



Wednesday, 6 April 2011

LICENSING SUB-COMMITTEE

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

Thursday, 14 April 2011

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor

Councillor Doggett
Councillor Manning

Councillor Mills

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207064

Email: democratic.services@torbay.gov.uk



LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (1 - 6)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 10 February 2011.
4. **Declarations of interests**
 - (a) To receive declarations of personal interests in respect of items on this agenda
For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of personal prejudicial interests in respect of items on this agenda
For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Yacht, 18-19 Victoria Parade, Torquay** (7 - 30)
To consider Report 89/2011 on an application for a Premises Licence in respect of Yacht, 18-19 Victoria Parade, Torquay.

- 7. Fiveways Store, 58-60 Westbourne Road, Torquay**
To consider Report 88/2011 on an application for a Premises Licence
in respect of Fiveways Store, 58-60 Westbourne Road, Torquay.

(31 - 46)

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Minutes of the Licensing Sub-Committee

10 February 2011

-: Present :-

Councillors Dogget, Excell and Manning

525. Election of Chairman.

Councillor Manning was elected as Chairman for the meeting.

Councillor Manning in the Chair.

526. Sub-Committee Membership.

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Excell instead of Councillor Scouler.

527. Matters for Consideration.

The Sub-Committee considered the following matters, full details of which are set out in Appendix 1 to these Minutes.

527.1 Suspension of Hackney Carriage Driver's Licence – Mr Ryan Ford.

Chairman

APPENDIX 1
to the Minutes of the Licensing Sub-Committee
held on 10 February 2011

Suspension of Hackney Carriage Driver's Licence – Mr Ryan Ford

Decision maker:

The Licensing Sub-Committee at its meeting held on 10 February 2011.

Details of application:

Review of Hackney Carriage Driver's Licence in respect of Mr Ryan Ford, as set out in Report 24/2011.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over the past nine months on The Strand involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay, and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming the ongoing problems with taxis parking at The Strand bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers regarding the use of The Strand, its taxi rank, the adjacent bus bay and the roundabout.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009

APPENDIX 1 (Continued)

Name	Details	Date of Representation
	Minutes of the Licensing Sub-Committee held on 18 February 2010.	18 February 2010
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand.	31 August 2010
Parking Enforcement Officer	Taxi/Private Hire Parking Report Form.	15 October 2010
Licensing Support Officer	Letter sent to Mr Ford regarding illegal parking on the Harbourside, Torquay.	25 October 2010
Parking Enforcement Officer	Notes from Parking Operations Officer notebook and two photographs showing Taxi parked illegally.	1 December 2010
Parking Enforcement Officer	Witness Statement regarding a Taxi parked illegally parking on the GPO Roundabout, Torquay.	13 January 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
Licensing Support Officer	Letter sent to Mr R Ford in respect of a queuing/parking offence and inviting his comments.	17 December 2010
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	
Respondent	Letter from Mr R Ford responding to a letter sent by the Licensing Support Officer, dated 17 December 2010, explaining the circumstances of the incidents.	24 December 2010

APPENDIX 1 (Continued)

Name	Details	Date of Representation
	Torbay Taxi Rank Report, table detailing observations of Taxi's parked in a Rank from 20:42 to 23:56.	15 January 2011
	Two photographs showing Taxi's parked illegally.	25 January 2011

Additional information:

Colour copies of the two photos dated 25 January 2011 at 12:39 and black and white copies of the two photos dated 1 December 2010 at 11:49 were circulated at the meeting.

Oral representations received from:

Name	Details
Licensing Officer	The Licensing Officer outlined the Council's case, as set out in Report 24/2011 and the reasons for recommending that Mr Ford be suspended for 28 days.
Mr Ryan Ford	Mr Ford explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw and responded to Members' questions. He confirmed that he had received all the warning letters.
Civil Enforcement Officer	The Civil Enforcement Officer responded to questions from Members of the Licensing Sub-Committee.

Applicant's response to representations:

With the approval of the Anti-Social Behaviour and Licensing Legal Advisor and the agreement of the Sub-Committee, the Respondent submitted a copy of a letter dated 8 February 2011 to the Environmental Health Officer responding to his letter dated 28 January 2011. This letter formed the basis of the Respondent's oral Representation to the Licensing Sub-Committee. In addition and by agreement, a witness statement dated 3 February 2011 from Shazad Ramzan; a witness statement dated 9 February 2011 from Mr Nicholas Murphy; and a witness statement from Mr John Robert Cree was also submitted by the Respondent.

Decision:

That Mr Ryan Ford's Hackney Carriage Driver's Licence be revoked on the ground of 'any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

In accordance with Section 61(2)(2B) of the Local Government (Miscellaneous Provisions) Act 1976 the revocation to have immediate effect in the interest of public safety.

