

LICENSING SUB-COMMITTEE

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

Thursday, 15 March 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 Pentney

Councillor Bent

Councillor Butt

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 207013

Email: governance.support@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** (Pages 1 - 6)
To confirm as a correct record the Minutes of the meetings of a Sub-Committee held on 1 and 22 December 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. **Licensing Act 2003 – An application for a Premises Licence – Trents, 8 Torwood Street, Torquay, TQ1 1EB** (Pages 7 - 34)
To consider an application for a Premises Licence – Trents, 8 Torwood Street, Torquay, TQ1 1EB.



Minutes of the Licensing Sub-Committee

1 December 2011

-: Present :-

Councillors Addis, Ellery and Bent

384. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

385. Minutes

The Minutes of the meeting of the Sub-Committee held on 10 November 2011 were confirmed as a correct record and signed by the Chairman.

386. Exclusion of the Press and Public

Prior to consideration of the item in Minute 384 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1,2 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

387. Suspension of Licensed Drivers Licence

Prior to consideration of the exempt report regarding to the suspension of Licensed Drivers Licence, the Chairman made the following statement:

'As the Chairman of the Licensing Committee, I was consulted in respect of the decision to suspend the Respondents Private Drivers Licence. This was my only involvement in that decision making process, as the decision was the Executive Head's to make and only the principle of suspending the driver licence was discussed with me, to which I did not object in the circumstances.

I have not, until this committee was set up, had the opportunity to see all the evidence therefore please be assured that I have not made up my mind on any issues to be discussed today.'

The Sub-Committee proceeded to consider an exempt report and appendices on the suspension of a Private Hire Vehicle Driver and whether he remained a 'fit and proper person' to hold a Drivers Licence. The Sub-Committee also considered additional papers which were circulated on 29 November 2011, listened to a tape recording and several character references.

The Respondents Solicitor, Respondent and Respondents friend all made oral representations to the Sub-Committee.

Decision:

That the Private Hire Drivers Licence, as set out in the Licensing Sub-Committee exempt report dated 1 December 2011 be revoked and that this revocation shall have immediate effect in the interest of public safety.

Reason for Decision:

Having carefully considered all the written, oral and audio evidence placed before the Sub-Committee, Members of the Committee resolved to revoke the Respondents Private Hire Drivers Licence, as in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 because they could not be satisfied that he remained a fit and proper person to hold such a licence. In addition Members of the Committee resolved that this revocation shall have immediate effect in the interest of public safety, as in accordance with 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Minutes of the Licensing Sub-Committee

22 December 2011

-: Present :-

Councillors Brooksbank, Doggett and Butt

457. Election of Chairman/woman

Councillor Butt was elected as Chairman for the meeting.

458. Apologies

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

459. Seamus O'Donnells, 28 Victoria Parade, Torquay

Members considered a report on an application for a Variation to a Premises Licence in respect of Seamus O'Donnells, 28 Victoria Parade, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation suggesting additional conditions should the application for a Variation to a Premises Licence be granted.	22 November 2011
Public Protection	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'. The representation also suggests additional conditions should the application be granted.	14 November 2011
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Unknown
Public Protection	Representation advising of a complaint regarding noise nuisance.	1 December 2011

Public Protection	Representation reiterating suggested conditions should the application be granted.	13 December 2011
Public Protection	Representation amending previously suggested conditions and proposing new conditions.	13 December 2011

Additional Information

Prior to the Sub-Committee the Applicants Solicitor requested an extension of time to make his oral representations. Members of the Sub-Committee agreed to an extension of time of 20 minutes and informed all interested parties that they too would have 20 minutes to make their oral representation.

Oral Representations received from:

Name	Details
Applicant Solicitor	The Applicants Solicitor outlined the application and responded to Members questions.
Noise and Safety Officer	The Noise and Safety Officer outlined his objections to the application, the proposed conditions should the application be granted and responded to Members questions.
Police	The Police Representative outlined the proposed conditions in appendix 4 to the submitted report which would, in their opinion, alleviate their concerns.

