

Tuesday, 20 August 2024

**STATUTORY LICENSING SUB-COMMITTEE**

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

**Thursday, 29 August 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 Amil

Councillor Douglas-Dunbar

Councillor Foster

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**A Healthy, Happy and Prosperous Torbay**

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

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://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. Cru Torquay, 31 Ilsham Road, Wellswood, Torquay, TQ1 2JG**

To consider an application for a Premises Licence in respect of Cru Torquay, 31 Ilsham Road, Wellswood, Torquay, TQ1 2JG.

(Pages 3 - 40)

## **TORBAY COUNCIL**

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Cru Torquay, 31 Ilsham Road, Wellswood, Torquay, TQ1 2JG

Wards Affected: **Wellswood, Torquay**

To: **Licensing Sub Committee**

**29 August 2024**

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ Email: **licensing@torbay.gov.uk**

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### **1. Key points and Summary**

1.1 To consider and determine an application for a new Premises Licence, in respect of the Premise detailed above.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objectives the “Prevention of Crime and Disorder, the “Prevention of Public Nuisance”, and the “Protection of Children from Harm”

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. Application**

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

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

Late Night Refreshment on Good Friday from 1200 hrs to 0000 hrs, Christmas Day from 1200 hrs to 0000 hrs, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The sale by retail of alcohol for consumption both on and off the premises from 1100 hrs to 2300 hrs Monday to Sunday, Good Friday from 1200 hrs to 2330 hrs, Christmas Day from 1200 hrs to 2330 hrs, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

In respect of recorded music, the Applicant has not ticked the box indicating that he is applying for Recorded Music (page 5 of the application form), however page 11 of the application contains a non-standard timing request for Recorded Music on Good Friday from 1200 hrs to 0000 hrs, Christmas Day from 1200 hrs to 0000 hrs, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. The application does not indicate whether this is to be indoors or outdoors. Upon querying this with the Applicant, this reference to non-standard timings has been withdrawn and a copy of the email confirming this can be found at Appendix 4.

The opening hours for the premises are 0800 hrs to 2330 hrs Monday to Sunday, Good Friday 1200 hrs to 0000 hrs, Christmas Day from 1200 hrs to 0000 hrs, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

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

“Freehold commercial retail until being the ground floor of 31 Ilsham Road, Wellswood, Torquay, aforesaid and comprising and laid out as a licensed restaurant and bar in accordance with the details show on the planned annexed hereto”.

The plan accompanying the application is shown in Appendix 2.

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

We have received 3 Representations from Interested Parties. These are shown in

### Appendix 3.

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

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

**Rachael Hind**  
**Regulatory Services Manager – Commercial**

### **Appendices**

- Appendix 1 Relevant sections of the application form
- Appendix 2 Plan of the Premises
- Appendix 3 Representations from Interested Parties
- Appendix 4 Email from the Appliant withdrawing the reference to non-standard timings for Recorded Music.

**Documents available in Members' rooms**

None

**Background Papers:**

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

Torbay Council Licensing Policy 2021-26

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

**Please read the following instructions first**

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

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

**We** Cru Torquay Limited

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

31 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JG			
<b>Post town</b>	Torquay	<b>Postcode</b>	TQ1 2JG

Telephone number at premises (if any)	<b>Being applied for</b>
Non-domestic rateable value of premises	<b>£19,500.00</b>

**Part 2 - Applicant details**

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
i	as a limited company/limited liability partnership	✓	please complete section (B)
ii	as a partnership (other than limited liability)		please complete section (B)
iii	as an unincorporated association or		please complete section (B)
iv	other (for example a statutory corporation)		please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) individual applicants** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					



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**Second individual applicant (if applicable)**

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> or over		I am 18 years old		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

**(B) Other applicants**

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

Name Cru Torquay Limited
Address  <div style="background-color: black; width: 500px; height: 15px; margin-top: 5px;"></div>

Registered number (where applicable) 12500880
Description of applicant (for example, partnership, company, unincorporated association etc.)  Company - Limited Liability
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Freehold commercial retail unit being the ground floor of 31 Ilsham Road, Wellswood, Torquay, aforesaid and comprising and laid out as a Licensed Restaurant and Bar in accordance with the details shown on the plan annexed hereto.