APPENDIX 1 (Continued)

Reason for decision:

Having carefully considered all the written and oral Representations, the Sub-Committee resolved that in reaching their decision they had regard to the Licensing Sub-Committee's decision on the 18 February 2009 to suspend Mr Ford's Hackney Carriage Driver's Licence for a period of seven days for similar offences. In addition Members noted that subsequent to that decision, a further warning letter dated the 31 August 2010 was sent to all Hackney Carriage Drivers, which included Mr Ford. Members were satisfied that this letter stated in clear terms the continued concerns for public safety and warned of the possible risks to drivers should they be caught parking or queuing in areas with Road Traffic Orders.

Despite these warnings and previous suspension Members found on the oral, written and submitted photographic evidence that Mr Ford had again breached Road Traffic Orders and therefore in their opinion posed a real risk to public safety.

Members found not only that a previous suspension for similar offences was an aggravating factor but in addition, that Mr Ford committed further breaches of Road Traffic Orders on three occasions, namely two on the 15 January 2011 and one on the 25 January 2011, which was after he had been notified that he would appear before a Licensing Sub-Committee for the breaches which occurred on the 15 December 2010 and 1 December 2010.

Members noted the three witness statements submitted by Mr Ford at the hearing but found Mr Jepson to be a credible witness who in his own words 'had never met Mr Ford before the incident on the 1 December 2010 and was just reporting what he had seen, as advised to do so'. Therefore they found that Mr Ford's response to Mr Jepson, whilst carrying out his duties as a Parking Enforcement Supervisor to be of great concern.

In reaching their decision to revoke Mr Ford's Hackney Carriage Driver's Licence, as opposed to suspending it for a period of 28 days, as in accordance with the recommendation of Report 24/2011, Members deliberated as to what further steps could be taken for them to be satisfied that Mr Ford remained a 'fit and proper' person to hold a Hackney Carriage Driver's Licence. In concluding, Members felt in their opinion that all reasonable steps had previously been tried and failed and that a period of 28 days suspension would not satisfy them that Mr Ford would comply with Road Traffic Orders in the future, due to his previous conduct which in their opinion displayed an apparent disregard for public safety. This was especially noted by Members when considering the photographic evidence of the 1 December 2010 and the 25 January 2011 whereby Mr Ford's vehicle was clearly seen overhanging and potentially causing an obstruction to other road users which could result in a fatal accident not only to the other road users but also to any pedestrians waiting to cross at the pedestrian crossing. In forming this concern Members had regard to page 23, section 7(b) of the Hackney Carriage & Private Hire Driver's Handbook, as issued to all drivers and namely to Mr Ford on the 24 September 2007 which states that 'If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to another stand'. In their opinion Members concluded that Mr Ford did not do this and as such, his actions posed a real risk to public safety.

Members felt that the revocation was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

APPENDIX 1 (Continued)

Given that Members resolved to revoke Mr Ford's Hackney Carriage Driver's Licence and that this should be with immediate effect, as in accordance with Section 61(2)(2B) of the Local Government (Miscellaneous Provisions) Act 1976 their reason for doing so was due to Mr Ford's continued apparent disregard for Road Traffic Orders and as such, public safety despite a previous suspension and a number of warnings.

In Members' opinion the decision to apply the revocation with immediate effect was proportionate and necessary based on the previous conduct of Mr Ford and that they believed the circumstances in which Mr Ford found himself before them had a high probability of continuing, if they permitted Mr Ford to continue as a Hackney Carriage Driver until either the end of the appeal period or until the conclusion of any appeal and as such could not be satisfied that he did not pose a real risk to public safety.



Briefing Report No: **89/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence
Yacht, 18-19 Victoria Parade, Torquay**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

14 April 2011

Contact Officer: **Karen Ellicott**

☎ Telephone: **01803 208029**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

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

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

1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.

1.4 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”, “Public Safety” and “The Prevention of Public Nuisance”.

1.5 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-

(a) to grant the licence subject to

(i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the Premises Supervisor;

(d) to reject the application.

1.6 Reasons for the decision must be given for inclusion in the appropriate Notices

required to be served on the Interested Parties and Responsible Authorities following the determination of the matter.

2. Introduction

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

A brief description of the application, as follows:

Films, Indoor Sporting Events, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing from 0800 until 0130 on Sunday to Thursday and from 0800 until 0330 on Friday and Saturday.

Live Music from 0800 until 0100 on Monday to Saturday and from 0800 until Midnight on Sunday.

Late Night Refreshment from 2300 until Midnight Monday to Sunday.

The supply of alcohol on and off the Premises from 0800 until 0100 Sunday to Thursday and from 0800 until 0300 on Friday and Saturday.

To be open to the public from 0800 until 0130 Sunday to Thursday and from 0800 until 0330 on Friday and Saturday.

- 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 from Responsible Authorities and an Interested Party. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 2.

We have received a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

We have received one Representation from an Interested Party in relation to the Licensing Objectives "The Prevention of Crime and Disorder", "Public Safety" and "The Prevention of Public Nuisance. This is shown in Appendix 4.

There have been no Representations from any other Responsible Authorities or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.

- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations 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 Representations 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.