Decision:

That the application for a Variation to a Premises Licence in respect of Seamus O'Donnells, 28 Victoria Parade, Torquay be granted, subject to all the conditions proposed by the Police and Environmental Health and as agreed by the Applicant.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the application as they were satisfied that the comprehensive conditions put forward and agreed by all parties would seek to promote the Licensing Objectives and as such, would alleviate the concerns of the Objectors.

In addition Members had regard to Torbay Council's Licensing Statement of Principles 2011, specifically in respect of the Cumulative Impact Policy and resolved that by the implementation, monitoring and compliance with the agreed conditions, the grant of the application would not in their opinion add to crime and disorder and/or public nuisance.

Should issues arise as a result of this grant, Members would encourage a Review of the Premises Licence from either the Responsible Authorities or Interested Parties to ensure that the Licensing Objectives remain to be promoted.

Chairman

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Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence – Trents, 8 Torwood Street, Torquay, TQ1 1EB**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **15th March 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. The Premise is situated within the Cumulative Impact Area.
- 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” 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 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 Live Music; Recorded Music; Provision of Facilities for making Music and the Provision of Facilities for Dancing from 20.00 until 04.00 Wednesday to Sunday.

To permit the Supply of Alcohol from 20.00 until 04.00 Wednesday to Sunday.

To provide Late Night Refreshment from 23.00 until 04.00 Wednesday to Sunday.

To be open to the public from 20.00 until 04.30 Wednesday to Sunday.

A copy of the plan of the Premises is shown as Appendix 2.

2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as relevant Representations have been received from two 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 Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”. This is shown as Appendix 3.

We have received a Representation from Public Protection in relation to the Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 4.

We have received a Representation from a member of the public in relation to the Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 5.

There have been no additional Representations received from any other Interested Party or any other Responsible Authority.

- 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 Representation from the Police.
- Appendix 4 Representation from Public Protection
- Appendix 5 Representation from a member of the public.

If the above appendices are not attached to this report, they can be viewed at Connections Offices 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.



**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 Lifestyle Enterprises (UK) 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 Trents 8 Torwood Street			
Post town	Torquay	Post code	TQ1 1EB

Telephone number at premises (if any)	Not known
Non-domestic rateable value of premises	£12,850

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)
Public House.

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

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 (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)		
Mon					
Tue					
Wed	20:00	04:00	State any seasonal variations for the performance of live music (please read guidance note 4) Bank Holiday's that do not fall on Wednesday's, Thursday's, Friday's Saturday's or Sunday's from 20:00 hours to 04:00 hours.		
Thur	20:00	04:00			
			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)		
Fri	20:00	04:00			
Sat	20:00	04:00			
Sun	20:00	04:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed	20:00	04:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) Bank Holiday's that do not fall on Wednesday's, Thursday's, Friday's Saturday's or Sunday's from 20:00 hours to 04:00.		
Thur	20:00	04:00			
Fri	20:00	04:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	20:00	04:00			
Sun	20:00	04:00			

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed	20:00	04:00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) Bank Holiday's that do not fall on Wednesday's, Thursday's, Friday's Saturdays or Sunday's from 20:00 hours to 04:00.	
Thur	20:00	04:00		
Fri	20:00	04:00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	20:00	04:00		
Sun	20:00	04:00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed	20:00	04:00			
Thur	20:00	04:00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) Bank Holiday's that do not fall on Wednesday's, Thursdays, Friday's Saturdays or Sunday's from 20:00 hours to 04:00 hours.		
			<u>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</u> (please read guidance note 5)		
Fri	20:00	04:00			
Sat	20:00	04:00			
Sun	20:00	04:00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed	23:00	04:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Bank Holiday's that do not fall on Wednesday's, Thursday's, Friday's Saturday's or Sunday'sn from 20:00 hours to 04:00.		
Thur	23:00	04:00			
Fri	23:00	04:00	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	04:00			
Sun	23:00	04:00			