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

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

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

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	✓
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	✓

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					



**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b>Please give further details here</b> (please read guidance note 4)	Both
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)  Good Friday noon to midnight; Christmas Day noon to midnight; on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Sat					
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat			Good Friday noon to midnight; Christmas Day noon to midnight; on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
			Good Friday noon to 11.30 p.m.; Christmas Day noon to 11.30 p.m.; on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Matthew Robert Forward	
<b>Date of birth</b> [REDACTED]	
<b>Address</b> [REDACTED]	
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b> PA0724	



Issuing licensing authority (if known) Torbay Council

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)  <b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6) Good Friday noon to midnight.; Christmas Day noon to midnight.; on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
Day	Start	Finish	
Mon	8:00	23:30	
Tue	8:00	23:30	
Wed	8:00	23:30	
Thur	8:00	23:30	
Fri	8:00	23:30	
Sat	8:00	23:30	

Sun	9:00	23:30	

## M

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

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

See annexure

**b) The prevention of crime and disorder**

See annexure

**c) Public safety**

See annexure

**d) The prevention of public nuisance**

See annexure

**e) The protection of children from harm**

See annexure
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**Checklist:**

**Please tick to indicate agreement**

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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</li> </ul>
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	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	G.A. Forward - C/o Torquay Limited
Date	25-06-2024
Capacity	DIRECTOR / SOLICITOR FOR APPLICANT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

• **ANNEXE 1**

**MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

1)

No supply of alcohol may be made under the premises licence:-

( )

at a time where there is no designated premises supervisor in respect of the premises licence, or

( )

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 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.

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## ANNEXE 2

### CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

#### General

1.

The licence holder will ensure that all times when the premises are open for any licensable activity, there will be sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

2

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

The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.

The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence

How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).

Recognising the signs of drunkenness.

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.

Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

#### The prevention of crime and disorder

1.

Substantial food in the form of table meals shall be available throughout the time the premises are open to the public.

2.



Alcohol for consumption on the premises will only be consumed by persons who are seated and are served at the table by way of waiter/waitress service.

3.

All alcohol sold by the premises as an off sale, shall be supplied in sealed containers.

4.

No alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.

5.

CCTV

- The premises shall install, operate and maintain comprehensive digital colour CCTV. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.
- The system must 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.
- The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- All equipment must have a constant and accurate time and date generation.
- All recordings will be stored for a minimum period of 28 days with date and time stamping.
- Viewable copies of recordings will be provided to the Police, local authority officers or officers of other responsible authorities within 48 hrs of any request.
- The CCTV system will be capable of downloading images to a recognisable viewable format, and the premises shall provide suitable USB/memory sticks for this purpose.
- There will be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images.

6

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

Any incidents of disorder or of a violent or anti-social nature

All crimes reported to the venue, or by the venue to the police

All ejections of patrons

Any complaints received

Seizures of drugs or offensive weapons

Any faults in the CCTV system

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.

- 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.

7.

The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be 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 a police officer, a police licensing officer or officers of the local authority on demand.

8.

All staff shall receive training regarding their responsibilities under the Licensing Act at the commencement of employment, with refresher training being provided at least once a year. Records of all training shall be maintained and kept at the premises for a minimum period of 12 months. These records shall be made available to the police or Local Authority Licensing Officers for inspection on demand.

9.

The premises shall have a maximum capacity of 40 persons.

### **Public safety**

1.

The licence holder and staff authorised by them will check the premises before it opens to the public to ensure there are no risks to patrons and all safety precautions are in place.

2.

The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

3.

The licence holder will also ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

4.

All bottles and glasses and rubbish will be removed from public areas on a regular and frequent basis.

5.

The electrical system at the premises, including portable appliances will be inspected and tested annually by a competent person and a satisfactory safety report obtained.

6.

The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.

### **The prevention of public nuisance**

1.

The licence holder will ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons. A specific local taxi operator has been nominated for staff and customers' use. The company's telephone number is advertised to customers. The operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines running unnecessarily. All customers will be asked to leave quietly.