Frances Hughes
Executive Head Community Safety

Appendices

- Appendix 1 Details of the application.
- Appendix 2 Details of the Representation from the Police.
- Appendix 3 Details of the Representation from Public Protection.
- Appendix 4 Details of the Representation from the Interested Party.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2008 - 2011.

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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, Marston's PLC, apply for a Premises Licence under Section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant Licensing Authority in accordance with Section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Yacht 18-19 Victoria Parade	
Post town Torquay	Post code TQ1 3BB

Telephone number of premises (if any)

01803 201 212

Non-domestic rateable value of premises

£41,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as:

a) An individual or individuals*

Please tick ✓

please complete section (A)

b) a person other than an individual*

- i. as a limited company
- ii. as a partnership
- iii. as an unincorporated association or
- iv. other (for example a statutory corporation)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

c) a recognised club

please complete section (B)

d) a charity

please complete section (B)

(B) OTHER APPLICANTS

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

Name Marston's PLC.
Address Marston's House Wolverhampton WV1 4JT
Registered number (where applicable) 31461
Description of applicant (for example, partnership, company, unincorporated association etc.) Public Limited Company
Telephone number (if any) 01902 711300
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

3	1	0	3	2	0	1	1
---	---	---	---	---	---	---	---

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

Day Month Year

--	--	--	--	--	--	--	--

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

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

This is a premises which previously had the benefit of a Premises Licence. The licence lapsed as a result of insolvency of the Premises Licence Holder and not by virtue of a Review.

This application seeks to licence the premises on similar terms to that previously granted, which have been discussed with the Police and Environmental Health Officer. Detailed consultation has been undertaken with the Police as to the hours of operation and conditions relating to the prevention of crime and disorder. The layout is as per drawing number M100, dated July 2005 (attached) and the licensed areas are edged in red.

The proposed operator of the premises, should the licence be granted, will be Mr G. Holmes, Mrs S. Picton and Mr J. Radmore. The premises is to be leased to them and they will appoint a DPS. On the execution of the lease and grant of the licence the aforementioned persons have formed a separate agreement with Devon & Cornwall Police to surrender the Premises Licence for their current unit "Trents", situated at 8 Torwood Street, Torquay.

The premises to which this application relates has the benefit of a ground floor and first floor facility, with a small external area to the front of the first floor.

The premises applied for the following licensing hours for on and off sales: -

- Sunday to Thursday 08:00hrs to 01:00hrs
- Friday and Saturday 08:00hrs to 03:00hrs

The application also seeks authorisation under the Licensing Act 2003 for the following activities: -

1. Regulated entertainment, as follows: -

a) Recorded music, amplified voice, compares for functions and quizzes, exhibitions of films, exhibitions of plays, provisions and facilities for the making of music and dancing.

- Sunday to Thursday 08:00hrs to 01:30hrs
- Friday and Saturday 08:00hrs to 03:30hrs

b) Live music

- Monday to Saturday 08:00hrs to 01:00hrs
- Sunday 08:00hrs to 00:00hrs (midnight)

2. Permit sale of alcohol and regulated entertainment (save for live music) the following morning on Friday, Saturday, Sunday and Monday at Bank Holiday weekends and Valentines Day and Halloween, Christmas Eve and Boxing Day until 03:00hrs. New Years Eve to operate from 10:00hrs on the 31st December until 01:30hrs on the 2nd January, thereby providing extended hours. To permit an additional hour for sale of alcohol and regulated entertainment on the commencement of British summertime to replace the hour lost.

3. To permit the provision of late night refreshment after 23:00hrs to 12midnight Mondays to Sundays.

4. Application is made to permit indoor sporting events.

5. The first floor external area is to be authorised for retail sale of alcohol only.

6. The premises is to close 30 minutes after the terminal hour for alcohol.

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

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

Please tick ✓

yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	✓
				Outdoors	
Day	Start	Finish		Both	
Mon	08:00	01:30	Please give further details here (please read guidance note 3) No films will be provided to close seated audiences.		
Tue	08:00	01:30			
Wed	08:00	01:30	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	08:00	01:30		N/A – save as below.	
Fri	08:00	03:30	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 (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).		
Sat	08:00	03:30			
Sun	08:00	01:30			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) Restricted to traditional pub games and party type events.
Day	Start	Finish	
Mon	08:00	01:30	State any seasonal variations for indoor sporting events (please read guidance note 4) N/A – save as below. 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 (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).
Tue	08:00	01:30	
Wed	08:00	01:30	
Thur	08:00	01:30	
Fri	08:00	03:30	
Sat	08:00	03:30	
Sun	08:00	01:30	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) 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 (please read guidance note 5)	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Live music, both acoustic and amplified. State any seasonal variations for the performance of live music (please read guidance note 4) N/A – save as below. 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 (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).		
Mon	08:00	01:00			
Tue	08:00	01:00			
Wed	08:00	01:00			
Thur	08:00	01:00			
Fri	08:00	01:00			
Sat	08:00	01:00			
Sun	08:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Recorded music, including juke box with or without DJ. State any seasonal variations for playing recorded music (please read guidance note 4) N/A – save as below. Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).		
Mon	08:00	01:30			
Tue	08:00	01:30			
Wed	08:00	01:30			
Thur	08:00	01:30			
Fri	08:00	03:30			
Sat	08:00	03:30			
Sun	08:00	01:30			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	08:00	01:30	Please give further details here (please read guidance note 3)	Both	
Tue	08:00	01:30			
Wed	08:00	01:30	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	08:00	01:30		N/A – save as below.	
Fri	08:00	03:30	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	08:00	03:30			
Sun	08:00	01:30		When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Mon				Please give further details here (please read guidance note 3)	Outdoors
Tue			Both		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