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Bank Holiday's that do not fall on Wednesday's, Thursday's, Friday's Saturday's or Sunday's from 20:00 hours to 04:00 hours.		
Mon					
Tue					
Wed	20:00	04:00			
Thur	20:00	04:00			
Fri	20:00	04:00			
Sat	20:00	04:00			
Sun	20:00	04:00			
			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 Mathew Jarratt	
Address 178c Higher Union Street Torquay	
Postcode	TQ2 5QP
Personal Licence number (if known) PA0788	
Issuing licensing authority (if known) Torbay 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

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) Bank Holiday's that do not fall on Wednesday's, Thursday's, Friday's Saturday's or Sunday's from 20:00 hours to 04:30 hours.
Day	Start	Finish	
Mon			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			
Wed	20:00	04:30	
Thur	20:00	04:30	
Fri	20:00	04:30	
Sat	20:00	04:30	
Sun	20:00	04:30	

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)

See attached "Operating Schedule"

b) The prevention of crime and disorder

As Above

c) Public safety

As Above

d) The prevention of public nuisance

As Above

e) The protection of children from harm

As Above

**Operating schedule to support application for new premise License for
Trents, 8 Torwood Street, Torquay, TQ1 1EB**

General

- A clear and legible notice outside the premises indicating:-
 - the normal opening hours under the terms of the premises licence during which licensable activities are permitted,
 - A copy of the premises Licence Summary shall be displayed.
 - The Regulatory Reform (Fire Safety) Order 2005 shall be adhered to at all times.

The prevention of Crime and Disorder

- CCTV is installed and will be maintained at all times.
- CCTV shall operate throughout the time the premises open to the public with a recording monitor. All recordings shall be kept for a minimum period of 14 days during which time Police shall have access to recordings at any reasonable time.
- On any Thursday, Friday and Saturday night that the premises remain open for the sale of alcohol after midnight and then closes after 00:30 hours, SIA door supervisors shall be employed on the premises from 22:00 hrs until close, at a ratio of 1 supervisor per 100 customers. (This condition shall also apply on Bank Holiday's when they do not fall on Thursday, Friday or Saturday.) On all other occasions, the premises licence holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.
- SIA door stewards employed in front of house duties shall wear high visibility reflective clothing.
- All drinks shall be served in shatterproof glasses and no alcohol shall be served in glass bottles after 11:00pm from which it is intended or likely that a person shall drink.
- A safe capacity will be agreed with the Fire and Local Authority and maintained at all times.



www.hooksrestaurant.co.uk www.tigerbills.co.uk www.bombaybills.co.uk www.appleandparrot.co.uk www.lifestyleeventsuk.com www.cafemambo.co.uk www.thegissons.co.uk

Mambo, Apple & Parrot, Hooks, Tiger Bills, Bombay Bills, The Gissons, Lifestyle Events, Lifestyle Enterprises & Lifestyle Venues are all trading names of The Lifestyle Hospitality Group Ltd | Registered address: Clarence House, 17 The Strand, Torquay, Devon TQ1 2AA
VAT No. 997 3159 64 | Company Registration No. 07150528 (England)

The prevention of public nuisance

- Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm.
- Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The placing of refuse, such as bottles, into receptacles outside the premises must take place at times that will prevent disturbance to nearby properties.
- Deliveries of kegs, bottles, food or other materials necessary for the operation of the business must be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- The volume of any apparatus used shall be controlled by management and limits agreed with the Local Authority to avoid nuisance to nearby residents.

Public Safety

- An incident/accident report book will be kept with a record kept of all instances of public disorder.
- Adequate emergency and fire exit lighting will be installed to British Standard Specifications and maintained in working order.
- A suitably trained first aider will be present during opening hours with adequate first aid kit provision.
- Where the licence permits the provision of dancing, a suitable and clearly identifiable area will be available for this purpose.
- Non alcoholic drinks will be available.
- Free drinking water shall be available at all times.
- A log shall be kept of all tests and maintenance of safety equipment.

