, dog walkers). Who can pop in for a couple and rest whilst walking to/from Berry Head or the coastal path before heading home.

We certainly would use the facilities, we are regularly have a breakfast at the Toucan takeaway on the site.

What a wonderful addition this would be.

If you need anymore information, please do not hesitate to contact us.

Kind regards

[REDACTED]

Subject: Bar

From: [REDACTED]

Date: 15/05/2024, 14:43

To: enquiries@centrytouring.co.uk

To whom it may concern.

We regularly walk from home to Berry Head via Centry road, and have noticed that there is a bar at Centry Touring park

This, if it were to be open to the public would be an ideal stopping off point on route for a refreshing drink, and may encourage more people to visit the area, instead going out of Brixham.

Regards

[REDACTED]
Sent from my iPhone

Subject: Bar

From: [REDACTED]

Date: 15/05/2024, 12:49

To: "Enquiries@centrytouring.co.uk" <Enquiries@centrytouring.co.uk>

Hi been out walking and noticed that you have a bar I do alot off walking around and was wondering if you are open to everyone. Cheers

[REDACTED]

Subject: Cafe/Bar

From: [REDACTED]

Date: 15/05/2024, 18:52

To: enquiries@centrytouring.co.uk

Hi,

I am a local and often walk along the public pathway through your campsite with my dog in the evening.

The bar and cafe are a great asset for you, but was a bit disappointed to find that we couldn't be served an alcoholic drink.

Such a shame, as I think this would be beneficial to you and the area. It's so beautiful and sit in the evening sun, would be lovely.

Is this something that could happen in the future?

Kind regards,

[REDACTED]

[REDACTED]

Subject: Fw: Fwd: [REDACTED]
From: [REDACTED]
Date: 14/05/2024, 14:30
To: Wall Park Touring and Centry Road Camping Site <enquiries@centrytouring.co.uk>

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Monday, May 13, 2024, 9:34 AM, enquiries@centrytouring.co.uk <enquiries@centrytouring.co.uk> wrote:

another local resident that wants the bar open for public use.

----- Forwarded Message -----

Subject: [REDACTED]
Date: Sat, 11 May 2024 17:50:02 +0000
From: [REDACTED]
Reply-To: [REDACTED]
To: enquiries@centrytouring.co.uk

From: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Message:

I have noticed you have recently opened a bar on site. I am a local resident and was disappointed to find out that locals are unable to use it. Is there a possibility that this may change in the future?

--[wpgdprc]

This e-mail was sent from a contact form on (<http://www.centrytouring.co.uk>)

Subject: Fw: bar

From: [REDACTED]

Date: 16/05/2024, 10:16

To: Reception at Centry Touring <enquiries@centrytouring.co.uk>

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, May 15, 2024, 5:32 PM, [REDACTED]

To whom it may concern

I'm a local in Brixham and live at Pensilva close, and would like to see the bar that is open at Centry Touring park be open for public use.

This would mean a short walk to a nice place to have a drink somewhere different from town. Also if this bar was open to the public I believe a good atmosphere with locals could be made as the bar would be a great place to stop off after a walk to have a drink and a chat.

Kind regards

[REDACTED]

Subject: Re. Localising the bar

From: [REDACTED]

Date: 14/05/2024, 17:31

To: enquiries@centrytouring.co.uk

To whom it may concern

I've recently moved to the area and daily use the coastal path.

I often see the bar, located within a campsite "Wall park" -and often feel it's a missed opportunity for both the camp site and the locals; to be closed to the public.

How great would it be, to intertwine locals with tourists!

This could also then generate a much needed jet into Brixham as a tourist location. And enable the campsite to expand/branch out.

Thank you

Subject: Fw: Bar

From: [REDACTED]

Date: 16/05/2024, 10:17

To: Reception at Centry Touring <enquiries@centrytouring.co.uk>

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, May 15, 2024, 6:34 PM, [REDACTED]

I regularly walk through wall park touring and notice there is a bar available to campers it would be amazing if it were open to the public as there is nothing around the area to get a refreshment.

[REDACTED]

Subject: Fw: open bar

From: [REDACTED]

Date: 16/05/2024, 10:17

To: Reception at Centry Touring <enquiries@centrytouring.co.uk>

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, May 15, 2024, 6:21 PM, [REDACTED]

Me and my wife walk our dog regularly around wall park and berry head, and it would be nice if the bar on centry park camp site was open to the public so we could stop and have a drink.

Subject: Re Bar

From: [REDACTED]

Date: 15/05/2024, 10:31

To: "Enquiries@centrytouring.co.uk" <Enquiries@centrytouring.co.uk>

Hi.

Saw there was a bar on your grounds, will it be open to the public and especially to those that live in close proximity, I live on Mudstone lane and the Riviera campsite allowed us to use bar , pool and facilities

Kind regards

[REDACTED]

[Yahoo Mail: Search, organise, conquer](#)

Subject: Wall park bar

From: [REDACTED]

Date: 15/05/2024, 10:36

To: <Enquiries@centrytouring.co.uk>

Hi I am writing in support of the wall park caravan / campsite bar and facilities , I feel that when the local residents are offered a free venue to enjoy some sun and refreshments we should welcome this with open arms , obviously as a Brixham resident it's sometimes difficult to find a nice venue with parking and a safe environment for our children . Regards [REDACTED]
[REDACTED]

Subject: Bar open to public

From: [REDACTED]

Date: 15/05/2024, 11:14

To: enquiries@centrytouring.co.uk

As a frequent user of the public foot path running through the park I have stopped many times by the bar and chatted to the staff who have informed me that the bar was unable to be used by the public. I was very disappointed as this would be a perfect spot for me and my family to stop half way through our journey to have a nice cold drink . We believe this would be a valuable asset to the public and many of walkers passing by . I would fully support this business .

[REDACTED]

Subject: [REDACTED]
From: [REDACTED]
Date: 15/05/2024, 11:22
To: enquiries@centrytouring.co.uk

From: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Message:

My wife and I are so impressed by the new family bar facility that you have created, so many parks are just a pitch, but this offers a welcoming environment for families to enjoy evening entertainment, and a drink. We are very hopefull of the ongoing success of your family bar, and that you are able to enjoy the patronage of all that wish to have a family evening of live music and a soft drink or pint.
Well done.

--[wpgdprc]

This e-mail was sent from a contact form on (<http://www.centrytouring.co.uk>)