



Wednesday, 11 January 2012

LICENSING SUB-COMMITTEE

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

Thursday, 19 January 2012

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 Addis
Councillor Ellery

Councillor Pentney

Our vision is working for a healthy, prosperous and happy Bay

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

Teresa Buckley, Town Hall, Castle Circus, Torquay, TQ1 3DR
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. **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.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Licensing Act 2003 – An application for a Premises Licence
Torbay Beer Delivery Ltd, Office 5, Dainton Self Storage Yard,
Torre Station Yard, Torquay**

To consider a report on an application for a Premises Licence in respect of Torbay Beer Delivery Ltd, Office 5, Dainton Self Storage Yard, Torre Station Yard, Torquay.

(Pages 1 -
20)



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence Torbay Beer Delivery Ltd, Office 5, Dainton Self Storage Yard, Torre Station Yard, Torquay

Wards Affected: **Cockington with Chelston**

To: **Licensing Sub Committee** **19th January 2012**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
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 Objective “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 Applicant and Interested Party 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:

To permit the Supply of Alcohol off the premises 24 hours a day 7 days a week.

To provide Late Night Refreshment from 23.00 until 05.00 7 days a week.

To be open to the public 24 hours a day 7 days a week.

A copy of the plans of the Premises and the Surrounding Area are shown as Appendix 2 and 3.

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also satisfied that the Representations has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received one Representation from an Interested Party in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown in Appendix 4.

There have been no additional Representations received from any Responsible Authority 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 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.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Plan of Surrounding Area

Appendix 4 Details of the Representation from the Interested Party.

If the above appendices are not attached to this report, they can be viewed at ConnectionsOffices in Torquay, Paignton or Brixham and Torquay, Paignton, Churston or Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.

This page is intentionally left blank

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 TORBAY BEER DELIVERY LTD

(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 OFFICE 5, DAINTON SELF STORAGEYARD, TORRE STATION YARD			
Post town	TORQUAY	Post code	TQ2 5DD

Telephone number at premises (if any)	07584990771
Non-domestic rateable value of premises	£63500

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)

Please give a general description of the premises (please read guidance note1)
THE PREMISES IS A SELF CONTAINED, MULTIPLE ROOM OFFICE. LOCATED WITHIN A SECURE YARD THAT ALSO HOMES A SELF STORE FACILLITY. IT IS SITUATED ON THE SCOND FLOOR WITH ACCESSS BY STEPS. THE YARD HAS SECURITY ACCESS GATES, AND SECURITY FENCING SURROUNDING IT.

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

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	05:00	Please give further details here (please read guidance note 3) HOT FOOD AND DRINK		
Tue	23:00	05:00			
Wed	23:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	05:00			
Fri	23:00	05:00	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	05:00			
Sun	23:00	05:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00:00	24:00			
Tue	00:00	24:00			
Wed	00:00	24:00			
Thur	00:00	24:00			
Fri	00:00	24:00			
Sat	00:00	24:00			
Sun	00:00	24:00			
			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)		

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

Name RICHARD GEOFFREY ABBOTTS

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	24:00	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 (please read guidance note 5)
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

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)