2.

Noise from amplified music or videos shall not be such as to cause a noise nuisance to occupants of nearby premises. The volume of any regulated entertainment will be under the control of the management at all times. Should monitoring indicate that the volume should be reduced, management shall take steps to ensure levels are reduced immediately. To allow live and



amplified music inside, doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.

3.  
The premises will install acoustic absorbing sound panels as part of the premises refurbishment, to the ceiling of the premises based upon professional advice.

4.  
The premises will consider the careful placement of speakers within the premises taking into consideration the construction, to minimise structural transmission of noise.

5.  
The licence holder will have a noise management plan in place, which will be agreed and signed off by the community safety team.

**The protection of children from harm**

1.  
The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photograph identification as outlined within the Torbay Council Licensing Statement of Principles.

2.  
Challenge 25 Posters will be prominently displayed within the premises.

3.  
No persons under the age of 18 years shall be permitted in the premises after 2200 hrs, unless they are attending a pre-booked function at the premises, during which time the premises are not open to the general public.

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**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None

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**ANNEXE 4**

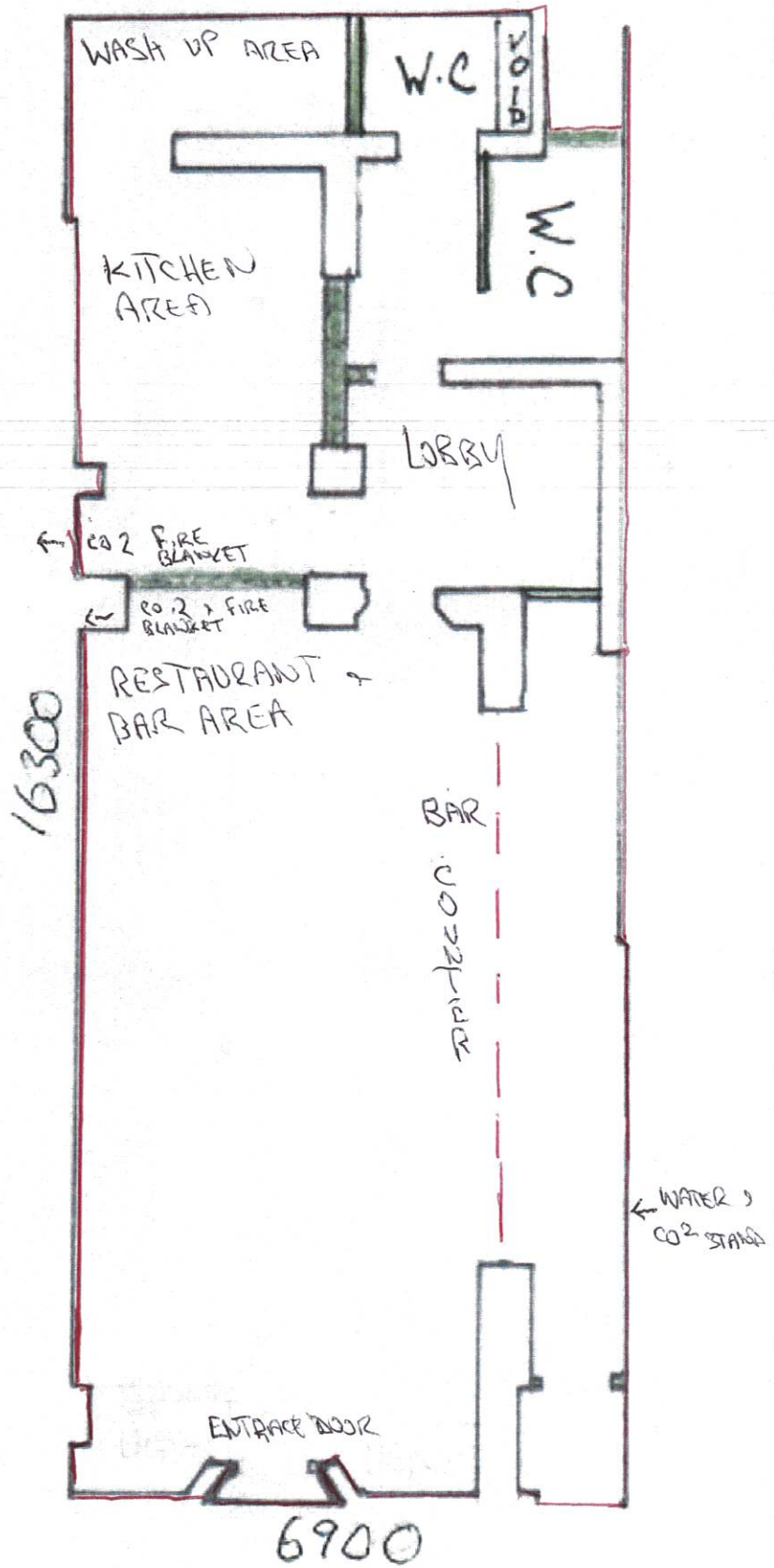
**PLANS**

Copy attached to Licence



Number 31 (GROUND FLOOR) 1LSHAM  
WELLSWOOD TORQUAY T31 2SG

5400



← 1LSHAM ROAD WELLSWOOD →



### Licensing representation

<b>Date and Time Submitted</b>	04 July 2024 15:24:54
<b>Name of the premises:</b>	CRU
<b>Support/Object to application</b>	Object
<b>Address of the premises:</b>	31 Ilsham Road Wellswood Torquay

## Representation

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

<b>This representation is relevant to the following Licensing Objectives</b>	The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm
<b>The reason for your representation:</b>	Object... grounds.. There was previously a business "Premier Cru" in Ilsham Road. The same Gentleman I believe as this application. There were numerous problems in this small village. It started as rest/ serving wine with food then it was cocktail/wine bar then the restaurant side was dropped then the loud music started! Excessive noise. A drug problem on the premises Bouncers who seemed to join in rather than keep order. Noise from taxis waiting outside with their engines running. Late night activity In and around premises Customers obviously high outside smoking and being very loud and blocking the pavements making it virtually impossible to walk up through ilsham road. A feeling of unease for near by residents.