The protection of children from harm

- A challenge 21 policy shall be in force whereby any customer who does not look over 21 is asked for proof of age.
- All staff shall be trained in this policy (including acceptable forms of proof of age).



www.hooksrestaurant.co.uk



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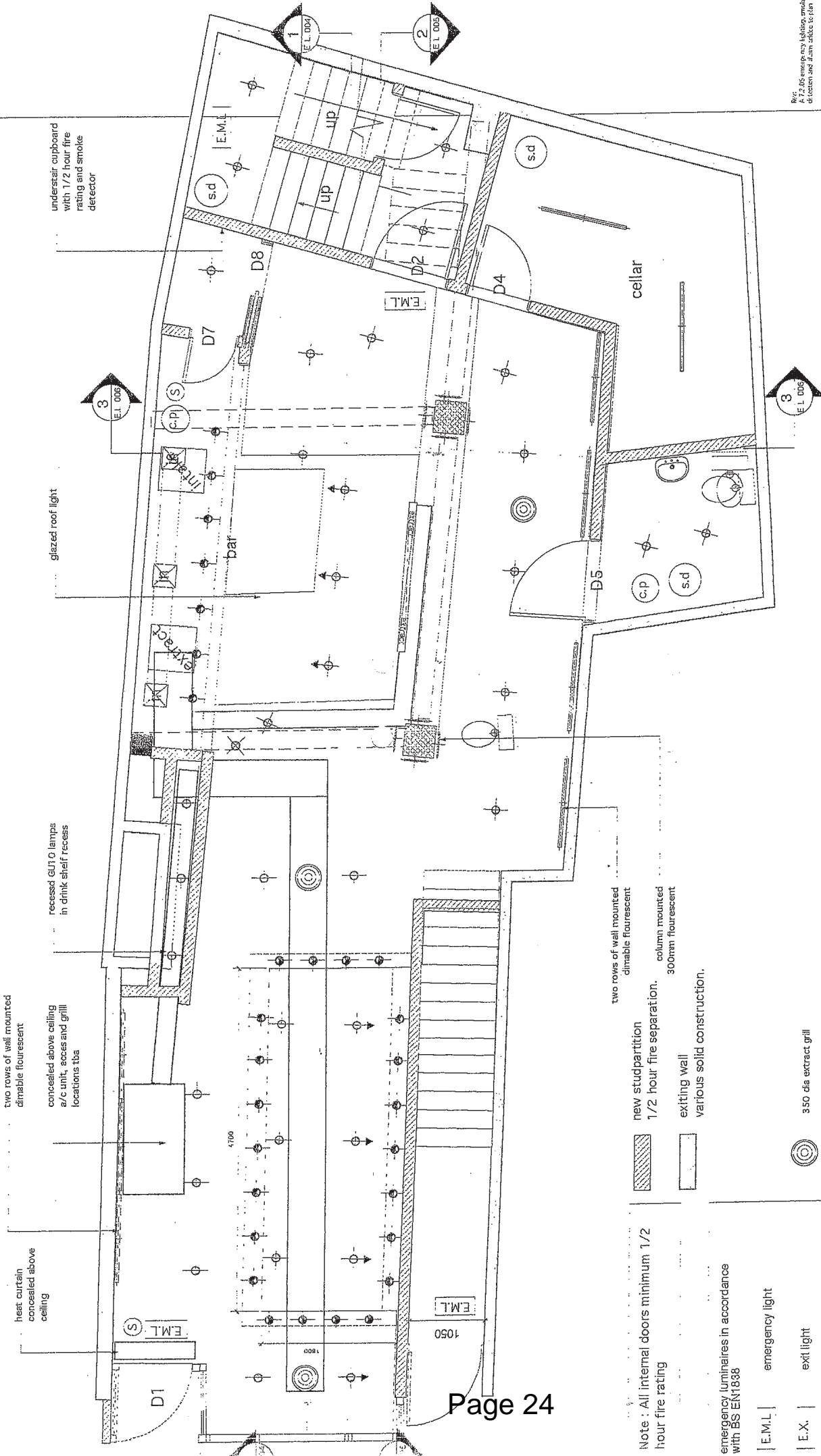