PLEASE SEE ATTACHED SHEET

b) The prevention of crime and disorder

PLEASE SEE ATTACHED SHEET

c) Public safety

PLEASE SEE ATTACHED SHEET

d) The prevention of public nuisance

PLEASE SEE ATTACHED SHEET

e) The protection of children from harm

PLEASE SEE ATTACHED SHEET

THE PREVENTION OF CRIME AND DISORDER

1. Delivery drivers will only take a minimum amount of cash for use as change on each 'round', they shall deposit takings from each 'round' at the premises between trips.
2. There shall be a policy of safe practice for employees that handle money in public, any violence or threat of violence shall be reported to the police immediately.
3. All delivery drivers will be 18 years of age and above.
4. All staff that either take customer orders (phone staff), or deliver customer orders (drivers), will within 3 months of employment have attended the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) course.
5. All staff will have attended a documented in house training course before starting work, that covers aspects of the licensing act as is relevant to this particular business, and their specific role within it. Records will be kept for a minimum of 12 months, such records shall be available on demand for inspection by the police, Torbay Council Licensing Department and Torbay Trading Standards Officers at any reasonable time.
6. All staff shall have quarterly refresher meetings on the above. (point 5)
7. At the time of ordering all customers will be asked to supply the following details;
 - Full Name
 - Full Delivery Address
 - Confirmation of being over 18.
 - The Alcohol Order
8. The above supplied details (point 7) will be written on the order sheet, a copy of which will accompany the alcohol throughout the delivery, and be left with the customers on delivery.
9. The above supplied details (point 7) will be written on the order sheet, a copy of which will remain on record at the premises and be kept for a minimum of 12 months. Such records shall be available on demand for inspection by the police, Torbay Council Licensing Department and Torbay Trading Standards Officers at any reasonable time.
10. Only alcohol ordered for delivery shall be carried on delivery vehicles at any time the vehicle is in use for a delivery. Exceptions to this will include, alcohol being returned to the premises due to, for example, staff refusal to serve, non answer at address etc.
11. Alcohol shall only be delivered to a Residential or Commercial addresses. Specifically not to public outdoor spaces.
12. No alcohol shall be sold to the public from the premises asides from by remote ordering methods, i.e. internet/telephone/mail order etc.
13. The public shall not be permitted to attend the premises to order, pay for or collect any goods, including alcohol.
14. A refusals book shall be kept in the delivery vehicle and all entries shall be transferred to a main record held within the premises after each tour of duty. All refusal books shall be available for inspection by the police or members of the local authority licensing team at any reasonable time and all records shall be kept for a minimum of 12 months.
15. All Media (website/flyers) shall have age restricted warnings and the current relevant links on.

PUBLIC SAFETY

16. There must be an accident book on site
17. There must be a medical box on site
18. There must be a dustpan and brush and glass bin on site.
19. Telephone numbers shall be displayed for NHS Direct and RIDDOR.
20. There must be fire equipment on site.

THE PREVENTION OF PUBLIC NUISANCE

21. Typically deliveries shall be solo, except in cases of for example, staff training. In these exceptions staff shall be aware of noise issues, and talking etc when outside of their vehicles.
22. Car stereos shall be turned off before the drivers exit the vehicle, or open doors/windows.

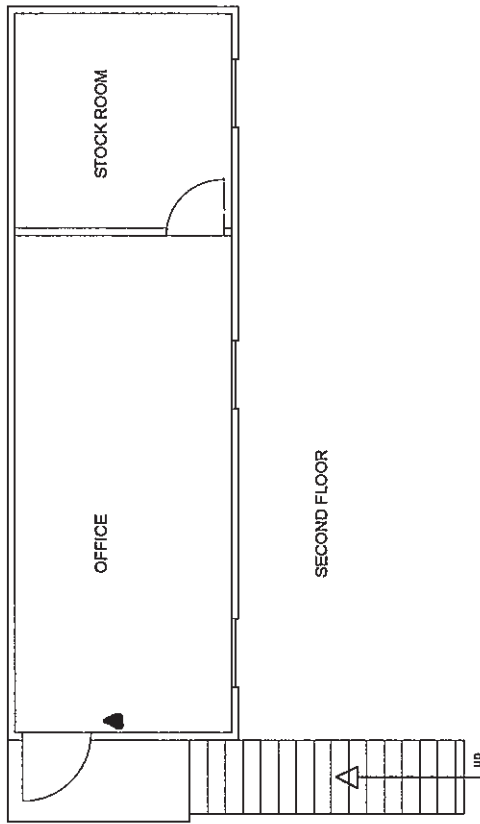
THE PROTECTION OF CHILDREN FROM HARM

23. In the case of age identification, acceptable Photo Id will be Passport, Driving Licence or Provisional Driving Licence.
24. Customers that appear to the driver to be under the age of 25 will be asked to provide Photo ID.
25. There shall be no sale, even to an ID holder if there is blatant under-age drinking at the delivery premises.