I

Provision of facilities for making music. Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Normal facilities for the making of music.		
			Will the facilities for making music be indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	08:00	01:30	Please give further details here (please read guidance note 3)		
Tue	08:00	01:30			
Wed	08:00	01:30	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	08:00	01:30			
Fri	08:00	03:30	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	08:00	03:30			
Sun	08:00	01:30	When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick {Y} (see guidance note 2).		
			Indoors	✓	
			Outdoors		
			Both		
Day	Start	Finish			
Mon	08:00	01:30	Please give a description of the facilities for dancing you will be providing		
Tue	08:00	01:30			
Wed	08:00	01:30	Please give further details here (please read guidance note 3)		
Thur	08:00	01:30			
Fri	08:00	03:30	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Sat	08:00	03:30			
Sun	08:00	01:30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).		

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoor
				Outdoor
Mon				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00		Both	<input type="checkbox"/>
Tue	23:00	00:00	Please give further details here (please read guidance note 3)		
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00	N/A – save as below.		
Fri	23:00	00:00	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 (please read guidance note 5)		
Sat	23:00	00:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).		
Sun	23:00	00:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	08:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	08:00	01:00			
Wed	08:00	01:00			
Thur	08:00	01:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	03:00			
Sat	08:00	03:00	To permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 ON Friday, Saturday, Sunday and Monday at Bank Holiday weekends and on St Valentines and Halloween, Christmas Eve and Boxing Day.		
Sun	08:00	01:00	New Year's Eve, 10:00 on 31 st December until 01:30 on 2 nd January.		
			To permit sale of alcohol for an additional hour on the commencement of British Summer Time.		

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

 Council
--	---

N

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 8)

NONE save for the presence of AWP machines already authorised the use of which is not permitted by persons under the age of 18.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) Please see Box M above.
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see Box M below).
Mon	08:00	01:30	
Tue	08:00	01:30	
Wed	08:00	01:30	
Thur	08:00	01:30	
Fri	08:00	03:30	
Sat	08:00	03:30	
Sun	08:00	01:30	

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Application is made to re-licence this premises. It is intended that the premises shall operate during the day and into the early evening, focusing upon food sales, with regulated entertainment being undertaken predominantly in the evening.

1. The premises shall join and maintain membership of Torquay Night-time Economy Forum and the DPS or member of the Management Team shall attend at least 2 meetings per calendar year.
2. The premises shall join and maintain membership of Nightnet Radio Communications Scheme.
3. As the premises is adjacent to "no drinking zone" specified by the Council, the licensee shall take steps in the form of advertising to their patrons on exit that they are entering a "no drinking zone" and no open drinking vessels are to be taken beyond such points.

b) The prevention of crime and disorder

Clients have undertaken a risk assessment in conjunction with the operation of this licence, taking into account conditions previously imposed on the premises. The following conditions are offered: -

1. A CCTV system to the satisfaction of the Police must be in operation at all times the premises are open to the public. All recordings must be kept for a minimum of 14 days, during which time the Police shall have access at any reasonable time.
2. On Fridays, Saturdays, Sundays preceding a Bank Holiday and Bank Holiday Mondays when the premises sells alcohol after midnight and remains open after 00:30hrs, SIA qualified door stewards shall be employed from 22:00hrs until closing, at a ratio of 1 per 100 customers.
3. On Sundays, Mondays, Tuesdays, Wednesdays and Thursdays the DPS is to undertake a risk assessment as to the need of SIA, if the premises sells alcohol after 12midnight and remains open after 00:30hrs. The DPS should consider the nature of the event, the number of persons expected to attend and recommendations of Devon & Cornwall Police. If SIA are deemed necessary then they shall be employed from 22:00hrs until closing and at a ratio of 1 per 100 customers.
4. On every operational day when door supervision is required, SIA door stewards employed in front of house duties shall wear high visibility jackets for the entirety of their duty.
5. Written records of all SIA door supervisors including full name and full SIA badge number shall be kept on

the premises for at least 12 months and be available for inspection at any reasonable time by a member of the Responsible Authorities.