www.cafemambo.co.uk



The Gissons Inn

www.thegissons.co.uk



Rev. 2/7/06 emergency lighting, smoke detection and alarm added to plan

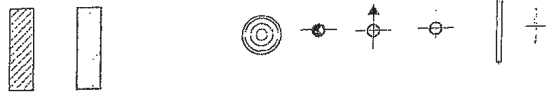
pt trents
 client F. & P. Roberts
 J. Williams
 1st floor proposed
 1st floor 1:50 @ A3 1:25 @ A1
 drawing no. 181.CE.001 A
 fruition

two rows of wall mounted dimmable fluorescent
 concealed above ceiling
 a/c unit, access and grill locations tba
 heat curtain concealed above ceiling

glazed roof light

understair cupboard with 1/2 hour fire rating and smoke detector

two rows of wall mounted dimmable fluorescent
 column mounted 300mm fluorescent
 new studpartition
 1/2 hour fire separation.
 exiting wall
 various solid construction.



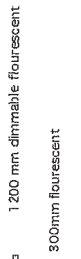
Note: All internal doors minimum 1/2 hour fire rating

emergency luminaires in accordance with BS EN1838

- | E.M.L. | emergency light
- | E.X. | exit light

type 'M' fire alarm system with items listed below

- (c.p.) manual call point
- (h.s.d.) heat/smoke detector
- (s.d.) smoke detector
- (S) sound alarm





**DEVON & CORNWALL
CONSTABULARY**

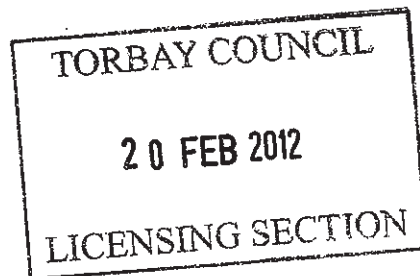
Our ref: Lic/East/Tor/jks

Your ref:

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

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
Middlemoor
EXETER EX2 7HQ

20 February 2012



Telephone: 01392 452225

Dear Sir/Madam

Trents, 8 Torwood Street, Torquay

I refer to an application for the Grant of a new Premises Licence, by Lifestyle Enterprises (UK) Ltd in respect of the above named premises.

The police have discussed this application with Mrs Julie Eyre, Director of Lifestyle Enterprises (UK) Ltd and as a result of these discussions the police object to the granting of this licence on the following grounds:

1. The premises are located within the area covered by the Torbay Council Special Saturation Policy (Cumulative Impact Area), which has been identified as being subject to high levels of crime and disorder and alcohol related crime and it is also situated within the Torbay Designated Public Place Order. It is the opinion of the police that granting a licence for the sale of alcohol until 4.00 am, on Wednesdays through to Sundays, at this premises will add to the problems of crime and disorder and/or public nuisance in the area, particularly as the premises are to be a 'drink-led' establishment, providing similar facilities to other premises already established in that area and located in close proximity to other risk factors such as late night takeaways and taxi ranks.
2. The applicants, Lifestyle Enterprises (UK) Ltd, are the current Premises Licence Holders of Mambo, 7 The Strand, Torquay. In December 2011, the Premises Licence Holders and the Designated Premises Supervisor of this premises attended a meeting at Torquay Police Station, where they were advised of the high levels of crime and disorder in the form of assaults, thefts and allegations against door stewards attributed or linked to Mambo. The premises have been advised of the need to reduce these levels and are currently subject of a Problem Solving Plan and monitoring by the police.
3. The police have concerns that, as this Premises Licence is time-limited for a



period of 6 months, normal avenues of recourse for the police should the premises impact on crime and disorder, such as a Review of the Premises Licence, will not be a viable course of action due to the relevant time constraints involved in the application procedure.