<b>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</b>	Yes
<b>What is the reason you do not want your personal details to be passed on to the premises license holder?</b>	<div style="background-color: black; width: 100%; height: 1.2em; margin-bottom: 2px;"></div> <div style="background-color: black; width: 80%; height: 1.2em;"></div>
<b>Would you like to include any documentation in support of your representation</b>	No
<b>Uploaded Files</b>	

## Licensing representation

Date and Time Submitted	21 July 2024 22:09:44
Name of the premises:	CRU
Support/Object to application	Object
Address of the premises:	CRU, 31, Ilsham Rd., Torquay TQ1 2JG.

## Representation

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

<b>This representation is relevant to the following Licensing Objectives</b>	The prevention of crime and disorder The prevention of public nuisance The protection of children from harm
<b>The reason for your representation:</b>	1. My concerns are linked to the applicant's previous, similar, business situated in Ilsham Rd. The bistro/bar became involved with illegal drugs. (I am unaware of the details but it must be on record with the police) I fear that history could repeat itself. 2. Wellswood is a quiet, residential area, with a selection of individual shops and businesses. The licensing hours applied for seem long-all day- and could encourage anti social behaviour. Noise levels will be high, especially when live music is taking place. 3. There is a Primary School opposite the premises. As smoking and vaping will not be allowed inside the premises the general public will be outside smoking and vaping in full view of pupils in the playground—not what we would want, I'm sure!. I also have concerns that a premises that encourages all day drinking is opposite a school.
<b>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</b>	Yes
<b>What is the reason you do not want your personal details to be passed on to the premises license holder?</b>	██ ██ ██
<b>Would you like to include any documentation in support of your representation</b>	No
<b>Uploaded Files</b>	

## Licensing representation

<b>Date and Time Submitted</b>	22 July 2024 12:14:53
<b>Name of the premises:</b>	31 Ilsham Road Torquay
<b>Support/Object to application</b>	Object
<b>Address of the premises:</b>	31 Ilsham Road Torquay TQ1 2JG