6. All drinks must be served in toughened or strengthened polycarbonate or plastic glasses.
7. On days when the premises sell alcohol after midnight and remain open after 00:30hrs, no drinks shall be served after 22:00hrs in glass bottles from which it is intended or likely that a person shall drink.
8. There shall be no entry or re-entry to the premises after 02:00hrs when alcohol is served until 03:00hrs.
9. There shall be a cooling down period of 30 minutes after last sales of alcohol when music will be turned down.
10. Food shall be available from opening time until 24:00hrs.
11. All drinks promotions shall be managed in a responsible manner.
12. On all days the premises remain open until 03:30hrs, from 22:00hrs onwards the DPS or a Personal Licence Holder shall be on duty at the premises.

c) Public safety

A risk assessment has been undertaken with regard to public safety, taking into account the conditions previously imposed upon the premises, the following conditions are offered: -

1. The Premises Licence Holder will undertake a regular fire risk assessment.
2. An accident / incident book will be maintained at the premises and be available for inspection by Responsible Authorities, such record to be retained for 12 months.

d) The prevention of public nuisance

A risk assessment had been undertaken with regard to the premises and the conditions previously imposed upon the licence. The following conditions are offered: -

1. Noise or vibration will not emanate from the premises, such as to cause residents 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 23:00hrs. The assessment point will be the boundary of the nearest residential property on each side of the licensed premises. The criteria of that will be applied are: -
 - i) Before 23:00hrs – Noise emanating from the premises will not be clearly distinguishable above other noise.
 - ii) After 23:00hrs – Noise emanating from the premises will not be distinguishable above background levels of noise.
 - iii) The Local Authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee / management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
3. No external speakers shall be operated.
4. All windows and doors shall be closed during periods of regulated entertainment after 22:00hrs.
5. Entrances must be provided with lobbies, with automatic door closes. Access is to be restricted to via the lobbies when regulated entertainment takes place after 22:00hrs.
6. Staff shall regularly check levels in the surrounding outside area, in particular during live music performances.
7. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly and in an orderly manner.
8. First floor external area to be used for smoking purposes only after 02:00hrs.
9. Bottle skips shall be emptied during daytime only. Delivery and handling of bottles and beer kegs shall not take place in the later evening at night or during the early morning.

10. Effective ventilation shall be provided in the kitchen area where food is being prepared and cooked. Staff should monitor for persistent or offensive smells.

11. Any person employed at the premises in the sale and supply of alcohol shall attend and successfully complete BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment.

12. A record of all staff training, including copies of all relevant BIIAB Certificates shall be kept on the premises and be available for inspection at any reasonable time by a member of the Responsible Authorities. Such record to be kept for at least 12 months.

e) The protection of children from harm

A risk assessment has been undertaken with regard to protection of children from harm and taking into account the conditions previously imposed upon the premises. The following conditions are offered: -

1. Young persons who appear to be under the age of 21 shall be asked for identification before they are served alcoholic drinks.

2. Children shall not be allowed on the premises after 22:00hrs, unless attending a private function.



DEVON & CORNWALL
CONSTABULARY

Our ref: Lic/Dev/njs

Your ref:

Licensing Department
Torbay Council
Roebuck House
Abbey Road
TORQUAY
TQ2 5EJ

159,500

20 FEB 2011

Licensing Department
Devon and Cornwall Constabulary
PO Box 1
PAIGNTON TQ3 2YF

23 February 2011

Telephone: 01803 841327

Dear Sir/Madam

The Yacht, 18-19 Victoria Parade, Torquay

I refer to the above premises and an application for the Grant of a new Premises Licence.

The police have met with the applicants and their legal representatives and discussed the application. As a result of these discussions the police consider that the following conditions should be imposed in order to ensure that the Licensing Objectives are met:

1. The premises must join and participate in the Torquay Nitenet Radio Scheme.
2. The premises shall join the Torquay Night Time Economy Forum and the DPS or a member of the management team shall attend at least two meetings per calendar year.
3. At each exit used by customers, suitable signage shall be displayed, informing customers that they are entering a 'No Drinking Zone' and that no open drinking vessels are to be taken beyond such point.
4. At each exit used by customers, suitable signage shall be displayed, requesting customers to leave in a quiet and orderly manner.
5. On Fridays and Saturdays, Sundays and Mondays of Bank Holiday Weekends, New Years Eve, Christmas Eve, Boxing Day, Valentines Day and Halloween (whenever they do not fall on a Friday or Saturday), when the premises sells alcohol after midnight and remains open after 12.30 am, SIA door stewards shall be employed on the premises from 10.00 pm until closing at a ratio of 1 door supervisor per 100 customers.

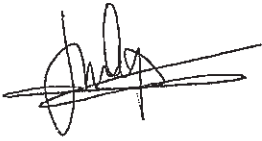
In respect of condition 5 above, the police consider that this condition should apply as opposed to condition number 2 under the Prevention of Crime and Disorder on page 13 of the application.



The police do not consider that there are other ways in which this application can be made acceptable.

Should you require any further information, please do not hesitate to contact my Licensing Department on the above telephone number.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Nye', with a long horizontal stroke extending to the right.