4. On 14 April 2011 the Torbay Council Licensing Committee dealt with an application for a new Premises Licence in respect of The Yacht, 19 Victoria Parade, Torquay. On that occasion, the committee resolved that a departure from the Council Policy was proportionate having had particular regard to the oral representation from the police in that the granting of the licence would not add to problems of crime and disorder, given that the applicant's tenants agreed to surrender the Premises Licence they held at that time in respect of Trents. It is the opinion of the police that the licence for the Yacht was granted to replace the licence held at Trents, and that had the applicant's tenants not surrendered the licence at Trents, the Licensing Committee would not have granted the Premises Licence in respect of the Yacht, thereby not allowing an increase in the number of licensed premises in that area.
5. The police do not consider that the applicant has demonstrated within their Operating Schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

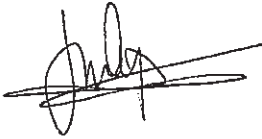
The police do not consider that there are any ways in which this application can be made acceptable, however, should the Licensing Committee be mindful to grant this licence, the police request that the following conditions be imposed on the licence in an attempt to meet the licensing objectives:

- a) The premises shall join and maintain membership of the Torquay Night Time Economy Forum and the DPS or a member of the Management Team shall attend all meetings which they are notified of by the police or Torbay Council.
- b) The premises shall join and maintain membership of the Nitenet Radio Communications Scheme.
- c) As the premises is adjacent to a "No Drinking Zone" specified by the Council, the DPS 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.
- d) All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses.
- e) There shall be no entry or re-entry to the premises after 0200 hours.
- f) On all days when the premises remain open for the sale of alcohol after midnight, the DPS or a Personal Licence Holder shall be on duty on the premises from 2200 hrs onwards.
- g) Any person employed at the premises in the sale and supply of alcohol shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 1 month of commencing employment.
- h) 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.

- i) No person under the age of 18 years old, shall be permitted on the premises after 2200 hrs.
- j) The premises shall not hold any form of drinks promotions, eg 2 for 1, free shots/alcoholic drinks, happy hour etc.
- k) Written records of all SIA door supervisors including full name and full SIA badge number shall be kept on the premises for at least 6 months and be available for inspection at any reasonable time by a member of the Responsible Authorities.

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

Yours faithfully

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

Superintendent J Nye
Geographic Superintendent – Torbay

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Memorandum

To: Licensing	From :	Community Safety
c.c	Contact :	Mr Gareth Fudge
c.c.	Ext :	01803 208025
c.c	My Ref :	1ZV SRU No: 171553/GDF
For the attention of: Licensing Steve Cox	Your Ref :	
	Date :	1 February 2012

Subject: Premises– Licensing Act 2003
Premises Name & Address: Trents, , 8 Torwood Street, Torquay, Devon, TQ1 1EB

- 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

The above application is situated in the cumulative impact zone and is a premises that has frequently caused complaint to both residents of Torwood Street, Queens Quay and Park Lane. The complaints related to music breaking out of the premises during the performance of live music and amplified music. Investigations by this department confirmed the existence of a statutory nuisance and the department was preparing formal action against the premises when the licence holder surrendered the licence and ceased trading at that venue.

The Licensing Committee will remember that this licence was originally surrendered when the holder applied for a licence at another premises also within the Cumulative Impact Zone. The committee made it a condition of the licence that the previous licence at Trents was surrendered so that the impact on the Cumulative Impact Zone was neutral.

The premises itself is small, with a frontage that is mainly double glazing of a standard construction with opening sash windows. This level of sound insulation is not adequate to prevent noise breakout as evidenced by previous complaints. In fact, officers have reported that music from the premises has been audible as far away as the London Inn on the Strand.

There is only one door at the front and there is little room for the provision of a lobby to control noise breakout. Any lobby construction that is effective in controlling noise breakout would need to be constructed so that there is always one door shut when people are entering and leaving the premises ensuring there is no pathway for the noise to breakout.