## Representation

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

<b>This representation is relevant to the following Licensing Objectives</b>	<p>The prevention of crime and disorder          Public safety          The prevention of public nuisance          The protection of children from harm</p>
<b>The reason for your representation:</b>	<p>This application appears to be a little premature as currently there is NO Planning approval other than Class A1 - Shop and Retail Outlet although in the past it had Class A3 - Food and Drink. Nowhere in the past has there been Class A4 &amp; 5. Additionally the licencing application requires a proper 1: 100 scale Wellswood is a predominantly a residential area being served by a church, a primary school and a few establishments providing a variety of amenities for the area. Planning Application for 31 Ilsham Road did have a Restaurant Class A3 and NOT a Licenced Bar and Off-Licence as it now appears with the opening hours being requested. This application could</p> <ul style="list-style-type: none"> <li>• Increase crime and disorder because of the increased availability of alcohol in the area and the excessive opening hours which are not necessary for the local community – it will only attract the wrong element.</li> <li>• Public safety will be compromised, as it has been found, teenagers congregate around off licence facilities.</li> <li>• Prevention of Public Nuisance – obviously there will be an increased chance of an affray with an extra outlet selling alcohol both on and off the premises plus the extra opening hours.</li> <li>• Protection of Children from harm – the primary school is less than 30yards from this establishment and any rowdy behaviour through drink related issues will impact badly on the children and parents. Not the right location for an all day and late night Bar A good quality restaurant with the applicable licencing would be a welcome asset to the area but suspect, as with other restaurants in Torquay, that the actual profitable opening times are quite limiting and nowhere near those being requested which would imply this will be a mainly drinking establishment An inappropriate establishment could bring an all day and late night drinking culture with its associated drug problems from the harbour area, where currently it is easier for the Police to control,</li> </ul>

	<p>to Wellswood. Additionally, it would be extremely detrimental to the adjacent school. There is no demand or need in this area for this establishment:- to be able to sell alcohol on and especially off the premises as the Coop and Londis next door offer those facilities between 0700 and 2300 hours each day. Or To become a Bar / drinking establishment as this is covered by The Kents Pub and Portofino Wine Bar who between them are open from 0930 hours to 2200 hours and 2300 hours on a Saturday. (Any proposal would need an A4 use application and approval) It is obvious that the opening hours can only be justified if it acts as a Bar and therefore, I would oppose those hours as totally unnecessary for a bona fide restaurant application especially the early morning opening of 0800 hours and the ALL night hours application. By reviewing the opening hours of restaurants in the Torbay area that it is not viable / profitable to extend opening hours beyond 1000 hours and 2200 hours. A lot of establishments are closing at least one day a week so how exactly is this establishment intending during these additional hours proposing to become viable – through a drinking and off-licence!! Not from the restaurant. I would support opening hours between 1000 and 2200 for the sale of alcohol to dinners for consumption with their meals on the premises, this should adequately cover lunch and dinner times. In conclusion NO to facility for “off premises” sale of alcohol - i.e. Off Licence No to early opening before 10:00 hours Yes to an alcohol licence for dinners whilst consuming food on the premises (as per the Restaurant A3 previous Planning Approval) NO to all night opening as this cannot be for serving alcohol to dinners</p>
<p><b>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</b></p>	<p>Yes</p>
<p><b>What is the reason you do not want your personal details to be passed on to the premises license holder?</b></p>	<p>Unnecessary</p>
<p><b>Would you like to include any documentation in support of your representation</b></p>	<p>No</p>
<p><b>Uploaded Files</b></p>	

From: [Matthew Forward](#)  
To: [Smart, Julie](#)  
Subject: Re: Application for a Premises Licence  
Date: 31 July 2024 13:50:53

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Hi Julie thank you for contacting me,  
Please take this email as formal confirmation that I cancel the recorded music page of the application relating to non standard recorded music, in respect of the premises.  
Hope this is sufficient for your purposes

Your sincerely

Graham Forward  
Sent from my iPhone

[Redacted]

[Redacted]

[Redacted]

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