Superintendent J Nye
Geographic Superintendent – Torbay

Memorandum

To: Licensing	From : Community Safety
c.c	Contact :
c.c.	Ext :
c.c	My Ref : 1ZV SRU No: 160327/
For the attention of: Licensing Steve Cox	Your Ref :
	Date : 15 th March 2011

Subject: Premises– Licensing Act 2003
Premises Name & Address:

- a) I have no comments to make on the above application

- b) The application does not meet the following licensing objectives:
 - i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

I note that there is residential accommodation nearby, both above Macari's restaurant and above Man Fridays, there is also accommodation in Queens Quay which has the potential to be disturbed by patrons arriving and leaving all of this accommodation is in the vicinity of the proposed licence. I am concerned that as such the residents would be disturbed by noise from both patrons arriving at and leaving the premises; I am also concerned that music breakout could cause disturbance to residents. I am in receipt of a number of complaints regarding noise from various premises in the area regarding noise from patrons and in respect of amplified music.

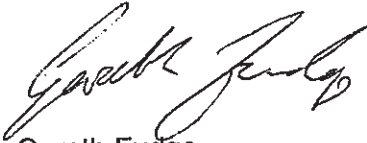
However, I must advise the committee that there are a number of other premises in the immediate vicinity that have late licenses, these include Play night club, The Green Room, and Mikki Finns. However, the premises does have the potential to increase the level of disturbance to residents should it not be effectively managed.

I also note that a number of conditions have been proposed by the applicant that I generally approve of. I would however, recommend that a condition be placed on the licence to deal with patron noise as they leave the premises.

Therefore I recommend that the committee amend condition 4 of section C annex 3 to state " All windows and doors shall be closed after 19:00 during periods of regulated entertainment."

I also recommend that the following condition be added. To Annex 3

"Door staff will monitor patrons in the vicinity of the premises and take steps to control rowdy and noisy behaviour, particularly after 23:00"

A handwritten signature in black ink, appearing to read 'Gareth Fudge', written in a cursive style.

Gareth Fudge
Senior Environmental Health Officer

The application number is 024455 and it says its open, and the poster in the window says representation can be made, yet the website states no representation can be made even though this is a "new" application.

As a resident in the mixed development of victoria parade, I would like to make an objection on the following principles:

+ Prevention of Crime and Disorder

No details have been provided how the licensee will prevent crime and disorder in the surrounding area. This is a current issue which is out of control, and having an additional bar opening to 3am, with last re-entry at 2am compounds the problem that is not well managed.

No consideration is detailed for people migrating between clubs from 11-3, and the disturbances they create.

No provision is made for transport outside of the premises to take party goers home, instead they will walk to the taxi ranks, opposite our premises where we already experience broken windows, doors, urination, vomiting, noise, and food waste.

+ Prevention of Public Nuisance

This is a mixed use area, ie residential, and with drunks leaving club after 3am is disruptive to residents sleep. What steps is the bar taking to ensure that music is not audible outside of the bar at all times iaw the licensing objectives.

+ Public Safety

More clubs, more fights and vandalism.

The license should be restricted to 12, any extension on this should be based on no re-entry policy, with provision for taxi's outside the premises.

Best regards

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Briefing Report No: **88/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of Fiveways Store, 58-60 Westbourne Road, Torquay.**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

14 April 2011

Contact Officer: **Karl Martin**

☎ Telephone: **01803 207614**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

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

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

1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.

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

1.5 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-

(a) to grant the licence subject to

(i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the Premises Supervisor;

(d) to reject the application.

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

2. Introduction

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

A brief description of the application, as follows:

The supply of alcohol for consumption off the Premises from 10:00hrs until 20:00hrs Monday to Saturday and from 10:00hrs until 16:00hrs Sunday.

The supply of alcohol for consumption off the Premises from 10:00hrs until 16:00hrs on all Public Bank Holidays.

To be open to the public from 07:00hrs until 20:00hrs Monday to Saturday and from 09:00hrs until 16:00hrs Sunday.

To be open to the public from 09:00hrs until 16:00hrs on all Public Bank Holidays.

- 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 from Interested Parties. The Licensing Authority is also satisfied that such Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received 6 Representations from Interested Parties in relation to the Licensing Objectives "The Prevention of Crime and Disorder" "Public Safety" "The Prevention of Public Nuisance" and "The Protection of Children from Harm". These are shown in Appendix 2.

We have not received any Representation from any of the Responsible Authorities.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations 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 Representations 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.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Details of Representations from Interested Parties.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.

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**Application for a Premises Licence to be granted
under the Licensing Act 2003**

FORM B

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We SURINDER PAL SINGH + DHARMINDER SINGH
(Insert name(s) of applicant)

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

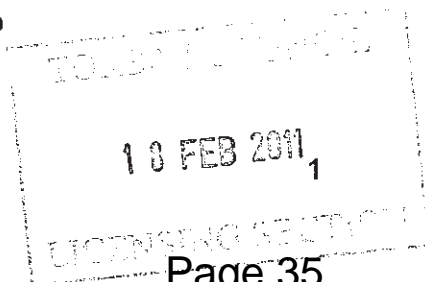
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
FIVENAYS CONVENIENCE STORE, 58 - 60 WESTBOURNE ROAD	
Post town	TORQUAY
Post code	TQ1 4JU
Telephone number at premises (if any)	—
Non-domestic rateable value of premises	£ 1033.23 1324.04 £5400.

Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)



- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SINGH			First names SURINDER PAL		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		1-5 FORE STREET ST. MARY CHURCH			
Post Town	TOROJAY		Postcode	TO1 4PU	
Daytime contact telephone number			325454		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SINGH			First names DHARMINDER		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	

Current postal address if different from premises address		58-60 WESTBOURNE ROAD.	
Post Town	TORQUAY	Postcode	TQ1 4JU.
Daytime contact telephone number		0796 143 2256	
E-mail address (optional)			

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	04	2011

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

APPLICANTS HAVE PURCHASED EXISTING CONVENIENCE STORE,
WHICH HAS CLOSED. PREMISES TO BE EXTENDED ON GROUND
FLOOR TO PROVIDE ADDITIONAL SHOP + STORAGE SPACE.
THREE-BEDROOMED ACCOMODATION ON FIRST FLOOR
WHICH, UNDER CURRENT PLANS, WILL BE OCCUPIED BY
DHARMINDER SINGH

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

7th March 2011

Re: Fiveways Convenience Store 58-60 Westbourne Road Torquay TQ1 4JU

Application to sell alcohol (Premises Licence)

I am writing to you to complain in the strongest possible terms with regards to the application listed above to sell alcohol at Fiveways Convenience Store. This is a residential neighbourhood with many families with small and school age children as well as elderly residents and the very last thing that is needed here is any store selling alcohol. We have enough problems locally with anti-social behaviour from people after consuming alcohol in the evenings and especially at weekends. When the store was open previously without an alcohol licence it was a magnet and a focus for rowdy youngsters and people who had been drinking even at night once it had closed with empty bottles and delivery crates etc. being thrown around and general noise till sometimes the early hours.

To have such a store once again opened but this time with an alcohol licence would be a catastrophe for the local residents and families as alcohol readily available in what is a residential area would I believe cause a considerable increase in anti social behaviour and very possibly alcohol related crime. We already have in close proximity a Waitrose and a Spar store as well as an off licence in Teignmouth Road and also the Tesco shop in the garage on Lymington Road selling alcohol and to add another outlet in the middle of a totally residential area is totally unnecessary as well as worrying for the residents.

With the possible new policy of switching off street lights as well as the current problems we already have with parking congestion to add this outlet with an alcohol licence would be landing the local residents with very real and significant personal and property safety worries. The last thing this area needs is any form of store selling alcohol and for the sake of all the residents I implore you not to allow this licence to be granted.

Yours sincerely

*Crime and Disorder
Public Assistance*

Dear Sir/Madam,

**Re: Fiveways Convenience Store, 58-60 Westbourne Road, Torquay.
TQ1 4JU
Objection - Application for a premises licence for the sale of alcohol**

I am aware that the above premises has applied for a Premises Licence to sell alcohol in accordance with the Licensing Act 2003.

I am writing to formally object to this application as a concerned party for a number of significant reasons some of which are historical and are related to this premises and the residential area in which it is proposed to sell alcohol. These are in general:

- Police crime statistics show already that there crime related incidents within this council ward area;
- Alcohol for sale on the premises will contribute to increased alcohol related crimes and will attract large numbers of youths all year round due to its location on the junction of Westbourne/Forest Road as has been the case in the past for which the Police have been called to on may occasions. This can be very intimidating for some elderly residents especially where elements of 'hoody' type gangs congregate;
- Anti-social behaviour – Large groups of intimidating youths lead naturally to unwelcome ASB activity and behaviour resulting in car crime, increased noise levels late at night especially at weekends. This is particularly worrying as this is a residential area with residents cars parked opposite and adjacent to the shop pavement area;

objection

- Parking congestion – this will occur as this residential area already struggles for residents to park in a Victorian street where families quite often own an average of 2 cars/family. Passing vehicles will also be parking illegally on a busy junction where there is no traffic control. This will exacerbate the parking problems already experienced by residents.
- Noise/noise abatement/noise pollution – ASB will contribute to increased unwanted noise levels especially at weekends. I have over the past numbers of years called the Police out for large groups congregating on the road junction and in the houses rear service lanes to disperse under age youths consuming alcohol. The provision of a licence to sell alcohol will only make this situation worse where they attempt to purchase alcohol. They also urinate, exchange drugs on the road junction and outside the rear of my house as these service lane areas are not lit. They also use the lane to Vigour's Ltd. which is not lit and accessible to consume alcohol out of the sight of the Police.
- Off-licence sales – considering Waitrose, Spar (Plainmoor) and an outlet on Teignmouth Road sell alcohol, how can another shop be justified when Policing in these areas is already sparse especially in a residential area.
- Variation to future operating times – one can only assume that once this licence is granted the applicant will invariably apply for an extension of sales (past 8pm), this will increase the areas highlighted and be unbearable.
- Council street light switch off – as intended by Torbay Council my view is that with the combination of ASB and alcohol, there is a new potential risk of burglary/robbery related crimes to private property, vehicles and nearby residential gardens in this residential area. This has happened before where the Police have been called.