Because of the location of the Bar in the premises I feel it would be difficult to construct a lobby without moving the bar area. Furthermore, the addition of a lobby would only have a limited effect as the glazing at the front of the premises provides little insulation, particularly for low frequency noise (or bass) produced by live music.

Discussions with the applicant have indicated that the premises is to be used as a biker bar/ rock bar in a similar manner as before. I am concerned that the premises will not have adequate sound insulation to deal with the noise generated by the amplified music proposed.

I am also further concerned as the applicant has a history of operating noisy premises. Complaints have been received about a number of their premises in Torbay, one of which is the subject of an abatement notice. We are working closely with the applicant to resolve a number of issues.

I note that the application is time limited, however, this simply means that the applicant would be unwilling to invest substantially in the premises as they would not recoup their investment over such a short period. Furthermore, should the applicant refuse to carry out works because the premises is allowing noise to breakout, I am concerned that because of the short life of the premises the applicant would be unwilling to take action. I am concerned those residents in the area will simply suffer another summer of disturbance and that the council will be unable to take action on the short term to rectify the matter.

Therefore, as the application stands I am concerned that it does not promote the licensing objective "the Prevention of Public Nuisance" and I formally wish to object to the grant of this licence.

Should the committee be minded to grant the application, I recommend that the following conditions be attached.

A scheme of sound insulation works to the premises shall be submitted and approved by the local environmental health department. Such a scheme shall include sound insulation works to windows, doors and shall include details of the construction of acoustic lobbies and glazing to prevent noise breakout. The scheme of works shall be implemented prior to regulated entertainment being allowed.

Doors and windows shall be kept shut during the performance of regulated entertainment.

Prior to the playing of amplified music, a noise limiter shall be installed in the premises and all music encompassing regulated entertainment shall be controlled by the noise limiter. The limiter and associated public address system amplification shall be kept in a tamper proof case under the control of an independent party.

The level of the noise limiter shall be set and agreed with the local Environmental Health Department. The limiter shall be calibrated and set at the level agreed with the Local Environmental Health Department. A report of the calibration shall be sent to the local Environmental Health Department.

No changes to the Public Address system (encompassing all sound amplification equipment used for the playing of regulated entertainment) shall be made without the express permission of the local Environmental Health Department, this includes moving of speakers or the addition or removal or replacement of any equipment.

Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.

Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.

Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.

Mr Gareth Fudge
Senior Environmental Health Officer

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Dear Licensing,

Please accept this email as an objection to the above licence application being made for Trents by Lifestyle Enterprises Uk Ltd.

I am objecting on the following grounds:

The licence has been revoked, I reference JMH Leisure dated 28/9/11, where as a condition of a NEW licence being granted for the yacht, the trents licence was surrendered. The police agreed not to object on the basis of this, as it reducing opening hours from 4am to 3am, and reduced policing requirements, and removed a late night gathering/trouble spot. At the hearing this was explicitly stated as a condition by the premises licence holder's solicitor, this was an argument presented for the granting of a new licence to the yacht and as a special circumstance for the "saturation policy" not to be invoked.

I would expect the council licensing committee to stand by this decision, and the police etc.

Prevention of noise and public nuisance

The closure of trent has had a material impact wrt late night noise for us. In terms of street noise, music, and anti social behaviour. Trent has historically had noise problems, with complaints made, I do not see how this would not re-appear given its structure (ie doors, single glazed windows etc).

Lifestyle also operates mambo, apple and parrot etc, which we continue to have noise problems, as well as late night disturbances through anti social patrons outside premises, in street, and visiting takeaways. I understand that abatement notices have had to be served which is now resulting in an engagement to rectify these problems.

Any advice to how we can stop this venue re-opening is appreciated, especially in light of the conditions and promises made previously. I would see the granting of this a backwards step.

The bar is in the saturation area where the CIP comes into effect, given the nature of the previous surrender as in effect moving a license from one premise to another as a special argument for an exception on the CIP this application should be considered under the CIP rules with no further exceptions made.

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