KEY

▲ FIRE EXTINGUISHER

AREA FOR ALL LICENSABLE ACTIVITIES

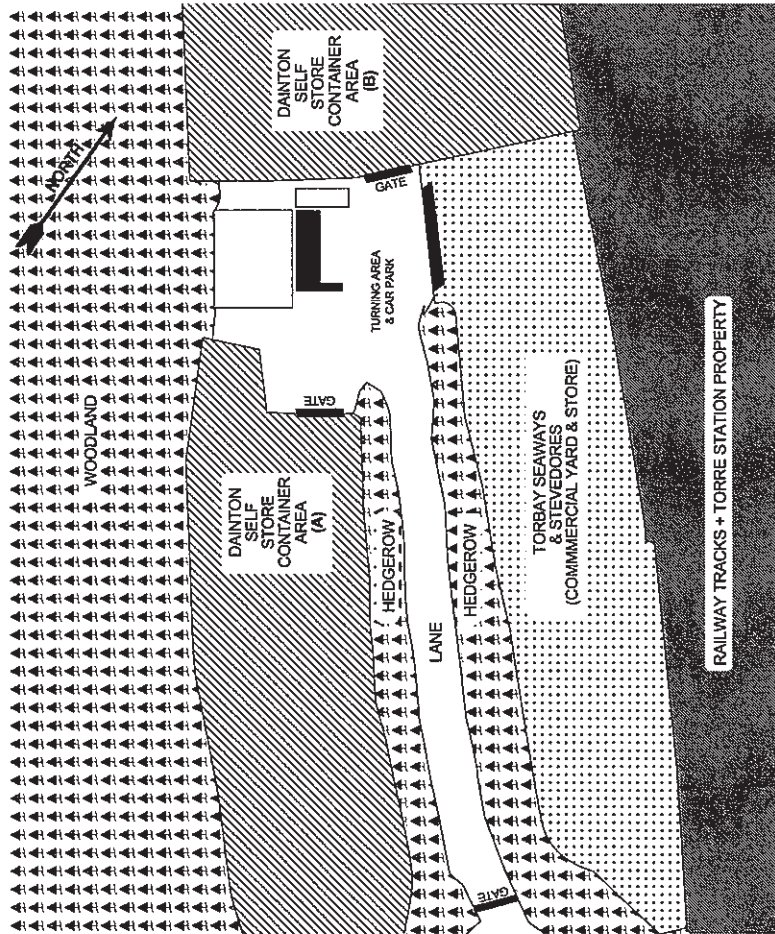


PRODUCED BY	R. ABBOTTS
SITE	Office 5, Dainton Self Storage Yard, Torre Station Yard, TQ2 5DD
DATE	11/11/2011
SCALE	1:100
TITLE	SURVEY DRAWING

This page is intentionally left blank

Surrounding Area

Scale 1:1000



This page is intentionally left blank

TORRENT COUNCIL
23 DEC 2011
LICENSING SECT



Dear Sir / Madame
I am writing
because I have an
objection to the
Application for a
Premises License by
Gorby Beer Delivery
LTD, for late night
refreshments from 23:00 -
05:00 hours Monday -
Sunday and for the
sale of alcohol off the
premises from 00:00 - 24:00
Monday - Sunday at
OFFICE 5, DAINTON SELF -
STORAGE YARD, TORRE STATION
P.T.O

YARD. TORQUAY, TQ2 5DD.

I think this could cause problems with traffic, noise and un-social behaviour, it is off the main road and out of site, but close to and behind residential properties, there is a small grass path, behind the Rones next to the railway lines, the bed and breakfast places opposite us are small, friendly and quite, I feel this licence will change the character of the immediate area, the other businesses nearby the car Wash, the car cosmetics and do not open after 18.00

or 19:00 hrs, the
storage yard itself has
no noise or busy
traffic and you are not
disturbed by it. I don't
not believe it is in
keeping with the rest
of the area, to have
somewhere that is
selling alcohol and
serving refreshments all
night and early morning.
This would be suitable
for the town centre
or out of town but not
near homes, especially
out of sight at the
rear of properties.
I ask you to please
consider the potential
side effects of allowing
P.T.O.

*this to go ahead.
yours sincerely*



23/12/11