Considering these serious concerns I would like to propose that the Premises Licence to sell alcohol be not granted based on my objections and the fact that the licensing objectives cannot be fully met by the applicant.

Alcohol Licence being granted for Five ways Store.

I feel this would bring a whole lot of problems with it like Alcohol related crime, car and vehicle problems/congestion and possible burglary incidents.

I am a single mother with a young daughter sitting her GCSE'S and I have to work so the impact on my emotional and physical state would be affected by late night shoppers and people who don't work .This is so unfair and unnecessary in our area Our house prices will fall and the neighbourhood would deteriorate drastically . Holistically it will be a disaster.

May I ask you, How would you like to live near an off license and still function?

I beg you to rethink and just give us our shop back with out all the rubbish you will subject us to.

Do you really care!

L30 objection R159574

71
18 MAR 2011
DOC No

Dear Licensing Officer,

~~Dear concerned resident,~~

Re: Fiveways Convenience Store, 58 – 60 Westbourne Road, Torquay, TQ1 4JU

Application to sell alcohol (Premises Licence)

This is to inform you of the current situation of the shop opposite or near you. If you wish object you need to write to the Council **now** as the Licence Application has been received and there is only a few days to object. You will need to state to the Council your concerns regarding the application of a Premises Licence to sell alcohol. Write to:

Licensing Section

Torbay Council

Roebuck House

Abbey Road

Torquay

TQ2 5EJ

Remember once this licence has been granted it can be varied at any time e.g. opening times extended, which is what normally happens. At the moment Mr. Dharminster Singh has applied for a licence from 10am to 8pm and Bank Holidays. A licence variation after this Premises Licence has been granted could be made at a later date by the applicant say to 11pm or midnight. This will increase:

- Alcohol related crime
- ASB – Anti Social Behaviour
- Car/vehicle crime
- Burglary/Robbery especially when the Council switch the street lights off as intended
- Parking congestion

Considering the current provision for the sale of alcohol from Waitrose, Spar and an off licence on Teignmouth Road there is not a need for another off licence especially in a residential area.

Feel free to quote some of these matters as your concerns as an interested party.

Westbourne Resident

4th March 2010

*we the under signed strongly object to the above application,
for all the reasons stated above.*

DEAR [SIR/MADAM

I WOULD STRONGLY OBJECT, TO THE APPLICATION, TO SELL ALCOHOL, AT 58/60 WESTBOURNE ROAD. I FEEL, THE AREA, IS WELL SERVED, BY WAITROSE, AT PLAIN MOOR, M^CCALLS AT PLAIN MOOR, AND M^CCALLS AT LYNINGTOW ROAD, ALL WITHIN WALKING DISTANCE TAKING JUST A FEW MINUTES TO REACH THEM. THIS SHOP, WHEN IT WAS OPEN, ALWAYS HAD PROBLEMS WITH SCHOOL CHILDREN STEALING OFF THE SHELVES, ALSO PROBLEMS WITH FOREIGN STUDENTS, GATHERING, OPPOSITE THE SHOP, FOR HOURS ON END. ALSO, THE SHOP, IS ON A MAIN ROAD, FROM THE TOWN, TO HELE VILLAGE, MUCH DAMAGE, HAS BEEN CAUSED, TO CARS. WING MIRRORS, KNOCKED OFF, WHEEL TRIMS, STOLEN CARS SCRATCHED.

Child Protection

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TWO LAST WEEK, IT WAS, PINK PAINT.
SPRAYED, ON AT LEAST TWO CARS.

THIS APPLICATION, IF PASSED, WILL ONLY
MAKE, MATTERS, A LOT WORSE, SOCIETY,
WANTS TO STOP, ALL DRUNKEN BEHAVIOUR.
LETTING MORE SHOPS SELL ALCOHOL IS NOT
THE RIGHT WAY.

YOURS FAITHFULLY

Re: Fiveways Convenience Store, 58-60 Westbourne Road, TQ1 4JU

Application to sell alcohol (Premises Licence)

To whom it may concern,

We would like to lodge a formal objection to the granting of the above licence for the following reasons.

Alcohol related crime

Anti Social Behaviour

Noise related incidents during the evenings

Car/Vehicle crime

Burglary/Robbery especially when the street lighting is switched off as intended by the council

Parking congestion due to the location of the shop.

Taking into account the current provision for the sale of alcohol within the area, i.e. Waitrose, Convenience store (St Marychurch Road) Tesco and Tesco garage, Spar and Off Licence (Lymington Road) we believe there is not the need for another alcohol outlet especially within a residential outlet.

Thank You for taking the time to consider this objection.